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Domestic political institutions in Ukraine and Russia and their responses to EU enlargement

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Abstract

This paper examines the roles that key political institutions play in formulating Ukraine's and Russia's responses to European Union (EU) enlargement. It provides a structured comparison of how EU-related policies are designed in the two countries. It shows how the differences in institutional setting, mindset of political actors occupying these institutions, and the character of the party system affect the variation in presidential, cabinet, and parliamentary terms of involvement in EU-related matters. It demonstrates that the variation in these terms of involvement has a lasting effect on the nature of policy output in this specific policy area.

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Keywords: Ukraine; Russia; European Union; Presidency; Parliament; Cabinet

Introduction

Numerous public opinion polls and surveys of political attitudes in Ukraine and Russia show a significant degree of ambivalence with regard to both the goals and the prospects of these countries' integration within European structures (Moroney et al., 2002; Zimmerman, 2002). Given the diffused and unarticulated character of societal positions with regard to the processes of European integration, key domestic institutions play an especially crucial role in articulating the visions of co-operation and designing strategies of dealing with a united Europe. This paper aims to examine the roles that three key political institutions—the presidency, cabi-

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net, and parliament—play in channeling societal support, opposition, or indifference toward European integration.

The institutional framework in both countries can be characterized as semi-presidential (Duverger, 1980). Both the president and cabinet have substantial executive powers, forming in practice a system of a dual executive.¹ The importance of the role the presidents may play in any policy area is magnified by the fact that both countries' constitutions grant to the presidents the power to issue decrees that have binding power as long as they do not contradict either constitutions or laws adopted by parliaments (Carey and Shugart, 1998). While the constitutions award to the presidents significant legislative powers, both the Ukrainian and Russian parliaments still retain substantial legislative authority and ability to affect the policy formulation process.

Executive–legislative relations in both countries have been a source of many tensions during the first post-communist decade. On the one hand, a high level of conflict and even deadlock between the president and parliament has characterized these relations. On the other hand, they led to the development of specific practices of power sharing among the president, cabinet, and parliament. Mixed patterns of competition and cooperation among different branches of government had a substantial effect on the evolution of policy process in the various substantive areas.²

Presidency

The presidents in both Ukraine and Russia played a key role in articulating foreign policy goals and defining their country's policy agendas with regard to the European Union (EU). While the adoption of Partnership and Cooperation Agreements (PCAs)³ and several other key documents required the active involvement of

¹ Russia after 1993 is often described in the literature as a “superpresidential” political regime (Fish, 2000). A huge bureaucratic apparatus of executive power, rule by presidential decrees, and formal and informal presidential control over other branches of government and public expenditures are all described in the literature as indicators of superpresidentialism. Fish and other authors essentially rely on sociological categories to describe the political regime in Russia. In classifying Russia as a semi-presidential regime, I rely on the formal constitutional criteria proposed by Duverger. For the purposes of this analysis of the effects of formal constitutional framework, it is important that the Russian constitutional arrangement meet the Duverger criteria and thus fall into the category of semi-presidential regimes.

² For a theoretical discussion of policy consequences of executive–legislative competition and cooperation, see Mishler et al. (1998).

³ PCAs are major treaties that define the European Union's relations with third countries. The standard provisions of such treaties cover a broad range of issues, including political cooperation, economic and trade issues, cooperation on home and justice affairs, and scientific and cultural cooperation. Both Ukraine and Russia signed the PCAs in June 1994. Due to various factors, the ratification of the agreements by EU member states took several years. They finally ratified the PCA with Russia in October 1997 and with Ukraine in February 1998.

the countries' legislatures, the initiative in European matters has always been with the executive.

The presidents in Ukraine have been using their decree powers to formulate foreign policy objectives since the early stages of democratic transition and state building, which, in the Ukrainian case, had coincided. More than 20 presidential decrees and executive orders issued during the first post-communist decade dealt directly and exclusively with the issues related to the EU–Ukraine relations. They covered such critical issues as setting up special executive bodies for dealing with the EU, formulating national programs of Ukraine's integration into European structures, and appointment of key officials dealing with the various aspects of EU–Ukraine cooperation. In total, more than 80 presidential decrees and orders issued during this period contained some references to the issues of Ukraine's cooperation with the EU.⁴

Two qualitatively different stages of presidential involvement in the matters of EU–Ukraine cooperation correspond to the terms of office of Ukraine's two presidents. Ukraine was the first post-Soviet republic in which the democratic transfer of presidential power took place. In summer 1994, the incumbent president, Leonid Kravchuk, was defeated by the former prime minister, Leonid Kuchma. The 1994 presidential elections marked the end of the first period in Ukraine's relationship with the EU.

