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**Reacting to uncertainty in partial democracies:
the role of negative framing in power struggles
in Ukrainian energy politics, 1990s-2000s.**

by

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Abstract

This research project is about the processes and effects of strategic public elite communication in partial democracies, and Ukraine is used as a case study. This study is situated within the field of comparative politics that investigates the internal dynamics of hybrid regimes, i.e., regimes that combine features of democracies and autocracies. Partial democracies are defined here as highly competitive and institutionally weak hybrid regimes. While many authoritarian regimes prefer either to avoid or to regulate public discussions, polarizing debates are not uncommon in partial democracies. Moreover, unlike authoritarian regimes, many partial democracies often have “islands” of media freedom. Together with partially free media, the lively public sphere is the democratic component of partial democracies in which, however, corruption is widespread and laws are often disregarded. Such a political context is highly uncertain, and the outcomes of elite interactions are unpredictable. At the same time, the majority of the population is passive and disaffected. Therefore, how do elites convey a political message in a highly uncertain environment, in which the public does not trust politicians? What are the effects of such debates on the political system?

The central argument of this thesis is that the contextual uncertainty inherent in partial democracies produces incentives for political actors to rely on negative framing as a strategy in power struggles, which, in effect, reproduces contextual uncertainty. Negative framing is defined as a one-sided presentation of events or people, predominantly in negative terms. The concept is based on insights from cognitive psychology that have identified negativity bias in our information processing. According to these insights, negative information has a greater impact on humans’ decision-making than neutral or positive information. Under conditions of uncertainty, people prefer to avoid losses than to acquire gains. This effect has been summarized in prospect theory, which provides an alternative to rational choice theory.

Due to negativity bias, strategies based on negative framing that activate loss aversion have greater chances of winning mass support and defining social reality in a highly uncertain environment. In this respect, partial democracies are particularly vulnerable to any rhetorical manipulation, as discourses become means of power maintenance or delegitimization. To understand how negativity functions in partial democracies, this thesis explores the psychological mechanisms of negative framing, its characteristics as a strategy, its conditions of success and its possible effects on the political system. It advances an innovative analytical framework that connects literatures across different subdisciplines of the social sciences.

This study’s approach is developed based on two theory-centered case studies; methodologically, the study uses process tracing and framing analysis. The theoretical model is derived from a qualitative study of the delegitimization of two state patronage

schemes in Ukrainian gas politics. Ukraine was chosen as a typical example of partial democracy, and until recently, gas politics was one of its most corruption-prone and yet publicly discussed policy fields, involving a number of state and private actors who regarded the gas industry as a relevant source of political influence and economic power. The first case study is confined to a detailed analysis of events and discourses in 1997-1998, i.e., the period when the gas patronage scheme built by the Prime Minister Pavlo Lazarenko became contested and actors involved in its operation were delegitimized. The second case study is devoted to the power struggle around the gas intermediary within the Orange coalition during the presidency of Viktor Yushchenko in 2005-2009. In both cases, I analyze how key political actors involved in these struggles construct their frames, legitimize certain actions and address accusations of misconduct and corruption.

The research results show that negative framing aimed at discrediting a political opponent is standard behavior in Ukraine, which can lead to a permanent escalation of negative rhetoric within the so-called spiral of negativity. Overall, such discursive practices have a very negative effect on the political system and political culture of Ukraine. The result is a cynical population that mistrusts politics and politicians, which in turn reinforces political uncertainty and contributes to the dwindling legitimacy of the government.

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My journey as a PhD student has been long and arduous. It began in 2009 with my pure desire to earn a doctoral degree. I had overestimated both my initial knowledge of political science literature and my writing abilities. I thus spent my first few years as a doctoral student educating myself, jumping from one fascinating concept to another. Since then, my initial analytical framework has undergone several radical changes, and I have finally found a satisfying explanation for the questions I wanted to answer in my research.

The first general question that guided my inquiry concerns the appropriate framework for understanding politics in Ukraine; this is a question shared by other scholars specializing in Ukraine. The country has always been an outlier in the post-Soviet region, characterized by numerous paradoxes and unexpected changes. My second question, which directed my research to the role of negativity in partial democracies, emerged after a remark by my supervisor, Prof. Dr. Heiko Pleines, on the predominance of accusations of treason in Ukraine. This remark occurred at the very start of my doctoral studies, prompting me to think about how to explain this phenomenon. To my disappointment, neither of the theories on post-Soviet politics could account for it, so I sought to formulate my own theory by integrating diverse literatures from different domains.

