

# Why Yanukovich Did It: Explaining the Rationality of His Choice

October 18, 2011

Serhiy Kudelia

*IERES Post-Doctoral Fellow in Eurasian Studies*

Yulia Tymoshenko's conviction last week of seven years in jail produced another round of speculations about the possible ways that President Viktor Yanukovich could set her free. One option that Yanukovich and his allies discussed was decriminalizing the article in the Criminal Code that led to Tymoshenko's conviction.

Many observers still believed that Yanukovich would bend to international pressure in order to see through the signing of the Association Agreement with the EU scheduled for December. However, during his yesterday meeting with international journalists he made it quite clear that Tymoshenko should remain in jail.

According to the Wall Street Journal's [account](#), Yanukovich rejected the possibility of Tymoshenko's release by saying: "What kind of signal do we give society? That to be able to commit crimes one should be a member of the opposition?"

The next day, the head of the Party of Region's faction in the parliament [announced](#) that the faction would not support changes to the Criminal Code that would allow Tymoshenko's release.

Yanukovich's decision to jail Tymoshenko has been viewed as utterly irrational and suicidal by many commentators inside and outside Ukraine. From their perspective, Yanukovich decided to eliminate an opponent whose political star has long faded while severely damaging his own credentials in the West and undermining Ukraine's European integration.

There is, however, a case to be made for Yanukovich as a perfectly strategic politician whose power-maximizing instincts led him to the most rational choice available. His decision may have been based on [eight factors](#):

## 1) Popularity

Yanukovich's popular support dovetailed with an unprecedented speed during the first year and a half of his presidency dropping, according to a Razumkov center [poll](#), from 40% in May 2010 to 9.7% in May 2011. Only 14.6% expressed willingness to re-elect him for the second term. The popularity of the ruling Party of Regions similarly dwindled to 13.5%, which is less than half of what it received during 2007 parliamentary election. Most Ukrainian voters associate the current authorities with the [policies](#) that are most harmful to their personal welfare like raising taxes (47.9%), raising utility prices (54.7%), raising the pension age (69.5%), limiting political and civic freedoms (45.2%).

By contrast, only 15% of Ukrainians associate the authorities with the measures to fight crime, only 18% believe that the authorities fight corruption, just 12.8% think that the

government is seriously trying to ensure the independence of the courts and only up to 11% think that the authorities are willing to protect the interests of the poor and middle class. These views will be difficult to change given that the authorities may need to increase gas prices for consumers even further and lack any financial resources to raise pensions or minimum wage substantially in the coming year. Hence, the current downward trend for the popularity of Yanukovych and his party is likely to be sustained in the foreseeable future.

## **2) Uncontrolled Opposition**

Upon coming to office, Yanukovych successfully co-opted one of his main rivals in Ukraine's East and South, Serhiy Tigipko, who came third in the 2010 presidential election. Having accepted the position of deputy prime minister in the new government, Tigipko quickly lost his popularity and recently announced the decision to merge his political force with the Party of Regions.

Another quasi-opposition party "Front of Changes" led by Arseniy Yatsenyuk has remained critical of the authorities, but has been long associated with the oligarchs close to Yanukovych or vulnerable to his pressure. A number of recent [reports](#) indicated that Yatsenyuk was involved in negotiations with Rinat Akhmetov on a deal to receive his campaign funding in exchange for providing seats on the party list. Although Yatsenyuk denied these reports, he confirmed his cooperation with the group of oligarchs once close to Yushchenko.

Tymoshenko remained the only nationwide political leader that could effectively resist any pressure from the authorities. Since her defeat in 2010, she has maintained a strongly uncompromising stance against Yanukovych even refusing to recognize him as the country's legitimate president. According to a Razumkov [poll](#), she has been unequivocally viewed as the leader of the opposition by the majority of Ukrainians (40%) with other opposition figures polling below 10%. Finally, despite being banned from traveling outside of Kyiv for the past year she remained the second most popular figure in the country.

## **3) 2012 Parliamentary Election**

The parliamentary election scheduled for October 2012 would become a critical stepping-stone in Yanukovych's re-election strategy. He needs to secure the parliamentary majority in order to neutralize the opposition and demonstrate his political dominance. He also needs to prevent his key challenger, Tymoshenko, from gaining a parliamentary seat that would give her immunity and a power base from which she could wage her presidential campaign. Yushchenko's similar position as the leader of the largest opposition faction in the parliament aided his campaign in 2004.

