

Ukraine's democratic backslide

*& its implications
for relations
with Russia & the West*

**Anna
Borshchevskaya***

Abstract

The paper provides a brief overview and analysis of Ukraine's October 2012 Parliamentary (Verkhovna Rada) election, within the context of earlier political developments in Ukraine. The author describes Ukraine's slide towards authoritarianism in recent years, which has included increased corruption and a crackdown on civil society, free media, the opposition, and the judiciary. The paper explains how this affected the pre-election period and the conduct of the election, and also discusses how President Victor Yanukovich's ruling Party of Regions (PRU) attempted to gain advantages through revising electoral law and the electoral system. The author also describes how Yanukovich moved Ukraine closer to Russia despite his stated "multi-vector" approach to foreign policy.

She argues that the Rada election pushed Ukraine further down the authoritarian path. This is a dangerous trend and it is now more important than ever that the West maintains its involvement with Ukraine and uses its leverage to push for democratic reforms. The West should not be afraid that criticism will push Ukraine further into the Russian sphere because ultimately, that is not what Ukrainian leadership wants. Ukraine remains important for the West. Doing nothing is a decision in and of itself.

* Anna Borshchevskaya is assistant director at the Dinu Patriciu Eurasia Center at the Atlantic Council. The views expressed here are her own.

On October 28th, 2012 Ukraine held parliamentary elections—the country’s sixth since gaining independence in 1991. The future of Ukraine’s democracy was at stake and over 3,700 foreign observers arrived to witness the elections. Few analysts expected the elections to be free and fair, but the contest still had the potential to put a check on President Victor Yanukovich’s power, as Ukraine still had a strong, albeit dispirited, political opposition and civil society, and also because Yanukovich had lost the support of many Ukrainian oligarchs.

The results were by and large consistent with analysts’ predictions. Among the main contestants for the *Verkhovna Rada* (Ukrainian Parliament) seats, Yanukovich’s ruling Party of Regions (PRU) received 30 percent of the vote. The united opposition *Batkivshchyna* (Fatherland) received 25.54 percent. Vitali Klitschko’s new UDAR¹ party received 13.96 percent.

Two surprises were the Communists, who received 13.18 percent, and the far-right nationalist *Svoboda* (Freedom) Party, with 10.44 percent—larger gains than expected for both. For comparison, in the previous *Rada* election of 2007, the Communists received only 5.39 percent, while *Svoboda* did not even make it past the then 3 percent threshold.

In terms of seats, the votes translated

¹ UDAR stands for Ukrainian Democratic Alliance for Reform. Udar also means “punch” in both Ukrainian and Russian.

into 185 for PRU, 101 for *Batkivshchyna*, 40 for UDAR, 37 for *Svoboda* and 32 for the Communists. PRU will now have to form a coalition with one of the parties to secure a slim *Rada* majority. The likely candidate for this is the Communists, PRU’s traditional allies.

Only Russia’s observers concluded that the election was free and fair.

Overall, voter turnout was 58 percent—the lowest since 1994, perhaps reflecting the low spirits of Ukrainian citizens and lack of faith in elections and democratic institutions.²

Beneath the peaceful conduct on election day itself, the pre-election and election period was characterized by fraud, bribery, corruption, abuse of power, changes in the electoral law to give PRU advantages over other parties, and less obvious fraud through political technology. Only Russia’s observers concluded that the election was free and fair. At the same time, Ukrainians showed that real opposition is still alive, and while perhaps dispirited and disillusioned, the country’s citizens are not willing to give up without a fight.

Yanukovich seems to be bent on monopolizing power and enriching him-

² Compare this, for instance, to the two previous elections. In 2007, voter turnout was 62 percent and in 2006, turnout was 68 percent. The average between 1994 and 2007 was 70 percent.

Yanukovich seems to be bent on monopolizing power and enriching himself at the expense of Ukraine's freedom and growth.

self at the expense of Ukraine's freedom and growth. One troubling result of the election is the Constitutional reform that Yanukovich embarked on only weeks after the *Rada* election in an attempt to secure power. This has implications for Ukraine at a domestic level, and may also affect its relations with Russia and the West.