The final outcome of this research would not have been possible without the constant advice, guidance, encouragement and patience of my thesis supervisor Prof. Dr. Heiko Pleines, to whom I am extremely grateful. His valuable feedback helped me focus on my main argument and better align it with my empirical chapters. I cannot thank him enough for reading different drafts of this thesis, even when my revisions seemed endless. His own style of argumentation – precise and convincing – has always been a source of inspiration for me.

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Katerina Bosko (born Malygina)

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Note on Transliterations

Transliteration of Cyrillic was done according to the U.S. Library of Congress transliteration system (without diacritics), except in those cases where Russian or Ukrainian names are known in English by standard forms.

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List of Acronyms and Abbreviations

- BYuT – Block Yulia Tymoshenko
- GTS – gas transit system
- KPU – Communist Party of Ukraine
- NDP – People's Democratic Party
- NRU – People's Movement of Ukraine
- NSDC – National Security and Defense Council
- NU – Our Ukraine Bloc
- NUNS – Our Ukraine–People's Self-Defense Bloc
- PoR – Party of Regions
- RUE – RosUkrEnergo
- SBU – Security Service of Ukraine
- SDPUo – Social-Democratic Party united
- SPU – Socialist Party of Ukraine
- TIC – temporary investigative commission
- UESU – United Energy Systems of Ukraine
- UGE – UkrGazEnergo
- UGK – Ukrainian Gas Resources Consortium

CHAPTER 1. Introduction

1.1. Research Challenge

How do you communicate a political message in a highly uncertain setting in which your audience, elites and the public alike, do not trust you? This book is about the processes and effects of strategic elite communication in partial democracies.¹ It is not about some particular outcome that has to be explained, but rather about the logic of action that dominates a particular political context. From this perspective, the research question transcends the *what* problems and examines the *how* of policy debates and political decision-making in partial democracies using Ukraine as a case study.

With partial democracies becoming an increasingly widespread phenomenon, the thesis aims to contribute to a topic of substantial scholarly importance. In the last thirty years, the literature on democratization has exploded almost exponentially. In this thesis, I argue that researchers need to change the lens of how to study partial democracies and put the contextual uncertainty that is typical for these types of regimes in the center of analysis. We need more research on how institutional weakness changes the perceptions of political action and influences the choices that elites make.

Partial democracies are understood here as a type of hybrid regime with high contextual uncertainty. They meet the procedural criterion of democracy – free and fair elections – and guarantee the plurality of opinions through at least some media freedom. However, power in partial democracies is exercised via autocratic means, which renders them more a hybrid than a democracy. The competition over state financial and administrative resources is particularly fierce, and the definition of rules becomes a powerful resource in the power struggles.

It is important to note that the contextual uncertainty characteristic for partial democracies does not equal transition, nor does it imply a higher likelihood of regime change. Political instability, widespread corruption and low administrative capacity are insufficient conditions. Some partial democracies collapse, but others find a “dysfunctional” equilibrium. Despite high underlying structural risk – numerous political crises and government instability – they move neither to full autocracy nor to liberal democracy. This group of relatively stable partially democratic regimes is more likely to undergo slow erosion than sudden regime breakdown.

During the last decade, a vast body of literature has been written on the classification problems of hybrid regimes (Bogaards 2009; Gilbert and Mohseni 2011; Wigell 2008; Cassani 2014; Morlino 2009) and on their modes of functioning (Levitsky and Way 2010; Schedler 2013; Hale 2014; Way 2015). At the same time, when investigating *modus operandi*,

¹ Hereinafter, the strategic elite communication means that it took place in public and not behind the closed doors.

researchers have predominantly focused on the autocratic governance practices that minimize the risk of power change, despite the presence of democratic institutions that are specifically designed for this purpose. Nevertheless, while the ‘authoritarian’ side of hybrid regimes has been well researched, the ‘democratic’ side has remained off the research agenda. The reasons for this omission are perhaps disappointment with the democratization thesis as such and the intensive discussion of “democracies with adjectives” (Collier and Levitsky 1997) in the 1990s. A prominent exception is the work on defective democracies by Wolfgang Merkel and his colleagues (2003, 2006). However, the authors of these volumes were primarily interested in questions of classification and typology rather than functioning.²

