

# Ukrainian Teeter-Totter

## VICES AND VIRTUES OF A NEOPATRIMONIAL DEMOCRACY

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### Introduction

A successful, consolidated democracy requires all stakeholders to accept unalterable ground rules – when certain “points of no return” get crystallized and democratic, rational procedures are adhered to. Why are some polities successful in entrenching democratic practices while others fail?

Ukraine’s 2004 Orange Revolution, which culminated in Viktor Yushchenko’s victory, led to a certain democratization of political life and the acceptance by all political actors of new rules of political competition. In turn, Viktor Yanukovich’s return to power through the 2010 presidential election has been viewed by many analysts as a curb to democracy and a return to the semi-authoritarian methods of former president Leonid Kuchma.

This situation brings up a number of interesting puzzles. Why has democracy thus far failed to become deeply rooted in Ukraine? Will Yanukovich’s presidential term witness Ukraine’s return to the family of post-Soviet autocracies? Which factors determine the teeter-tottering of Ukraine’s political system between two poles of authoritarianism and democracy? What prevents Ukraine’s regime consolidation at either of these two poles, after the fashion of the democratic post-communist states of Central East Europe or the semi-competitive authoritarian regimes of post-Soviet Eurasia?

The Ukrainian political reality after 2004 can best be described as a peculiar hybrid regime of *neopatrimonial democracy*, which is neither a transitional nor interim form. This regime results from the constitutional reform of 2004 that transformed Kuchma’s super-presidentialism into a mixed premier-presidential one. In this context, neopatrimonial democracy is a standard modification of the premier-presidential regime in a clientelistic setting, in which rent seeking is the key motive of politics. Political actors compete through formal electoral mechanisms (for the presidential office and seats in parliament), but their goals still focus on state capture as the primary gain.

## **2004 Constitutional Reform and Its Consequences**

For influential political and economic actors on every level (national magnates, regional bosses, and autonomous segments of the bureaucracy), the 2004 constitutional reform and the establishing of a premier-presidential regime became the vehicle for making partial changes to the political rules of the game and minimizing the role of the head of state as the principal veto-player and focal point in the neopatrimonial hierarchy. The 2004 constitutional reform made it more difficult to implement any kind of winner-takes-all politics and stimulated stakeholder cooperation to jointly distribute political dividends proportionate to voting results. This created the basis for a transition from a monopolistic to a power-sharing distribution of governing benefits.

The post-revolutionary Ukraine of 2005-2009 saw a division of neopatrimonial patron-client networks between two players – the president and the prime minister – and the formation thereupon of two autonomous competing power centers: Yushchenko's patronal presidentialism and Yulia Tymoshenko's patronal premiership. Two parallel power verticals persisted through the control of different apparatuses of the state machinery, including law enforcement, the security service, and the judiciary. This duality prevented one vertical from strong-arming the other. The fact that the rent-seeking political entrepreneurs from the Orange bloc failed to establish a broad and unified party of power (that is, to institutionalize and centralize patron-client networks solely around President Yushchenko) meant that a pluralistic political system could take shape in Ukraine, with none of the elite groups or social segments securing a majority stake in power.

How can the failure to establish this strong party of power be accounted for? Does it result from the 2004 constitutional reform, which guaranteed relative autonomy to the prime minister, who was legitimized not through co-optation by the president's patron-client network, but through voting outcomes of party-centric parliamentary elections? In other words, why and when does a prime minister enjoy autonomy under premier-presidentialism in a neopatrimonial framework? The answer is that this is possible only when one's own formal party structure is capable of gaining significant support during elections and, in particular, is stronger than the presidential party. In the absence of his own strong party and in order to counteract Tymoshenko's influence, Yushchenko was forced to co-opt representatives of the Party of Regions into governing structures, such as the National Security and Defense Council and even to the premiership (i.e., the 2006-2007 Yanukovich cabinet).

The 2004 constitutional reform thus provided an opportunity for a prime minister to develop his or her own patronal premiership, given a well-disciplined party structure that could compete with the presidential party and even prevail. However, opportunities to establish a full-fledged party by Tymoshenko were blocked both by Yushchenko's administrative and bureaucratic vertical and the impossibility of absorbing regional political machines that were controlled by the Party of Regions.