It would be a mistake to assume that Yanukovich will move closer to Russia if faced with Western criticism.

The *Rada* election pushed Ukraine further down the authoritarian path, as many analysts feared. It is more important than ever that the West pressure Ukraine to reverse this trend and encourage Western integration. It would be a mistake to assume that Yanukovich will move closer to Russia if faced with Western criticism.

Previous elections and Ukraine's government system

After the collapse of the Soviet Union, Ukraine struggled with its democratic transition and its government fell back on a centralized and corrupt Soviet-style system until citizens protested in 2004 through massive and peace-

ful pro-democracy rallies that came to be known as the Orange Revolution. Many observers described it as a moment of elation. Adrian Karatnycky, senior fellow at the Atlantic Council's Transatlantic Relations program and former Freedom House president, recalled in *Foreign Affairs* how the world watched as millions poured out into the streets, despite the bitter cold, after hundreds of thousands came out to Kyiv's Independence Square on November 22, chanting "*Razom nas bahato! Nas ne podolyat!*" ("Together, we are many! We cannot be defeated!") in protest against fraudulent elections.

At the end of the Orange Revolution, Victor Yushchenko emerged as Ukraine's president. He sought to institutionalize democracy and moved Ukraine closer to the West. But internal political struggles prevented many significant reforms from materializing, and the electorate became disillusioned. The last presidential elections of 2010 took place in this context. Yanukovich was elected Ukraine's head of state in that election, deemed free and fair by international observers.

The Ukrainian government consists of the President, Prime minister, and the Parliament (*Verkhovna Rada*, or the Supreme Council). The president is elected by an absolute majority vote in a two-round system. The president appoints the prime minister, with Parliament's approval.

Parliamentary elections are held every five years. The *Rada* is unicameral and consists of 450 members (MPs). Ukraine holds parliamentary elections every five years. The last was held in 2007, in the still hopeful aftermath of the Orange Revolution. In the latest election, after revisions to the electoral law in 2011, MPs were elected through a mixed system – half through a closed list nationwide proportional representation system and half in 225 single-member districts.

Prior to the October 28th election, Ukraine held elections two years ago—the presidential election in January-February 2010, followed by local elections in October of the same year. The only elections held in Ukraine since Yanukovich became president were the 2010 local elections, which observers deemed highly problematic.

Corruption in Ukraine has a particular character.

The last two years: slide towards authoritarianism

Since coming into office, Yanukovich's administration has taken control of the judiciary, re-consolidated power within narrow ruling elite, cracked down on media and civil society, selectively targeted its opposition, increased corruption, and moved away from Europe and NATO, towards Russia.

Corruption in Ukraine has a particular character. Freedom House described what they called the mafia-like “familization” of Ukraine—creating a “family”, a circle of Yanykovich's actual family members and those closest to them within the ruling party, who have amassed an unbelievable fortune, and taken political and economic control.

To give one example, the income of Yanukovich's son, a dentist by training, has allegedly increased eighteen fold in the last year alone. The energy sector is also rife with corruption, as are other areas of government oversight, from health to sports. Recent allegations claim the embezzlement of some \$ 4.2 billion in connection with the European soccer championship (Euro 2012). Transparency International downgraded Ukraine in 2011 from 134th to 152nd place in its Corruption Perception Index.

The most prominent case of opposition targeting is the imprisonment of two-time prime minister Yulia Tymoshenko, who ran against Yanukovich in the 2010 presidential election. Observers and analysts widely believe this is Yanukovich's attempt to silence his most formidable adversary.

Tymoshenko is known for her populist policies and leadership in the Orange Revolution along with Yushchenko. A petite, tough woman with a trademark crown of braids, she has been

Aside from imprisonment, the government has marginalized the opposition by applying economic and political pressure to join the government, and targeting those who refuse.

described as the only man in Ukrainian politics. Tymoshenko was also one of the richest people in Ukraine in the mid to late 1990's, and president of United Energy Systems, which became Ukraine's main importer of Russian natural gas.