Going beyond the conceptual debate on “defective democracies” and the transition-to-democracy paradigm, this thesis aims to advance the understanding of partial democracies by focusing not on the means of authoritarian power preservation, but on the tools of delegitimization. In general, the literature on partial democracies is vast. So far, the research has predominantly addressed classification problems,³ obstacles to democratic consolidation⁴ and the non-linear effects of democracy.⁵ Remarkably, democratization scholars have largely ignored two promising research areas – the effects of contextual uncertainty on elites’ strategic choices and the quality of public debate.

The reason for the first omission is understandable. Political scientists working on political regimes usually ignore the concept of uncertainty because the very definition of regime is something stable. The transition paradigm acknowledged the role of contextual uncertainty (O’Donnell and Schmitter 1986: Ch. 1) but treated it as temporary phenomenon that would end after consolidation of democracy. The few books that do conceptualize uncertainty as an important factor in political decision-making do so from the perspective of either well-established democracies (Przeworski 1991) or authoritarian regimes (Schedler 2013).⁶ However, unlike liberal democratic polities that limit contextual uncertainty to

² Classification involves the typologization of observations in terms of their attributes. Functioning goes a step further and specifies the relationships, in other words, how different attributes come interconnected. Classifications are often disputed because they sometimes depend on arbitrary decisions as to where to draw the lines between different types. The functioning approach, on the contrary, looks into the logic of the action that dominates in a particular context and examines the dynamics of political processes.

³ The debate on classification challenges centers on the question of whether partial democracies should be categorized as authoritarian subtypes or as democratic subtypes. Depending on the viewpoint, some authors call these regimes “competitive authoritarianism” (Levitsky and Way 2002; 2010), while others prefer the term “defective democracy” (Merkel et al., 2003). Acknowledging that both the boundaries and the terminology on hybrid regimes is still contested, I decided to use the term “partial democracy” in this research project in order to highlight the role of one of the constitutive features of all democracies – open debate or deliberation – in the policy making of such regimes.

⁴ Among many contributions on this subject, perhaps the most well known are the books by Linz and Stepan (1996) and Diamond (1999). For a discussion of democratic consolidation as a concept, see Schedler (1998).

⁵ Many studies describe the curvilinear or J-shaped relationship between the level of democracy and administrative performance (see, e.g., Bäck and Hadenius 2008; Montinola and Jackman 2002). Another stream of literature from conflict studies has also identified partial democracies as more prone to political instability in general and to civil wars in particular (see, e.g., Goldstone et al., 2010; Gates et al., 2006).

⁶ For more information on the two perspectives, see Chapter 2.1.2.

elections, partial democracies also suffer from uncertain conditions between electoral cycles. At the same time, partial democracies do not experience “informational uncertainty” (see Schedler 2013: 37ff) over possible threats that authoritarian rulers are confronted with. Thus, partially democratic regimes are better than autocracies at managing the level of discontent because they are capable of “observing” themselves through such democratic institutions as public opinion polls, think tanks and the partially free media. Unlike fully democratic or fully autocratic regimes, partial democracies experience contextual uncertainty as defined here as a combination of high competitiveness and weak institutionalization. The contextual uncertainty in partial democracies is both permanent and conspicuous. In this sense, it can be regarded as an institution *per se* that informs and guides action. Actors are socialized in an uncertain environment and have expectations of uncertainty in future interactions. In other words, they expect stability of the instability.

As a structural feature of partial democracies, uncertainty, I argue, is an important feature of this political regime that changes the behavioral rationality of actors. What seems to be irrational in a stable context acquires meaning in a less stable one. For instance, Lupu and Riedl (2013: 1350) argue that uncertainty generates incentives for low levels of party institutionalization because parties are then able to react to the constantly changing conditions of their operation. Moreover, scholars suggest that it is rational for political parties in an uncertain environment to hedge their bets and try to maximize voter support by relying on both programmatic and clientelistic modes of voter mobilization. Another example comes from policy studies. Tommasi and Spiller (2007) elaborate on the link between high uncertainty and low-quality policies. Using the example of Argentina, they argue that in highly uncertain settings, political actors are less likely to reach and enforce intertemporal cooperation, which results either in unstable policies that are subject to political swings or in rigid policies that are not able to adapt to socioeconomic shocks.