This period was one of initial exploration. The issues of European cooperation were exploited by the country's leadership in its political rhetoric, but did not constitute a policy priority. Among the few practical steps taken by President Kravchuk was the creation by presidential decree of an intergovernmental committee on cooperation with the European Union. The president signed the decree "On Intergovernmental Committee on Cooperation with European Union" on August 28, 1993. The committee became instrumental in preparation of signing and ratifying the Partnership and Cooperation Agreement. Overall, the presidency was not sufficiently institutionalized to allow Kravchuk to initiate the process of development of a unified strategy with regard to the EU. Domestic political and economic challenges further prevented President Kravchuk from pursuing activist style policies in the European direction (Haran' et al., 1997).

Leonid Kuchma's arrival into the presidential office did not automatically lead to the change in Ukraine's stand on the issues of European cooperation. By the end of President Kuchma's first term in office, however, several foreign policy goals had been articulated by the president, which amounted to a foreign policy strategy. A number of presidential decrees issued during 1998 and 1999 served as a basis for Ukraine's strategy on European matters.

Ukraine's integration into the EU was declared as a primary foreign policy goal in these decrees. According to them, Ukraine was to seek full membership in the EU in the long-term perspective. The June 1998 presidential decree "On Ukraine's Strategy of Integration into European Union" was a key document outlining a

⁴ The author's calculations from the LIGA database of legal documents at <http://www.liga.kiev.ua>.

general plan of actions that Ukraine was to undertake in this respect. The June 1999 presidential executive order “On the Central Government Bodies Responsible for the Implementation of Ukraine’s Strategy of Integration into European Union” and several other presidential initiatives were aimed at setting the whole machinery of the Ukrainian government into motion.

Following his successful reelection bid in summer 1999, President Kuchma increasingly emphasized the need to move more actively in the direction of European integration. Two key decrees “On National Council for Adaptation of Legal System of Ukraine to Legal System of European Union” and “On Program of Ukraine’s Integration into European Union”, which were issued in August and September 2000, respectively, signaled the president’s determination to follow the strategy of European integration announced in 1998.⁵

The emphasis was strongly and unequivocally put on seeking full integration, rather than on pursuing policies of cooperation. Integration rhetoric implied that the president was interested in moving the various negotiations with the EU beyond the traditional areas of discussing Ukraine’s participation in selective European structures and institutions. Integration clauses also indicated that the Ukrainian executive leadership increasingly perceived earlier outcomes of Ukraine–EU bilateral negotiations, such as Partnership and Cooperation Agreements, as being insufficiently effective instruments for achieving integration goals.

This presidential choice to pursue the strategy of integration into Europe has to be explained. Neither domestic pressures nor the international system can provide an entirely convincing explanation for the presidential decision to proclaim Ukraine’s integration into the EU as his main foreign policy objective. While the ideas of European integration were actively propagated by the national-democratic political parties and found diffused support in Ukrainian society, neither these political forces nor various pro-European domestic interest groups had a decisive say in the formulation of Ukraine’s foreign policy goals. Unlike, for example, in Poland, where using the clause of European integration facilitated the implementation of important reform measures across various policy areas, no domestic debates had been won by citing the EU integration imperatives in Ukraine.

At the international level, no immediate factors that would explain this presidential decision can be found either. The Ukrainian leadership was continually under conflicting pressures from Russia and the US. The European Union never extended an invitation to Ukraine to join the EU. European officials consistently avoided reference to Ukraine’s prospects of gaining membership in the EU in any EU document (Shneider-Deters, 2000a). Ukrainian analysts, however, often cite Ukraine’s geo-political environment as providing “objective” reasons for the coun-

⁵ While the disappearance of journalist Gongadze and the “tape” scandal in autumn 2000 led to a significant cooling in the relationships between the EU and Ukraine, there have been no official statements on the part of the Ukrainian president that would indicate a reversal of the course to European integration.

try's leaders to pursue integration into the European structure as the only option available (Derhachov, 2000).

Some of the explanations of the presidential choice should also be sought in ideational arguments.⁶ Certain ideas can be profoundly influential independent of how well they capture or reflect underlying political and economic realities. In other words, ideas can have a certain autonomy from the empirical world and can exist on their own. The concept of Ukraine's "Europeanness" is one such idea. There was a long intellectual tradition of describing Ukraine as being "torn away" from Europe and as facing the task of "returning" to Europe. The Ukrainian intelligentsia, the carrier of this worldview, made the ideological tools of this tradition readily available for the political leadership that was in search of appropriate political myths, identity reference points, and visions of future for a newly independent country.

The alternative visions of the Ukrainian future continue to circulate in the market of ideas. A closer integration with Russia either in the framework of the Commonwealth of Independent States or under a much tighter institutional framework is one of the options (albeit with many sub-options) actively discussed in the political and intellectual circles. One of the most recently publicized views in this respect is an idea of simultaneous and coordinated integration of Ukraine and Russia into the European structure. This view became manifested in the slogan "Going into Europe with Russia".