She was given a seven-year sentence after what was widely described as a show trial in October 2011 for allegedly signing a 2009 gas contract between Ukraine's state-owned Naftogaz and Russia's Gazprom without the approval of the Cabinet of Ministers' approval. She was disqualified from participation in future elections and ordered to pay \$190 million in compensation to the gas company. Tymoshenko claims she is innocent, and that she has been beaten and generally mistreated during her incarceration. While Tymoshenko's policies are not above criticism, her trial and imprisonment are clearly motivated by politics.

Among other jailed opposition leaders is former interior minister Yuriy Lutsenko, found guilty of embezzlement and abuse of power in a trial reportedly even more bogus than Tymoshenko's. The European Court of Hu-

man rights found his arrest violated his human rights.

Aside from imprisonment, the government has marginalized the opposition by applying economic and political pressure to join the government, and targeting those who refuse. International Republican Institute Eurasia Regional Director Stephen Nix concluded there is a "clear trend of prosecuting political opposition leaders and activists" in Ukraine.

Yet the problem is larger than selective targeting of individual opponents. According to Andrew Wilson, Senior Policy Fellow at the European Council on Foreign Relations, the entire judiciary system gives the state power to put anyone it wants in prison, with conviction rates over 99 percent, using the judiciary to silence opponents and legitimize "raidership or theft by oligarchs of each other's businesses."³

Media and civil society crackdown

The government also reversed Ukraine's newly established respect for press freedom by pressuring the media to limit critical coverage of the government, whether directly or indirectly, and engaged in intimidation of journalists. In addition, they passed restrictive media laws and gave control of the media to oligarchs close to Yanukovich. All this has led to high

³ Andrew Wilson, *Time for 'tough love' with Ukraine*, *Kyiv Post*, November 25, 2012, <http://www.kyivpost.com/opinion/op-ed/time-for-tough-love-with-ukraine-316690.html?flavour=mobile>

levels of self-censorship.

As in Russia, the internet remains the one source of independent news, but its reach is small. Ukraine's largest channels have abandoned their political programs and laid off prominent journalists, according to Mustafa Naem, one of Ukraine's well-known and respected journalists.

A recent study by the Academy of Ukrainian Press and the National Academy of Sciences Institute of Sociology found that current affairs coverage is poor, both in terms of quality and quantity. The National Democratic Institute stated prior to the *Rada* election that the media environment did not allow equal, fair coverage of all candidates. In the run-up to the *Rada* elections this year, six broadcasters were forced to shut down according to Hrant Kostanyan, a Fellow at the Centre for European Political Studies (CEPS).

Here is one example of how PRU's intolerance of criticism: Mustafa Naem and another respected Ukrainian journalist, Sergei Leschenko, investigated Yanukovich's reportedly illegal real-estate acquisition. "You will not find this subject in Ukrainian media, politicians ignore the subject, while the journalists who want to speak about it are never invited in big TV channels," said Naem on November 26th at a public meeting in Brussels on press freedom in Russia and Ukraine. He explained that the Ukrainian govern-

The National Democratic Institute stated prior to Rada election that the media environment did not allow equal, fair coverage of all candidates.

ment is only interested in media that can impact the electorate—large TV channels and print press. According to Naem, the first national TV channel is controlled by the Prime Minister, the second largest, Inter, is owned by Valeriy Khoroshkovskiy, current deputy Prime Minister and former head of the Ukrainian Security Service. These two channels together cover 90 percent of Ukraine's audience.

In addition, the government began to monitor and regulate the activities of civil society organizations more closely, imposing legislation that makes it easier to deregister them. Recently, the National Security and Defense Council adopted a doctrine that declares "any international or domestic organization which provides financial or moral support to political parties or non-governmental organizations whose goal it to "discredit" the Ukrainian government" to be a national security threat.

Not surprisingly, a recent study conducted jointly by the Academy of Ukrainian Press and National Academy of Sciences Institute of Sociology, found that media coverage had been biased towards the PRU in the run-up to the *Rada* election. In October 2011,

PRU received 69 percent of television coverage, while the equivalent figure for the opposition was only 24 percent. PRU incumbents received 76 percent of live TV appearances; the opposition received 18 percent, according to the study.

The competing parties and electoral mood

Several post-2010 legal changes affected the conduct of this year's *Rada* elections, including a return to the 1996 Constitution, a mixed system, and a new parliamentary election law.