However, the current polls indicate that Yanukovych's party would likely receive twice fewer seats in the next parliament than now and the opposition parties will be strongly represented. Tymoshenko's party was almost guaranteed to acquire the largest opposition faction. Although Yanukovych could still gain the majority through pressure and bribery of the majoritarian deputies (the new draft of the electoral law provided for a mixed election system), he would still have to face a vocal and reinvigorated

opposition in the parliament. He would also have to engage in mass electoral fraud if he were interested in making sure that the Party of Regions received at least 30% of the vote and he could control the constitutional majority in the parliament.

#### **4) Risk of The Second Electoral Revolution**

The high likelihood of violations and fraud during 2012 campaign means that the parliamentary election could present an excellent opportunity for the opposition parties to launch widespread protests targeting Yanukovich. Georgia's Rose Revolution in 2003 started as a reaction to the falsification of parliamentary election results, but quickly became a campaign to oust the deeply unpopular president. The widespread public disillusionment with Yanukovich would help the opposition to make a similar case that the country should not wait for another three years to change its president. The president's involvement in electoral fraud on behalf of his party would serve as a sufficient pretext to demand his ouster.

Tymoshenko was the only opposition leader with experience and charisma to drive such protests and lead them to a decisive conclusion. She also could have gained international backing of her effort given her high-level contacts with major foreign leaders. Her leadership could have pushed other less radical opposition figures to jump on the protest bandwagon. However, in her absence it is unlikely that any of the remaining opposition figures could mobilize the public and seriously challenge Yanukovich's rule.

#### **5) Weak Protest Activity**

Throughout the three months of Tymoshenko's trial the opposition failed to bring more than several thousand people to Kyiv's streets. This did not change even after the court's decision to detain her in August and in the run-up to the court's verdict in late September. There were several reasons for this. First, the current authorities have resorted to an overwhelming show of brutal force in response to opposition protests and forcefully disbanded most of the opposition rallies. This increased the costs of participating in protests for an average Ukrainian supportive of Tymoshenko. Secondly, although the majority of Ukrainians consider the trial as being unfair and politically motivated, protests are not viewed as effective means of resolving this problem. Electoral revolutions promised protesters an immediate reward of having new political leadership running the country. Protests against the unfair court promise an average Ukrainian no clear reward with very uncertain prospects of success. Hence, Tymoshenko's conviction presented little internal risks for the authorities in the short-term.

#### **6) Risks of Failure for the Association Agreement with EU**

Although Tymoshenko's conviction promised to have a clear damaging effect on Ukraine's relations with the West, many Ukrainian high-ranking officials and diplomats believed that EU would still sign the Association Agreement in December irrespective of the trial's outcome. This may have been also Yanukovich's belief. His recent statement that he would be willing to postpone the signing of the agreement in December may indicate that he does not see the failure negotiations as a major loss. To the contrary, having signed the Association Agreement, Yanukovich could have made himself even more vulnerable to pressure from the EU and opened himself up to what he sees as

undue interference in internal affairs. Given that he may need to engage in a major fraud to help his party win in the next parliamentary campaign, EU's close monitoring of the political process in Ukraine following the signing of the Association Agreement may lead to even greater international scandals further down the road. From this standpoint, the condemnation of Tymoshenko's trial by the West allowed Yanukovich to avoid giving EU even more promises that he could never fulfill.

#### **7) Benefits from Standing Up to EU**

Yanukovich's "defiant stance" against the West may actually work well with his voters in Ukraine's East and South. By taking a familiar Soviet-like tone of condemning the West for "double standards" and attempts to impose its will on an independent state Yanukovich may appeal to anti-Western sentiments of many of his voters. His confrontation with EU and the U.S. may thus be intended as a 'rally around the flag' measure to revive his popularity and distract voters from dismal social and economic results of his presidency. Now he tries to present himself as a leader willing to defend the nation's dignity and protect its sovereignty. If this is the intended strategy, it is likely that Yanukovich and the Party of Regions will further intensify their new anti-Western rhetoric in the coming months.

#### **8) Managing Presidential Succession or Third Term in 2020**

Tymoshenko's conviction for seven years in jail and another three years being barred from occupying public posts means that she won't be able to stand in elections at least until 2021 - the year after 2020 presidential vote. This allows Yanukovich to resolve not only a short-term threat in 2012 and medium-term challenge for his re-election, but also to minimize risks for his long-term strategy in 2020. Whether he decides to stay for the third term or to back a successor, having Tymoshenko out of the political game as a potential challenger should never hurt.

It may well be that Yanukovich's power-maximizing strategy will backfire and jailed Tymoshenko will prove to be a far greater political liability for his presidency and even his personal well-being than he ever imagined. However, a clear logic based on feasible scenarios could have persuaded Yanukovich that the current strategy would best ensure his long-term political survival.