Returning to the question of the research gaps, the reason for the second omission, concerning public debate, is less obvious. Despite the general focus on the quality of democratic regimes (see Diamond and Morlino 2005) in general and on the quality of electoral competition in particular (Schedler 2002b, 2006; Levitsky and Way 2002, 2010), practically no attention has been paid to the quality of public debate in hybrid regimes. On the one hand, there is a separate research field on political communication in established democracies that stresses the superiority of democratic governance resulting from open debate on substantial policy issues and the contest of “better arguments” that is often reflected in the notion of “deliberative democracy” (see, e.g., Dryzek 2012; Fishkin and Laslett 2003). On the other hand, there is a separate stream of literature on political communication in authoritarian regimes that highlights legitimization and censorship as important factors for the stability of these regimes (see Kailitz 2013; Schedler and Hoffmann 2015; Brusis et al. 2016; Mazepus et al. 2016; Stier 2014; Walker and Orttung 2014). Researchers from both camps rarely borrow concepts from each other, which indicates that the two streams are relatively autonomous due to the different communication goals of the political leaders in these very different contextual

environments. However, what about partial democracies? What does political communication look like in political regimes that are neither democratic nor authoritarian but nevertheless have “islands” of media freedom? Research has just begun to uncover the challenges of political communication in such a setting. Excellent examples are the books by Voltmer (2006, 2013) on media in transitional democracies.⁷ However, these books focus in the first place on the interaction between mass media and the political elites and not on strategic elite communication.

The current project takes the concerns formulated above seriously and investigates the link between contextual uncertainty and public debate. In this thesis, I argue that partial democracies have a distinct functioning logic that differentiates them from their more authoritarian counterparts – competitive authoritarianism and hegemonic regimes. The most significant difference lies in the level of contextual uncertainty. Whereas the incumbents in authoritarian hybrid regimes are in position to either effectively exclude rival groups from competition for power, as in hegemonic regimes, or to significantly decrease the prospects of power alternation through manipulation of the rules, as in competitive authoritarianism, the political actors in partial democracies have to act under conditions of high contextual uncertainty. The formal setting is very fluid, and there are no clearly defined ‘rules of the game’. Actors rely on informal practices that further undermine formal institutions (Helmke and Levitsky 2004), but neither group can gain enough strength to monopolize power. Such a political environment has several serious consequences for the decision-making process that have not been fully comprehended until now.

First, the instability of formal institutions implies that the focus on actors and their actions is crucial. Quite often, actor-centered approaches in political science use collective actors such as the state, the government, or organized interests as their units of analysis. However, collective actors in partial democracies are seldom consolidated and therefore cannot be assumed to act fully rationally. The relevant unit of analysis here is individuals, usually high-ranking politicians or other representatives of the elite.

Second, elections in partial democracies are meaningful, yet not decisive. The fluidity of the rules indicates that power struggles do not cease after elections and therefore affect the decision-making process between electoral cycles. Under such conditions, the almost exclusive emphasis on elections (which in other cases is a good approximation of the regime type) is not justified. To understand partial democracies, it is therefore equally important to study the policy level.

Third, due to the weak formal setting and ‘multiple centers of authority-building’ (Grzymala-Busse and Luong 2002: 533), hybrid regimes are particularly vulnerable to any rhetorical manipulation.⁸ Similar to the rules, discourses become means of power because

⁷ Similar recent endeavors include Zielonka et al. (2015), Hadland (2015), and Dyczok and Gaman-Golutvina (2009).

⁸ The strategic actor-centered models that followed the path suggested by the influential book “Transitions from Authoritarian Rule” (O’Donnell and Schmitter 1986) are grounded on the assumption that actors’ actions are value-based, and these values are invariant regardless of the situation. On this basis, a distinction was made between hard-

any action or non-action can be recast either to build support or to discredit. Until now, researchers have explored only the structural side of discursive practices in hybrid regimes, namely who controls the media and how it is manipulated in the incumbent's favor, most prominently by means of censorship (see Schedler 2002a; Walker and Orttung 2014; Dyczok 2006; Ryabinska 2011). The ideational side, namely the power of different frames, has not yet been analyzed. Furthermore, the focus has almost exclusively been on support-building or legitimization techniques, while delegitimization as a strategy has largely been overlooked.