Polls in the run-up to the election showed that Ukrainians' voting preference was primarily for PRU, followed by *Batkivshyna*, UDAR, and the Communists, in that order. Yet the percentage of PRU supporters was still only around 20-25 percent, depending on the poll. Some of PRU's policies, such as pension and tax reform, have made it unpopular, and Ukraine's economic growth has slowed down since Yanukovich won the presidency.

Support for all the opposition parties combined was greater than support for the PRU on a national basis, according to the International Republican Institute, and if the election was contested solely on a proportional vote (without single-member districts), they would have won more seats than PRU.

The polls also showed pessimism and indecision as the dominant mood,

Several post-2010 legal changes affected the conduct of this year's Rada elections, including a return to the 1996 Constitution, a mixed system, and a new parliamentary election law.

consistent with the low voter turnout. Some 58 percent were dissatisfied with life, according to one International Foundations for Electoral Systems (IFES) poll, and 30 percent were undecided on whom to vote for. The same poll found that voters were pessimistic about the election, with the majority believing it would not be free and fair. Another poll found that only 48 percent of Ukrainians understood the new election rules and realized that contests in single-mandate districts would be the decisive factor.

In terms of parties, Klitschko's UDAR is among Ukraine's newest parties with the fastest growing body of supporters. Klitschko's supporters tend to be younger and are known as the "disappointed" –by both the ruling PRU and the opposition, and its earlier Orange Revolution. That the Communists and Svoboda received so many votes is potentially attributable to similar reasoning—i.e. a vote against the PRU rather than for these parties.

In terms of parties, Klitschko's UDAR is among Ukraine's newest parties with the fastest growing body of supporters.

The Campaign: PRU vs. opposition and UDAR, and how the Communists matter

Overall, the campaign events were relatively peaceful, although there were some incidents of violence and intimidation against candidates and campaign workers, according to the OSCE's preliminary statement, issued following the election. Most parties promised low taxes, high wages, and to fight corruption at home. The one issue of contention was the language policy. The PRU, which is strong in Ukraine's east and south – where historically, Russian sympathies run higher, backed a controversial law passed in July 2012 that gave Russian regional language status.

In terms of campaign techniques and strategies, Opora⁴, Ukraine's largest independent citizen monitoring group, noted that PRU and *Batkivshchyna* were leaders in outdoor political advertising. PRU focused on combining local and national slogans, such as "The Future of Crimea is in friendship with Russia," (highlighting PRU's pro-Russian stance), "we are opening 7 new prenatal centers," advertising its social initiatives. *Batkivshchyna*

⁴ Opora means "pillar" or "reliance" in Russian and Ukrainian.

expanded the campaign of contrasting with the opposition: "Ukraine against Yanukovich," and protested against the Russian language law.

Similar to *Batkivshchyna*, Klitschko's party promised to fight corruption, to oppose the language policy, "to drive PRU out of power and to defend Ukrainian sovereignty." He also added a social responsibility dimension, with a "Let's clean up the country" campaign, arguably in an effort to distinguish the party from the rest of the opposition.

Batkivshchyna's major disadvantage compared to PRU, according to Opora, was that it had no distinct dominance in any particular region. Opora also noted that "all political parties are using similar instruments of work with voters... indicating a certain inertia in Ukrainian electoral technologies". On a positive note, it found that the overall campaign increased direct interaction with the voters. However, the monitoring concluded that the government only gave open assistance to PRU. The Communists' campaign was important to watch. The party's traditional support base is in eastern Ukraine, beginning with Lugansk. Ukrainians call this area the "red belt." Many former PRU supporters are disappointed, primarily because PRU has failed to deliver the economic improvements they promised, according to Nataliya Jense, an independent Ukraine analyst. Ukrainians in these areas still live in poverty, and the older generation in

particular is swayed by the Communists' promises. The party's strategy was to offer itself as the best alternative to either PRU or the opposition, which they portrayed as equally bad, explained Jensen.

Opora found that most common campaign violations were abuse of administrative resources, followed by voter bribing. Others included obstruction of political parties and candidates and illegal campaigning. Overall, PRU was responsible for the lion's share of campaign violations—188, followed by 47 violations by self-nominated candidates in single-mandate constituencies, with the Communist party taking third place with 6 incidents.