The proponents of this view stress the importance of the traditional economic, cultural, and societal ties between Ukraine and Russia. They claim that government efforts to maintain the existing ties and foster closer cooperation with Russia will enable both countries to move simultaneously in the direction of EU integration. Despite a number of logical inconsistencies and unquestioned assumptions in this doctrine, such as Russia's interest in trying to join the EU, a number of influential politicians and academics advocate this course of foreign policy (Derkach, 2002).

The Russian presidents' stand on the issues of cooperation with the EU is a product of a significantly different geo-political and intellectual environment. The prevailing perception among the political and intellectual elite was that Russia is a world power on its own. The vast territories that extend over two continents, the large population, and richness in natural resources were all considered as critical underpinnings of Russia's unique status in Europe. There was also an understanding that neither political nor economic institutions of the European Union could realistically accommodate Russia (Shneider-Deters, 2000b).

Given this combination of factors, Russian foreign policy has never pursued a goal of integrating Russia into the European Union. Russia has always been interested in cooperation with a united Europe but has so far made no official

⁶ A significant body of contemporary literature on international politics seeks to explain foreign policy decisions as a product of a particular intellectual environment that political leaders find themselves in. See, for example, Trubowitz et al. (1999).

attempts to consider any form of accession to the EU. Russia's "Medium-term Strategy for Development of Relations between the Russian Federation and the European Union, 2000–2010", a key document outlining Russia's strategy in this respect, stated that Russia does not plan to seek full or associate membership in the EU.⁷

The Russian presidents' legislative involvement in EU–Russian relations reflects this position. Unlike their Ukrainian counterparts, who were issuing, during the first post-communist decade, on average two EU-related decrees per year, the Russian presidents did not use their decree power to formulate Russia's policy towards the EU. While a large number of the presidential decrees contain some references to the EU, none of them dealt exclusively with EU matters. Russia's medium-term strategy, for example, was presented as a Foreign Ministry document.

At the same time, Russia's foreign policy towards the Commonwealth of Independent States has been systematically shaped by presidential decrees. The titles of some of these decrees—"On Cooperation of the Federal Government Agencies of the Russian Federation with the Government Agencies of the Countries—Members of the CIS in the Areas of Legal and Informational Policies" (Decree N. 607, March 29, 1994), "On a Strategic Course of the Russian Federation towards the Countries—Members of the CIS" (Decree N. 940, September 14, 1995)—indicate the extent of presidential involvement in defining this direction of Russia's foreign policy.

The absence of EU-related decrees does not imply the Russian presidents' inactivity in EU matters. The presidents used instruments of policy influence other than decrees. The importance of the EU in Russian foreign policy has been consistently a topic of the annual presidential addresses.⁸ A number of presidential speeches, especially those following the EU–Russia summits, served to outline the policy priorities of the Russian government. The intensity with which the newly elected President Putin started to meet with key EU officials and to make the EU-related announcements may eventually result in the president's decision to employ such formal policy instruments as presidential decrees and orders to affect the developments in EU–Russia relations.⁹

⁷ The document can be found at http://europe.en.int/comm/external_relations/russia_medium_term_stra./index.ht. Russia's strategy was a response to the EU's "Common Strategy of the European Union of 4 June 1999 on Russia". The EU chose Russia to be the first country towards which the EU's new policy instrument, Common Strategy Toward a Third Country, was used. The text of the document is available at http://europe.en.int/comm/external_relations/russia/common_strategy/index.htm.

⁸ See, in particular, the 1998 presidential address "With the United Efforts towards Russia's Rise" and the 2001 address. In the latter, the newly elected President Putin stated that promoting partnership with the European Union had become a key task for Russian foreign policy.

⁹ A good overview of president Putin's activity regarding the EU can be found in the interview with Vasilii Lihachev (2001), Russia's representative to the EU. See *Europe*, at <http://europe.en.int>, 7 May 2001.

Cabinets

Neither in Ukraine nor Russia cabinets were a source of independent initiative in foreign policy matters, although semi-presidential constitutions, which regulate the functioning of political institutions in Ukraine and Russia, formally concentrate the executive functions in the hands of the respective cabinets. The cabinets have not become a center of executive decision-making either in foreign policy or in the majority of other policy areas. Political practice in both countries has been characterized by presidential leadership in matters of policy initiation (Parrish, 1998; Wilson, 1999). The cabinet played primarily a subordinate role, elaborating or implementing the policy goals defined by the president.¹⁰

Presidential dominance over the cabinet has been a major source of conflict between the president and parliament both in Ukraine and in Russia. Competing political legitimacies, rigid terms of office, differing electoral bases, and often opposite ideological orientations of the president and parliament are built-in characteristics of semi-presidential constitutional frameworks which lay the ground for potential conflict between the president and parliament. When their political interests are in conflict, their preferences with regard to the identity and political behavior of the cabinet also differ.