1.2. Main Argument

The *central argument* of this thesis is that the contextual uncertainty that is inherent to partial democracies produces incentives for political actors to rely on negative framing as a strategy in power struggles, which in effect reproduces the contextual uncertainty. Negative framing is defined here as a one-sided presentation of events or people in predominantly negative terms. The concept is based on insights from cognitive psychology regarding negativity bias. It posits that negative information has a greater impact on humans' decision-making than neutral or positive information. This effect has been summarized by Kahneman and Tversky (1979) as part of their prospect theory, which provides an alternative to the rational choice theory. These psychologists show that people make different choices under conditions of uncertainty depending on the frame at hand and that they are guided by the so-called 'loss aversion principle', meaning that they are more inclined to avoid losses than to acquire gains.

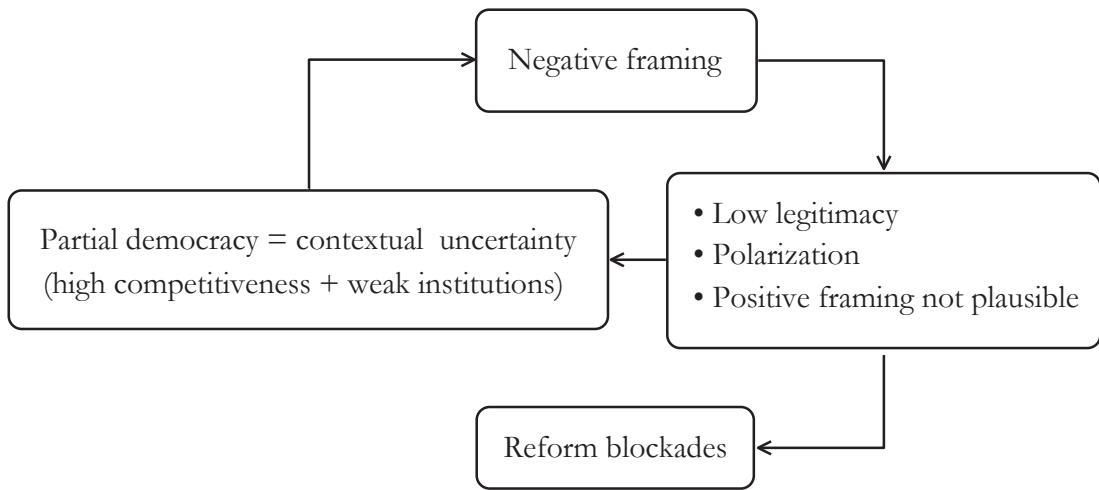
Strategies based on negative framing that encourage loss aversion have higher chances of winning mass support and defining social reality in a highly uncertain environment. Consequently, salient public discourses will tend to be negatively framed in partial democracies. This negative framing in turn has a profound effect on the political system because negativity decreases generalized trust, which results in low legitimacy of decision-makers and political apathy of the population. Moreover, because positive framing under conditions of high uncertainty is not plausible, the successful instrumentalization of negative framing could lead to reform blockades. For individual actors, however, negative framing is a costly strategy because it could backfire on the attacker and, in general, will most likely result in a spiral of negativity with unforeseen consequences. Nevertheless,

liners and soft-liners, pro-democratic and anti-democratic forces. However, what this approach missed is the manipulative character of certain discursive positions that actors take in order to gain an advantage in a power struggle. Under such conditions, the democratization discourse as such is a poor indicator of democratic commitment, while the decision-making process is far from the normative ideal in a transition to democracy. In this sense, the recent scholarship on the political economy of non-democratic regimes (Wintrobe 1998; Boix 2003; Acemoglu and Robinson 2006; Bueno de Mesquita et al., 2003; Svolik 2012) captures actors' preference formation much better. Similar studies on the logic of action in partial democracies, however, are still missing.

negative framing is a preferred strategy in partial democracies precisely because politicians expect other actors to rely on it, and they therefore prefer to make the first move and assume the role of the “attacker” rather than that of the “scapegoat”. Through these processes, contextual uncertainty in partial democracies not only informs actors’ decisions but is also reproduced and sustained over time.

This theoretical model is schematized in Figure 1.1. Thus, I offer an innovative analytical framework that bridges research across different domains such as electoral studies, political communication theory, political science literature on social movements, comparative politics, international relations and cognitive science.