Electoral law

After the widely criticized 2010 local elections, Yanukovich's government announced its intent to conduct comprehensive electoral reform. Yet this included revising a law deemed "the least flawed of Ukraine's four primary election laws" by Gavin Weise, IFES Deputy Regional Director for Europe and Asia. The government quickly set up a working group, which revised the law to reinstate the mixed electoral system, prohibit electoral blocs, and establish a 5 percent threshold for parties—an increase from three percent in 2007—all without consulting with the opposition or civil society and indeed prior to even the first meeting of the working group.

The Communists' campaign was important to watch. The party's traditional support base is in eastern Ukraine, beginning with Lugansk. Ukrainians call this area the "red belt."

The international outcry over this led the government to allow input from opposition and civil society representatives, and PRU reached a compromise with the opposition—that the law would not be re-opened for further changes before the parliamentary elections. The OSCE Office for Democratic Institutions and Human Rights (ODHIR) noted, however, that "due to a lack of trust," opposition parties refused to allow discussions of the law to be re-opened, despite its many flaws and technical errors, "believing that the ruling party would attempt to amend other, fundamental provisions of the law."

As it stood on the eve of the *Rada* elections, the law offered a number of benefits for PRU. Parties could no longer form electoral blocs, a change designed to discourage opposition parties from running together, thereby reducing their chances of getting more votes.

The Council of Europe's Venice Commission strongly criticized the elections law, including the return to the mixed election system. The Venice Commission advocated for an open party list system and expressed con-

cern about unclear criteria and deadlines for the designation of electoral districts. The Commission also expressed concern over the law's ambiguity and lack of clarity on appealing election results, an absence of requirements for full disclosure on sources and sums of electoral campaign funding, and unclear criteria and deadlines for the designation of electoral districts.

The return to the mixed system is significant. Ten years ago, exactly the same system was in place during Ukraine's 2002 parliamentary elections, when President Leonid Kuchma's government was losing popularity, but managed to retain control of the legislature using the mixed system. In the elections, the pro-*Kuchma ZaYedu* ("For a Single Ukraine") party received only slightly less than twelve percent of the vote nationwide, but managed to win 22.4 percent of the *Rada* seats because *ZaYedu* did very well in single-member districts.

The new law also gave the Central Electoral Commission (CEC) freedom to create new district boundaries as it saw fit. IFES and the Committee of Voters of Ukraine noted problems where the CEC created districts "with non-contiguous boundaries without any explanation or justification." Contiguous districts typically represent a "community of interests" – an element absent, it appears, in those districts. In other cases, the CEC made "no effort to keep geographically con-

The return to the mixed system is significant. Ten years ago, exactly the same system was in place during Ukraine's 2002 parliamentary elections, when President Leonid Kuchma's government was losing popularity, but managed to retain control of the legislature using the mixed system.

centrated minorities together within a single election district," and "had not attempted to involve stakeholders in consultations regarding boundary delimitation."

Constitutional reform

The *Rada* election exposed increased public dissatisfaction with Yanukovich and his party to an extent that even he and the party had not expected. His response has been what appears to be a frantic attempt to hold onto power at any cost.

On November 27th, just barely a month after the *Rada* elections, he signed a law enabling constitutional changes through a referendum of at least 3 million Ukrainians from different regions of the country. This would allow Yanukovich to push for electing Ukraine's President by a simple majority vote in the *Rada*, rather than the popular vote, which he understood he would lose.

Prior to November 27th, the Constitution could only be amended through a two-thirds majority in the *Rada*, which PRU was never able, nor will ever be able, to obtain.

It is uncertain at this point whether the Ukrainian public would really support empowering the *Rada* to choose Ukraine's head of state, but the new law creates such a possibility..

Another issue is the Russia-led Customs Union with Belarus and Kazakhstan. Although the Kremlin has been pushing Ukraine to join⁵, the oligarchs who support Yanukovich are against closer ties with Russia. Only a few oligarchs would benefit from joining the Customs Union, namely those associated with the gas lobby.