The constitutions require joint participation on the part of the president and parliament in cabinet formation. The president nominates a prime minister and parliament decides whether to confirm a nominee. The constitution also provides both the president and parliament with the unilateral power of cabinet dismissal. Thus, both the president and parliament have substantial means to influence the behavior of the cabinet and institutional incentives to compete for its loyalty.¹¹

During most of the decade, the presidents were more successful than parliaments in securing cabinet loyalty. Cabinets were more likely to follow the preferences of the president rather than parliament because the latter had difficulties both in securing the selection of its candidate for the post of prime minister and producing credible threats to dismiss the cabinet in case of non-compliance. Fragmentation of and clientelism in the party system made the aggregation of preferences of parliamentary deputies over the choice of cabinet difficult. The presidents repeatedly exploited this immobility on the part of parliament to construct a situational majority around their choice of prime minister. The presidents also faced few

¹⁰ Popularly elected presidents in many consolidated democracies, such as France or Finland, traditionally have substantial powers in the area of foreign policy. These powers are not necessarily constitutionally based; they are often informal and rooted in historical traditions. See Elgie (1999). The extent of the control that the presidents in Russia and Ukraine exercise over foreign policy is, however, much higher. It reflects the distinctly dominant position that the presidents occupy in these political systems.

¹¹ Both the president and parliament, who jointly appoint the cabinet and have various monitoring and sanctioning powers including the power of cabinet dismissal, are effectively the principals of the prime minister and his/her cabinet. The position of a prime minister and cabinet in semi-presidential regimes is that of an agent who faces two principals. By emphasizing the lines of superiority and subordination in interactions among these political players, such a conceptualization allows a better understanding of the logic of institutional relationships under semi-presidentialism. See Protsyk (2000).

constraints when deciding to dismiss the prime minister. At the same time, parliaments, due to their internal fragmentation, often faced difficulties in constructing a legislative majority for a no-confidence vote.

The cabinet's inability to become a principal center of executive decision-making in the area of foreign policy as well as in other policy areas was precipitated by the high cabinet turnover and political weakness of cabinets. During the first post-communist decade, the average cabinet term for Ukraine and Russia was 13.5 and 15.4 months, respectively. The prime ministers in Ukraine and Russia stayed in office for much shorter terms than their counterparts in most of the East European semi-presidential and parliamentary regimes.¹² Also, reflecting the underdeveloped character of the party system, neither of the cabinets formed in these two countries since 1991 had formal party affiliation. The primary criteria for individual ministerial selection were political loyalty to the president and some sort of "technical" expertise in a specific area of government functioning.

The cabinets could not compete with the presidential administrations, where the major policy decisions were traditionally taken during the first post-communist decade. While neither the Ukrainian nor Russian constitution contains clauses that would specify the functions or organizational design of these entities, the presidential administrations became very influential centers of decision-making. The mere size of these institutions—the staff of the presidential administration in Russia is approximately 7000 and in Ukraine 1750—testifies to their importance.¹³

The technocratic rather than the political character of cabinets decreased their ability to play an independent role in the policy process and often turned prime ministers into executive managers of presidential policy initiatives, including the European integration initiatives.¹⁴ Especially in Ukraine, where EU integration became a policy priority, numerous cabinet resolutions and orders dealing with the EU usually followed presidential decrees, elaborating or concretizing them. For example, the 1998 presidential decree "On Strategy of Ukraine's Integration into

¹² Author's calculations from *Europa World Yearbook, Europa Yearbook on Eastern Europe and the Commonwealth of Independent States* (Europa Publications Limited, London, 1991–2000). A narrow definition of cabinet stability is employed here. Only prime ministers' dismissals were counted as cases of cabinet change. Especially with respect to Russia, this operationalization does not capture the numerous changes on the level of deputy prime ministers and ministers. Given the critical importance of the premier's leadership for understanding technocratic cabinet behavior and desire to analyze data comparable across countries, such a choice can be justified.

¹³ The figure for Russia is from Okun'kov (1996), cited in Mishler et al. (1998: p. 16). The latter authors compare this figure with the staff of the Executive Office of the US President, which has a staff of only approximately 1600. The most recent official figure for Ukraine is 619. The critics argue that this figure is not accurate since it does not include a large number of analysts, consultants and advisers who are not formally on the staff. See "Informatsia ob Administratsii Prezidenta", at www.korrespondent.net, January 13, 2003.