Figure 1.1 – Theoretical model: Effects of negative framing on political regime



Source: Own depiction.

At this point, it is necessary to explain *what this thesis is not about*. First, when studying uncertainty and its effects on political behavior, I do not pay attention to such sources of political instability as civil unrest, demonstrations, riots, strikes and the like. My primary interest here is not failed states, in which the state has lost the exclusive power with regard to the use of force, but partial democracies, in which political elites control the territory, but they cannot agree on certain rules of the game for inter-elite interactions. This aspect will be elaborated upon in more detail in Chapter 2. The focus thus lies not on elite-society relations, but rather on power politics and its dynamics. The main actors to be studied are political elites at the level of presidents, prime ministers and main opposition leaders.

Second, my approach to analyzing frames is somewhat different from the standard in discourse studies. Because I am interested in frames’ construction to a lesser degree than in their effects on a political regime, the linguistic aspect of framing is somewhat neglected here. Furthermore, I do not apply critical discourse analysis or other post-structuralist perspectives that underline the discursive character of social practices. My epistemological perspective on a discourse is from its “enabling” side, that is, a discourse as a resource that

can be strategically deployed to achieve certain goals. The framing agents, however, do not necessarily have to believe in the frames they sponsor. In this way, my framework is different from the discourse network approaches in policy studies that center on mobilizing ideas and beliefs in the first place and are therefore more in line with the rational choice theory. By contrast, I want to show that it is rational for actors in an uncertain environment to promote negative frames, regardless of their personal attitudes and values with regard to the issues they frame. Such a discourse often has a manipulative character because the same actors may violate their own postulates formulated earlier.

Third, starting from the assumption that negativity bias mediates our perception of arguments, usually by reinforcing them, this thesis does not explore the effects on actual public opinion as the framing effects literature in policy studies or political communication research does. Focusing on elites as the main actors also means that the role of society is neglected here, which is justified by the rather weak link between elites and the public in partial democracies (see Chapter 2). Instead, I concentrate on the public's act of voting during elections, when elite-sponsored frames are either accepted or declined.

Furthermore, my research does not systematize the role of mass media in partial democracies because doing so would necessitate modification of the research lenses (i.e., focus on media outlets instead of elite members). I do discuss the role of mass media in different parts of this thesis,⁹ especially when it acts as an amplifier of negativity. At the same time, it is assumed that media outlets are interested in translating the negative framing promoted by authoritative actors not only because it promises to garner large audiences but also because these stories are most likely to continue and are therefore newsworthy. From this point of view, the media's interests and the interests of political actors may coincide with regard to the promotion of negative framing.

Finally, it is important to note the possible limitations of the proposed ideas imposed by the research methods used in this thesis. The book is predominantly an exercise in *theory-building*, that is, an attempt to identify the features that could influence the dynamics of partial democracies. The analytical framework is therefore innovative and integrates diverse streams of literature. It was developed in an inductive-deductive cycle, moving from the empirical to the theoretical level and vice versa, refining the argument at each step. The case study approach and process tracing best suit such conceptual innovations. However, there are also clear limitations to such an approach – it can only test one case. Although I claim the “transferability” of the proposed link between contextual uncertainty, strategic elite actions and negative framing to other contexts, the analytical utility of such a framework has yet to be explored in other studies and is beyond the scope of this thesis.

⁹ See especially Chapters 2.1.2, 3.4.2 and 7.2.

1.3. Research Design

As the aim of this thesis is to develop a novel approach to explaining causal mechanisms, the research design is based on a theory-centered case study (Rohlfing 2012) aimed at analytical generalization, i.e., using one case to develop theoretical propositions that can then be tested by further research (Yin 2014). The book, thus, presents a longitudinal, in-depth case study of one country and one policy field. Such an approach has a clear advantage over cross-country comparative analyses because it allows the mechanisms of policy debates and political decision-making and the incentives of the key political actors to be revealed, which is almost impossible to achieve in a highly aggregated comparative research design.