The new law could, in theory, give Yanukovich the power to approve joining the Customs Union. This could still be a bluff, however. Yanukovich understands that the Customs Union would “wipe out” Ukraine, says Nataliya Jensen. His “family” would not benefit from joining it either, either—their businesses are not connected to the gas sector.

Yanukovich's earlier statements about the Customs have been ambivalent. In July 2012 he said at a meeting with Vladimir Putin, “We do not say no,

5 Yanukovich had said earlier that Ukraine may increase cooperation with the Customs Union countries through what he called a “three plus one” framework. But Moscow rejected this proposal, demanding Ukraine's full membership.

we are now closely studying this process. We should decide on our future soon.” But recent government statements indicate an even lower level of interest. Ukrainian First Deputy Prime Minister Valeriy Khoroshkovsky said, “Ukraine's accession to the Customs Union is outside the law.”

Officially, Ukraine has not entirely turned away from the Union. “The Customs Union and Ukraine will consider removing mutual trade protection measures by April 2013, the Trade Minister of the Eurasian Economic Commission (EEC) Andrei Slepnev told journalists in late November 2012, after the first “dialogue on trade issues” between the EEC and the Ukrainian government. But it seems unlikely that Union membership is what Yanukovich and his “family” really want.

Implications for Relations with Russia and the West

Since coming into office, Yanukovich has tried to pursue what he perceived to be a multi-vector policy, to balance European and Russian interests in the Ukraine. But in reality he has brought Ukraine closer to Russia in an effort to appease the Kremlin. The language policy was a contentious issue in this *Rada* election, but more broadly, PRU is known for its pro-Russian policies relative to the opposition, which stands for Western integration and Ukrainian sovereignty.

Yanukovych not only halted his predecessor's push for NATO membership, but also accepted the Russian position on Holodomor, the great 1933 famine, which many Ukrainians believe was deliberate genocide perpetrated against them by Josef Stalin. Yanukovych supported South Ossetian and Abkhazian independence from Georgia. In April 2012, he signed a new, 25-year lease for a Russian naval base at Sevastopol, despite public outcry. *Kyiv Post* noted this summer that one look around the city shows that Russia "silently dominates".

In the end, none of these concessions have been enough for the Kremlin. As one senior Ukrainian official explained, according to Jamestown, "It is not we who are moving away from Russia, but Russi that is pushing us away."

When push comes to shove, Russian leadership refuses to accept that Ukraine is a separate nation. In 2008, Vladimir Putin famously told President George W. Bush that Ukraine "is not even a state." Of all the former Soviet republics, Moscow sees Ukraine historically as closest to Russia- but as a subject of its empire rather than a sovereign neighbor.

Putin is currently trying to revive Russia's imperialist ambitions by creating a Eurasian Union— an attempt to control countries along Russia's periphery, which the Kremlin considers its traditional "sphere of influence." Giv-

Yanukovych not only halted his predecessor's push for NATO membership, but also accepted the Russian position on Holodomor, the great 1933 famine, which many Ukrainians believe was deliberate genocide perpetrated against them by Josef Stalin.

en the unique Ukraine-Russia connection, symbolically, including Ukraine is crucial to the Union's success.

Seventy percent of Ukraine's gas comes from Russia, and the Kremlin has hinted that it will offer Ukraine better gas prices if Ukraine joins the Eurasian Union. Perhaps in an effort to appease the Kremlin, in August 2012 Yanukovych joined Russia and Belarus in signing a law ratifying Ukrainian participation in a free-trade zone with former-Soviet countries in the Commonwealth of Independent States. During his August 2010 visit to Moscow, Yanukovych said Ukraine may change its position on Ukraine-

"It is not we who are moving away from Russia, but Russi that is pushing us away."

Russia gas talks and "slightly alter our positions in our relations with Russia", and become observers of the Shanghai Cooperation Organization (SCO).

Yet, Putin treats Yanukovich with disrespect and their relationship is characterized more by mistrust than friendly cooperation. During the run-up to the parliamentary elections, Yanukovich made several visits to Russia. During his first visit, in July 2012, Putin made Yanukovich wait for four hours because he had to stop to talk some bikers, a fairly unambiguous attempt to humiliate Yanukovich.