¹⁴ Not all prime ministers were willing to accept presidential leadership in executive matters. As a result, political competition between the president and prime minister over the control of the executive government led to several instances of acute intra-executive conflict, especially in Ukraine. See Protsyk (2000: pp. 128–132).

the European Union” was cited as a reference in more than 20 cabinet resolutions, orders, and other normative acts issued by the individual ministries.¹⁵

Executing presidential policy initiatives was not the only function the cabinets played. They also served as a source of policy expertise in developing these initiatives. Although the presidential administrations acquired considerable in-house expertise, the cabinet apparatus and individual ministries remain essential in providing expertise and essential information on a variety of issues. In the case of Russia, the Ministry of Foreign Affairs, which inherited much of Russia’s foreign policy-making capacities, was especially instrumental in designing foreign policy strategies.

Cabinets in Ukraine also formally possess coordination and control functions in matters related to Ukraine’s integration into European structures. These functions are concentrated in the Ministry of Justice, which hosts the Inter-Governmental Council on the Adaptation of Legislation of Ukraine to Legislation of the European Union. The Ministry also conducts legal scrutiny of draft presidential decrees, draft cabinet normative documents, and draft laws originated in the cabinet. Laws passed by parliament and awaiting the presidential signature are also scrutinized by the Ministry’s experts. The primary goal of legal expertise, however, is to avoid contradictions between new normative documents and the current domestic legislation and not to bring the domestic legislation into compliance with European legal norms.

The new Interim Cabinet Rules of Procedures were adopted by the cabinet resolution on June 5, 2000, partly try to address the latter problem. The Rules require the draftees of any normative cabinet document to submit to the Ministry of Justice both the document draft and a note on the document’s compliance with EU norms. Ministries and other bodies of central government that submit their legal acts for the Ministry of Justice’s registration are also required to provide such a note. As practice shows, the implementation of this provision is hindered by the lack of expertise in EU matters both on the part of the Ministry of Justice and other central government bodies’ employees (Korbut et al., 2001).

Overall, the cabinets in Ukraine have become increasingly assertive on the issue of European integration. A high level of cabinet instability and lack of internal coordination, however, constitute serious political problems that prevent the cabinet in Ukraine from maintaining a systematic approach to European matters. This problem, in its turn, is a product of the political weakness of the cabinet in Ukraine. Cabinets, which have never been a political team, lack political legitimacy and chronically face the problems of establishing cooperative relations with parliaments.

¹⁵ The author’s calculations from the LIGA database of legal documents at www.liga.kiev.ua.

Parliaments

Parliaments in both Ukraine and Russia continue to undergo complex internal political and institutional evolution. A substantial lack of political cohesion characterized the functioning of parliaments for most of the decade. Fragmented and weak party systems contributed to a high level of party fragmentation in parliament. Especially in Ukraine, the electoral and parliamentary rules of faction recognition encouraged the extreme fragmentation of the 1998–2002 parliament, where 15 parliamentary factions were recorded to be functioning at the beginning of 2000 (Protsyk and Wilson, 2003).

The institutional identity of parliaments is still in the making. The rules of parliamentary procedures, the prerogatives of legislative committees, and party-committee relations continue to be reshaped by each consecutive parliament. Political struggle over institutional rules and distribution of key positions inside the legislature thus continues to consume a substantial amount of legislators' energy, adding one more distraction to dealing with substantive policy issues.¹⁶

Although the constitutions of both countries give parliament the power to define the general direction of foreign policy, in neither country has the parliament been assertive in influencing foreign policy decision-making. Both parliaments acquiesced to presidential dominance in this area. It was a consequence of political fragmentation rather than a voluntary delegation of authority on the part of the legislators.¹⁷

The legislative output directly related to EU matters was minimal in Russia. Parliament as a collective body dealt with normative issues only when taking action on its part was directly required by the constitution. Approving treaties and—most importantly—the Partnership and Cooperation Agreement was the way the Federation Council, the upper chamber of parliament, got involved in policy-making in the area of EU–Russia cooperation. Voting on these issues proved to be non-controversial.

The Russian Duma, the lower chamber of parliament, addressed some of the issues in EU–Russia relations in its resolutions. These resolutions were not normative documents. They did not seek to regulate or impose norms in any aspects of EU–Russia relationship. Making political statements was the Duma deputies' rationale for issuing resolutions that contained references to the European Union. Among such resolutions were the September 1997 resolution “On Decision of Council of European Union about Relations with Belorussia”, the February 1999 resolution “On Immediate Measures for Kaliningrad Oblast's Development”, and the March 2001 resolution “On Situation in Balkans”.

¹⁶ It took many rounds of voting and more than one month of legislative time for the Ukrainian deputies to elect a speaker for the 1998–2002 parliament. For an excellent discussion of the evolution of the Russian parliament, see Smith and Remington (2001).

¹⁷ There is a rapidly growing political science literature on delegation. See, for example, Shugart (1998) and Epstein and O'Halloran (1999).