## **Two Phases of Neopatrimonial Democracy**

The 2004 constitutional reform provided the basis for developing a curious institutional hybrid, capable of functioning in two different phases. The first, authoritarian-bureaucratic, exists when a president has control over both parliament and a prime minister from his own party and, hence, can potentially monopolize coercive and fiscal tools. The second, competitive-democratic, exists against the backdrop of a patron-client network divided between two centers and is based upon deficient executive control over parliament, weakness of the president's party structure, and a prime minister co-opted from a non-presidential party or alternative patron-client network.

The 2004 constitutional reform provided an institutional opportunity to alternate between these two phases. But what is the basis for curbing competitiveness in the first case and supporting it in the second? The answer appears to be less the formal premier-presidential system than the mode chosen to reproduce patron-client networks. These networks are reproduced through either formal parties or informal personal patronage and co-optation. The degree to which the controlled segments of the patron-client networks are institutionalized (by setting up powerful parties) is the key factor. Political parties become decisive factors for success in electoral competition and inter-elite bargaining for the office of prime minister. Insufficient party institutionalization became a major cause of Yushchenko's failure to form a government coalition through patron-client networks and limited his abilities to promote a prime minister.

Thus, the new crucial element of the neopatrimonial democracy and its principal agent is the political party, which aggregates the interests of several influential interest groups, wages an electoral campaign for votes and seats, and ultimately seeks access to distribution of rent-extracting positions in the state machinery. Parties, as aggregators of political and economic interests of various segments in the patron-client networks, replace the traditional practice of co-opting members to power structures via personal linkages and loyalty to the state leader.

## **Conceptualizing the Neopatrimonial Democracy's Teeter-Totter**

The foundations for neopatrimonial democracy were laid by the constitutional reform of 2004. Taken alone, however, this reform was a necessary but insufficient condition to begin swaying the Ukrainian political regime between democracy and authoritarianism. The missing link is the ability of patron-client networks to become institutionalized as formal political parties. Depending on election outcomes, these parties share and colonize the state machinery and the executive vertical of power. In turn, the state machinery and executive hierarchy become resources of rent extraction and feudal "feeding" (*kormlenie*). If the president exercises control over parliament via parties, the system trends toward an authoritarian-bureaucratic form. If the president fails to do so, a competitive-democratic system takes shape.

In this respect, the competitiveness of the political regime during Yushchenko's presidency was predicated not only upon the features of the premier-presidential constitutional model, but rather (and predominantly) upon the weakness of his party structures. The triumph of the 2005-2009 competitive neopatrimonial democracy was

foreordained by several factors. The first was the split between President Yushchenko and Prime Minister Tymoshenko, and the consequent inability to form a dominant “Orange” party of power around the president. The second was a split between Tymoshenko’s premier vertical of power and regional political machines (i.e., the inability to integrate the latter into the prime minister’s party). An additional guarantee for playing by democratic rules during the post-revolutionary period of 2005-2009 was the division of coercive and fiscal state capacity between the president and the prime minister, which blocked the efforts of either side to implement a winner-takes-all strategy and/or to change the status quo.

However, the constitutional reform of 2004 can be viewed in the long term as part of a broader pendulum swing, from a super-presidential regime to a premier-presidential one but also potentially back toward restoration of the super-presidential model (in the event of an authoritarian-bureaucratic consolidation of the regime). Ukrainian political development demonstrates that constitutional rules in the neopatrimonial environment are typically retained only for one electoral cycle. The question of re-election emerges in any neopatrimonial system and is resolved through changes in constitutional rules that can ensure succession of power and security of elite privileges. The main problem facing neopatrimonial rulers is how to prolong their domination across several electoral cycles. Long-term rule depends on the ability of political actors to make the transition from ad hoc personal-patron coalitions to steady institutionalized structures that are capable of surviving several election cycles and insensitive to changes in leadership. The survival strategy of Ukraine’s political actors, from the parliamentary election of March 2002 to the political reform of 2004, was to neutralize the negative effects of personal rulership and institutionalize formal political competition via parties. It is the weakness of their own party structures that has always been the Achilles’ heel of Ukrainian presidents, and they have had to compensate for this weakness with strategies of co-optation, including the summoning of a prime minister from alternative political camps (Pavlo Lazarenko and Yushchenko under Kuchma; Tymoshenko and Yanukovich under Yushchenko).