Furthermore, Ukraine's relations with Russia appear to have taken a turn for the worse, as recently, Ukraine has been turning increasingly to other countries for its gas. Yanukovich announced in late November 2012 that the latest Moscow talks have failed to result in lower gas prices for Ukraine. In a press statement, he said that they will further reduce gas imports from Russia in response.

Ukraine began importing natural gas from Germany via Poland in early November 2012 through existing natural gas pipelines. Yanukovich even travelled to Qatar in late November in hopes of increasing gas cooperation. Reportedly, Qatar is expected to become a major supplier of liquefied natural gas to Ukraine in three years.

On November 26th, the Ukrainian government signed a deal with the Spanish firm Gas Natural Fenosa. The government hailed this as a deal that would finally end Ukraine's reliance on Russia's gas, but the Spanish company denied ever having signed any

contract and it is unclear who signed the contract on its behalf. Embarrassing as this incident is, it shows how keen Ukraine is on ending its reliance on Russian gas.

At the same time, Yanukovich pursued European integration through a deep and comprehensive free trade area (DCFTA). But given the anti-democratic developments in Ukraine, Europe froze negotiations.

Policy implications

The West should not ignore Ukraine. It should push Ukraine towards democratic reforms. For Europe, as An-

Ukraine began importing natural gas from Germany via Poland in early November 2012 through existing natural gas pipelines.

drew Wilson argued, signing the association agreements prematurely would undermine Europe's conditionality, but leaving them frozen isolates Ukraine and ultimately leaves Europe without leverage. Thus Europe should find a way to push for reform without compromising its values. The United States has less leverage but should be making public statements against Ukraine's democratic backslide, rather than being silent as it largely has been.

Yanukovich does not enjoy majority popular support, and knows himself

that being too close to Russia is problematic for Ukraine. The West should use that, as well as Ukrainian leadership's desire to be independent from Russia.

The West should also support civil society and free media in Ukraine. This would show ordinary Ukrainians that the West cares about them, and free Ukrainian media outlets can explain to the public why being closer to the West is beneficial to them without fear of censorship. The EU could also press for Ukraine's visa liberalization with Europe to strengthen the connection with Ukrainians.

The EU can create a Ukrainian version of the Magnitsky list⁶ to sanction Ukraine's human rights abusers and freeze their assets in Europe. The EU

The West should not ignore Ukraine. It should push Ukraine towards democratic reforms.

could do a better job explaining the benefits of the DCFTA to Ukrainians—including Ukrainian oligarchs, and use it to press for reform, such as releasing Tymoshenko, but also reforms that would impact ordinary Ukrainians.

In 2013, Ukraine will assume OSCE presidency. Lack of freedom and democracy in Ukraine will have impli-

cations for OSCE's reputation in the international community. The time to act is now, rather than waiting as Yanukovich continues to consolidate power and the Ukrainian public loses hope and feels forgotten by the West.

In 2013, Ukraine will assume OSCE presidency. Lack of freedom and democracy in Ukraine will have implications for OSCE's reputation in the international community.

Conclusion

Ukraine remains an important country for the West, too important to lose. Since the collapse of the Soviet Union, Ukraine has consistently demonstrated a commitment to peace, most notably by eliminating its nuclear weapons—the world's third largest stockpile. Ukrainians have demonstrated a strong desire for democracy, including through the Orange revolution. It is because of Ukrainian strong civil society and resilient opposition that the October ^ elections mattered.

Ukraine has also contributed to the international struggle against terrorism and continues to play an important role in Europe's energy sphere. A democratic Ukraine would advance Western interests.

Given Ukraine's troubling trends, it is more important than ever that the

6 A US law passed in December 2012 named after Sergei Magnitsky, a Russian human rights lawyer, who was murdered after uncovering a \$230 million embezzlement scheme. The law sanctions Russia's worst human rights abusers by denying them American visas and freezing their assets in US banks.

West remains committed to supporting democratic values on government and civil society levels, and publically voices its condemnation for the democratic backslide. Doing nothing is a decision in and of itself, and fear that criticism will push Ukraine further towards Russia is unwarranted.