This evidence of the lack of direct involvement on the part of parliament corresponds to the findings of a number of scholars who argue that parliament played quite a limited role in shaping foreign policy. Mishler et al. claim in their analysis of legislative–executive relations in the Russian Federation during the 1994–1998 period that the president dominated the policy and political agenda, allowing little space for legislative initiative or influence (Mishler et al., 1998). Analyzing the area of foreign policy specifically, Malcom and Pravda (1996) note that parliament might have affected the overall climate of foreign policy but did not determine its strategic course.

As some of the most recent accounts indicate, the nature of the relationship between the parliament and president changed substantially during the first years of Putin’s incumbency (Remington, 2001). Instead of the confrontation between the executive and the legislative branch that had become traditional in the earlier years of the post-communist transition, a more cooperative relationship between the president and parliament started to develop. Rather than relying on presidential decrees to implement his policies, the president has been trying to build legislative coalitions to support his policy programs.

This cooperation somewhat enhances the role that the legislature plays in the design of major government policies. In order to secure legislative support, the executive government often has to accommodate the policy preferences of the legislative majority and engage in a more constructive dialog with parliamentary committees. Parliamentary input was essential in achieving substantial progress in the following major areas: labor law, land law, pension reform, and debureaucratization. The major say in policy development, however, still belongs to the government and the executive has not yet put issues related to the European Union on the legislative discussion table.

Given Ukraine’s proclaimed course to European integration, the Ukrainian parliament has been more directly involved in this policy area. The character of the involvement, however, did not differ much from the Russian experience. Especially since the beginning of Kuchma’s presidency, the parliament in Ukraine tended to retreat before the assertive president. Legislators did not initiate any policy move in European matters, although they tried to contest the presidential dominance in other policy areas and in issues related to key political appointments (Haran’ et al., 2000).

The Ukrainian parliament not only accepted the presidential leadership in European matters but was also willing to cooperate in this area. As a result, the legislative output reflected the policy preferences of the president. Legislators tended to build upon presidential initiatives by either broadening or complementing them. The most recent example of the legislative output related to EU matters—the January 2002 resolution “Recommendations from the Parliamentary Hearings on Implementation of State Policy of Ukraine’s Integration into the European Union”—is indicative of the approach that the legislators adopted in this policy area.

The text of the resolution cited several decrees issued by the president as the main documents providing the policy framework for the discussion of further steps in the direction of European integration. Among the presidential decrees cited as a

reference point were the June 1998 presidential decree “On Ukraine’s Strategy of Integration into European Union” and the September 2000 presidential decree “On Program of Ukraine’s Integration into European Union”. The resolution outlined a number of recommendations that fit into the general policy approach adopted by the executive.

The parliament’s lack of independent initiative in the matter of European integration was not only a product of legislative fragmentation and delegation of power to the executive but also of the weak policy-making capacity of the Ukrainian parties. There have been a number of strongly pro-European party and deputy factions in each of the Ukrainian parliaments since 1990.¹⁸ None of them, however, managed or even systematically attempted to put together a coherent policy program in order to construct a working legislative majority around the program of EU integration.

The lack of legislative initiative in the matter of European integration led to a situation whereby almost 10 years of political declarations on Ukraine’s “European choice” made by the various political forces in parliament did not result in the adoption of the most basic pieces of legislation needed to launch any set of integration policies. The key pieces of legislation in this area—the ones that would require the adaptation of Ukrainian laws and draft laws to the legal norms of the European Union—have not been even designed yet. The initiative for the only draft law that has been formally submitted to parliament—“National Program of Adaptation of Legal Norms of Ukraine to Legal Norms of the European Union”—came from the cabinet.¹⁹

One explanation for the parliament’s delay in launching the most basic legal steps in the direction of homogenizing domestic legislation with European norms lies in the reluctance of the EU member countries to ratify the Partnership and Cooperation Agreement. Although the PCA treaty between Ukraine and the EU was signed in June 1994 and ratified by the Ukrainian parliament in November 1994, the last member country to ratify the PCA, Portugal, did so almost four years later, in February 1998. The slowness of the ratification process, which was partly caused by the unwillingness of less-developed EU members to immediately acquire another potential competitor for EU development grants, does not, however, provide compelling grounds for determined politicians to postpone the EU integration efforts.

Several analysts note that the lack of systematic coordination between parliament and cabinet is one of the major causes of policy immobilism in the area of European integration (Korbut et al., 2001). On the one hand, parliament has a limited say in cabinet formation and is not politically responsible for cabinet policies. The parliamentary factions and individual deputies thus lack incentive to closely

¹⁸ For a discussion of the policy positions of the major Ukrainian parties, see the Materials of Round Table on Policy Orientation of Political Parties (Ukrainian Center for Economic and Political Studies (UCEPS)), at www.uceps.com.ua, April 15, 2002.