### **Looking Ahead? Three Scenarios of Political Development Post-2010**

A change in the status quo after the 2010 presidential election and the formation of a single vertical of power around Yanukovich will be good support for the suggested explanatory model of Ukrainian political regime transformation. The powerful party resources available to the Party of Regions and the control it exerts over parliament has allowed Yanukovich to appoint a technical-administrative prime minister, Mykola Azarov, helping him to avoid giving away the position to representatives of alternative networks (like Yuri Yekhanurov, Serhei Tihipko, or Arseniy Yatseniuk). The successful formation of a “one-and-a-half party” coalition allowed Yanukovich to reduce the number of coalition parties and distribute political benefits in his favor. Will Yanukovich continue investing resources in the expansion of the pro-presidential coalition, with a prospect of forming a dominant party of power (a strategy of dominant-party presidentialism), or will he try to buttress his position with

administrative-bureaucratic resources, in particular the coercive tools of state machinery (a strategy of patronal-bureaucratic presidentialism)? Or will he combine both? His decision will determine how Ukraine's neopatrimonial democracy further evolves. At least three potential outcomes exist:

- 1) **Electoral Caesarism.** A regime of personal rule based on the monopolization of coercive and fiscal state machinery; zigzagging between the interests of major financial-industrial groups; curtailing the institutions of electoral competition; developing the executive bureaucratic vertical based on personal loyalty; and resorting to coercive pressures (via law enforcement, the security service, and the judiciary).
- 2) **Consociational Oligarchy.** A regime based on power sharing between key players and their resultant control over patronal-social and regional actors in the political (and likely constitutional) realm, which eventually produces a transition to a situation in which parliament elects the president.
- 3) **Dominant-Party Presidential System.** A regime in which the executive strives to win over pluralities within most social segments rather than over the single largest group. This will involve incorporation into the ruling coalition of most of the remaining rent-seeking entrepreneurs from the camps of Tymoshenko, Yushchenko, and the parliamentary chairman, Volodymyr Lytvyn, and possibly a transition to a mixed electoral system characterized by internal competition among candidates from the ruling party in majoritarian constituencies.

The choice of future strategies (dominant-party vs. patronal-bureaucratic presidentialism) as well as scenarios for regime change will be determined by the outcome of the next election, which will demonstrate the balance of power between the Party of Regions and its antagonists. The first important test for the pro-presidential coalition will be the October 2010 local elections, which will determine the ability of the Party of Regions to establish control over regional political machines in Central and Western Ukraine. The crucial moment, however, will be the next parliamentary election, scheduled for the fall of 2012. Should the Party of Regions garner a relative majority of votes, the third dominant-party scenario becomes the most feasible one. In the case of approximate parity with its rivals and a situation of stalemate, the second scenario of consociational oligarchy arises. Finally, if the Party of Regions blatantly loses the election but retains the presidential office and premiership until 2015, the first scenario of electoral Caesarism becomes inevitable.

## **Conclusion**

The Ukrainian teeter-totter under Yanukovich's presidency is swaying in the medium-term toward the formation of a monopolistic power vertical, especially after the recent restoration of Kuchma's 1996 super-presidential constitution. In the long term,

however, a situation of stalemate between political players, in which institutionalized autonomous patron-client networks still compete during parliamentary elections as rival parties, allows some space for democratic contestation and for blocking attempts of constitutional teeter-tottering on the part of any actor. Will competitive mechanisms of neopatrimonial democracy become the next counter-swing of the Ukrainian elite, or will they again return to the well-known practice of monopolistic control over the political sphere and its material gains once and for all? Will neopatrimonial actors come to an agreement on a transition to fair competition based on common transparent rules, or will they prefer to keep playing a teeter-totter game of winner takes all? These are the main dilemmas of Ukraine's political regime in the near future.

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