¹⁹ See draft law, January 24, 2002, at the LIGA database of legal documents, www.liga.kiev.ua.

cooperate with the cabinet. On the other hand, the cabinet ministers, who see parliament as largely unable to credibly sanction them in case of non-compliance, perceive the president and not the parliament as their main principal. This weakens the cabinet's motivation to closely cooperate with parliament. Whenever the cabinet needs legislative support to implement a certain policy agenda, it has to launch new efforts to construct a legislative majority around that specific policy agenda. The lack of political connection between the cabinet and parliament, which has to be based on a greater legislative involvement in cabinet formation, considerably slows the process of policy formulation and implementation.

EU-related issues have not been a subject of policy competition among the parliamentary factions of major political parties. Due to their weak policy-making capacities, these factions were not able to generate any EU-related draft laws that could have found majority support in the legislature. At the same time, EU issues have been a topic of symbolic competition.

Politicians both on the right and the left tried to earn dividends by making statements on foreign policy priorities. While national-democratic parties in Ukraine (first of all, *Rukh* and Party of Reform and Order) traditionally declare the necessity of integrating into Europe, their party programs and other official documents contain only general and unspecified statements in this respect. The centrist political parties, which are even more ideologically and organizationally amorphous, tend to include in their documents and political phraseology similar clauses about the necessity of European integration, albeit with similar emphasis on the need to maintain the traditional ties with the Commonwealth of Independent States.

Parliamentary factions formed by these rightist and centrist political parties, however, have not used the European integration clause as a key element of their political or policy agenda in parliament. The only attempt to use the EU issue as a basis for forming a deputies' group was related to the already discussed slogan "Going Into Europe with Russia", which was raised by a so-called "centrist" group of political entrepreneurs in the 1998–2002 parliament. The group claimed that Ukraine's efforts to integrate into the EU should be coordinated with Russia in order to allow both countries to move simultaneously in a European direction. The slogan proved to be rather controversial in circles of the Ukrainian political elite and allowed the formation of only a loose association of deputies who belonged to the different parliamentary factions. The association did not receive the status of a parliamentary faction and was not able to generate any consequential policy initiatives. At the same time, it received a lot of media coverage, reflecting a certain degree of interest in the topic. These declarations have become an important part of political discourse but have not materialized so far in any sort of formal legislative output.

Conclusion

The political initiative on EU-related matters lay with the presidents both in Ukraine and Russia. Due to a number of domestic and international

considerations, the Ukrainian and Russian presidents chose different strategies for dealing with the EU. While the Russian presidents maintained a course of close cooperation and did not seek any form of EU membership for Russia, the second Ukrainian president, Leonid Kuchma, officially declared a policy of Ukraine's integration within the EU.

Policy formulation in both countries lacked the input from other domestic institutions designed to represent societal interests in a different way. Presidents ruled by decrees, systematically sidelining both the cabinet and parliament on EU issues. While the presidential ability to issue decrees and give orders to the state bureaucratic machine provided an important impetus for EU-related policy-making, the design and implementation of comprehensive policy measures have been hampered by the weakness of policy-making capacities of both the cabinet and parliament. These key domestic institutions were not able to participate effectively in the policy-making process, thus limiting the legitimacy of policy moves initiated by the president and raising questions on the sustainability of initiated policies.

Parliaments and cabinets were not able to participate actively in policy development and tended to retreat before politically assertive presidents because of the weaknesses of the party system. Political parties in both countries were neither able to form politically strong and party-based cabinets nor formulate alternative foreign policy agendas. The parties' weaknesses stem from their relatively recent arrival on the political scene, lack of organizational sophistication, and electoral laws that do not provide sufficient incentives for their ideological and organizational maturation.

At the same time, a strong presidency tends to further discourage the development of party systems. Presidential control over the cabinet and the policy formation process breeds irresponsibility on the part of political parties. Since the latter do not have to form cabinets and formulate policy, they lack incentives to work on strengthening their own organizational and policy-making capacities. Although, especially in Ukraine, political parties use the issues of European integration in electoral competition, these issues neither directly affect the electoral chances of politicians nor serve as grounds of winning any significant domestic debates. Overall, the usage of EU-related arguments in electoral competition has had almost exclusively a rhetorical or declarative dimension, since it has remained largely inconsequential in policy terms.

The development of a comprehensive, systematic, and coherent policy towards the EU, as well as policy development in other substantive areas, depends to a significant extent on strengthening the role that political parties play in the political system in general and in the policy process in particular. Strong and consolidated parties can help to articulate or even form less ambiguous societal attitudes toward EU-related issues by structuring and limiting available choices. Strengthening and consolidating the party system can also help to introduce the practice of forming party-based cabinets. Such cabinets, which would rely on the support of strong political parties possessing substantial policy-making capabilities, could provide better grounds for systematic policy-making than the current system of ruling by ad-hoc presidential decrees.

Uncited reference

Shugart and Carey (1992).

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References

- Carey, J.M., Shugart, M.S., 1998. Institutional design and executive decree. In: Carey, J.M., Shugart, M.S. (Eds.), *Executive Decree Authority*. Cambridge University Press, Cambridge, pp. 274–299.
- Derhachov, O., 2000. Ukrainsko–Rossiiskie otnosheniia—Yevropeiski i Yevraziiski kontekst (Ukrainian–Russian relations in the European and Euroasian context). *POLIS* 6, 110–122.
- Derkach, A., 2002. Yevropeisky vybir Ukrainy (European choice of Ukraine). *Dzerkalo tyzhdnia* 16.
- Duverger, M., 1980. A new political system model: semi-presidential Government. *European Journal of Political Research* 8, 165–187.
- Elgie, R. (Ed.), 1999. *Semi-Presidentialism in Europe*. Oxford University Press, Oxford.
- Epstein, D., O'Halloran, S., 1999. *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers*. Cambridge University Press, Cambridge.
- Fish, S., 2000. The executive deception: superpresidentialism and the degradation of Russian politics. In: Sperling, V. (Ed.), *Buildig the Russian State*. Westview Press, Boulder, CO.
- Haran', O., Kulyk, V., Maiboroda, O. (Eds.), 1997. *Stanovlennia Vladnykh Struktur v Ukraini*. Den', Kyiv.
- Haran', O., Maiboroda, O., Tkachuk, V. (Eds.), 2000. *Ukrains'ki livi*. KM Academia, Kyiv.
- Korbut, D., Zamiatin, Pidluska, I., 2001. *Yevropeis'ka Integratsia: Krok za Kromom (European Integration: Step after Step)*. Fond Yevropa XXI, Kyiv.
- Lihachev, V., 2001. *YeS–Rossiya Summit (EU–Russia Summit)*. Available from <<http://europe.e-n.int>>, 7 May.
- Malcolm, N., Pravda, A., 1996. Democratization and Russian foreign policy. *International Affairs* 72 (2), 537–552.
- Mishler, W., Willerton, J.P., Smith, G.B., 1998. Hegemony or rivalry? Laws, decrees and dynamics of legislative–executive relations in the Russian Federation. Paper presented at the 1998 Annual Meeting of the American Association for the Advancement of Slavic Studies.
- Moroney, J.D.P., Kuzio, T., Molchanov, M. (Eds.), 2002. *Ukrainian Foreign and Security Policy: Theoretical and Comparative Perspectives*. Praeger, Westport, CN.
- Okun'kov, L., 1996. *Prezident Rossiiskoi Federatsii: Konstitutsia i Politicheskaiia Praktika (President of Russian Federation: Constitution and Political Practice)*. Infra-M/Norma, Moscow.
- Parrish, S., 1998. Presidential decree authority in Russia. In: Carey, J.M., Shugart, M.S. (Eds.), *Executive Decree Authority*. Cambridge University Press, Cambridge, pp. 274–299.
- Protsyk, O., 2000. *Semi-Presidentialism: The Logic of Institutional Conflict and Its Implications for Public Administration Reform in Post-Communist Countries*. Ph.D. Dissertation, Rutgers University, pp. 1–30.
- Protsyk, O., Wilson, A., 2003. Center party politics in Russia and Ukraine: power, patronage, and virtuality. *Party Politics* 9 (6).
- Remington, T., 2001. Putin and the Duma. *Post-Soviet Affairs* 17 (4).
- Shugart, M.S., 1998. The inverse relationship between party strength and executive strength: a theory of politicians' constitutional choices. *British Journal of Political Science* 28, 1–29.

- Shugart, M.S., Carey, J.M., 1992. Presidents and Assemblies: Constitutional Design and Electoral Dynamics. Cambridge University Press, Cambridge. 566
- Shneider-Deters, V., 2000a. Do konkretyzatsii kontseptsii “Velykoi Yevropy” (Toward the concept of greater Europe). Politychna Dumka 4. 567
- Shneider-Deters, V., 2000b. Nekotorye razmyshleniia na temu ‘Bol’shoi Yevropy’ (Some thoughts on the topic of greater Europe). POLIS 6, 93–100. 568
- Smith, S., Remington, T., 2001. The Politics of Institutional Choice. Princeton University Press, Princeton, NJ. 569
- Trubowitz, P., Goldman, E.O., Rhodes, E., 1999. The Politics of Strategic Adjustment: Ideas, Institutions, and Interests. Columbia University Press, New York. 570
- Wilson, A., 1999. Ukraine. In: Elgie, R. (Ed.), Semi-Presidentialism in Europe. Oxford University Press, pp. 260–281. 571
- Zimmerman, W., 2002. The Russian People and Foreign Policy: Russian Elite and Mass Perspectives, 1993–2000. Princeton University Press, Princeton, NJ. 572
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