Ukraine is selected as the country for the case study because Ukraine is a typical case of partial democracy. Its political context has often been described as highly competitive but also as institutionally weak (Levitsky and Way 2010; Way 2015). Widespread corruption, the presence of powerful economic actors (oligarchs), and the East-West division of Ukraine prevented the consolidation of Ukraine's political regime. In certain periods, it exhibited features of competitive authoritarianism, such as Leonid Kuchma's second term as president (1999-2004) or Viktor Yanukovych's presidency (2010-2014), but both attempts to consolidate power failed. These failures show that autocratic leaders in Ukraine are more likely to be defeated, resulting into what Way calls "pluralism by default" (Way 2015). In this thesis, I concentrate exclusively on periods when Ukraine can doubtlessly be classified as a partial democracy – such as Kuchma's first presidential term (1994-1998) and Viktor Yushchenko's presidency (2005-2009).¹⁰ The related academic literature is presented in the following section.

In the second step, gas policies are selected as the policy field for the case study because the Ukrainian gas sector provides an excellent opportunity to study the overall functioning modes of Ukrainian politics and the logic behind political behavior due to its exceptional importance to Ukraine's national security as well as its economic, social and foreign policies. Until recently, it was one of the most opaque, corruption-prone and yet publicly discussed policy fields in Ukraine that involved a number of state and private actors that regarded the gas industry as a relevant source of political influence and economic power. Since the start of the Ukrainian crisis, the importance of the gas sector in Ukraine has diminished for a number of reasons. Thus, the main focus of this dissertation is on the period before 2014.

Methodologically, I use *qualitative methods* of social inquiry such as *process tracing* and *framing analysis*. The special feature of process tracing is its emphasis on mechanisms as a system that transmits causal forces to the outcome (Beach and Pedersen 2016: 305-306).

¹⁰ Ukraine's political regime will be further elaborated upon in Chapter 4 based on the criteria developed in the theoretical Chapter 2. The analytical Chapters 5 and 6 also include a section that describes the political context during the time under review.

Such an approach differs ontologically from variance-based research. Thus, mechanisms consist of parts of a system that are usually interdependent and produce a particular outcome only through interaction with each other (see Beach and Pedersen 2016: 35). Consequently, the empirical analysis is centered not necessarily on the historical narrative, but rather on the evidence through which the causal process can be traced. Mechanisms are thus “more than just a series of events” (Beach and Pedersen 2016: 32); they rather explain “*why* things happened in the case” (*Ibid.*).

Using the terminology of process tracing, in this thesis, negative framing presents the causal mechanism that links contextual uncertainty with the quality of public debate, whereby delegitimization techniques (re)produce contextual uncertainty in partial democracies. In order to identify negative framing as a causal mechanism, the theory-building type of process tracing has been chosen (Beach and Pedersen 2013: 60ff). In a sequence of iterative steps, the systematic and case-specific mechanisms were traced in the two within-case studies. The empirical chapters were therefore written in a manner to explain the case-specific outcomes based on the actors’ use of the systematic mechanism – negativity.

There is not much methodological literature on how to conduct a *framing analysis*. As Chong and Druckman (2007b: 106) note, there are no straightforward guidelines on how to identify frames. I rely on the analytical framework developed in this thesis using insights from the prospect theory, the framing effects literature and securitization theory. Because my interest lies not in frames as such, but rather in their contextual embeddedness and their effects on power relations, I apply neither content analysis nor manual coding because these methods disregard the contextual dimension and limit the analysis to only the pre-defined issues. In this respect, I share the view of Carragee and Roefs (2004), who warn against a tendency to isolate frames from the political and social venues of their production and contestation:

By identifying frames as little more than story topics, attributes, or issue positions, some contemporary approaches to framing neglect the ideological nature and consequences of the framing process as well as the power relationships that influence that process. Framing research that ignores the ways in which frames construct meanings and the interests served by those meanings deprives the concept of its theoretical and substantive significance (Carragee and Roefs 2004: 219).

I proceed from identifying the relevant actors to gathering their statements in the policy field under review. In general, the framing analysis should reveal what issues different elite actors deemed important and how they were presented. I also pay attention to the communication channels through which the actors preferred to disseminate their messages, which also provides an idea of their power position and the salience of the overall discourse. In addition, I am interested in frames’ competition and frames’ transformation, which are easier to capture using an actor-centered approach.

The focus on agency constrained and empowered by a particular context is thus crucial for this thesis. Although there are a great number of possible framing agents (journalists, politicians, experts, social activists, interest groups, opinion leaders, etc.), my *unit of analysis* is the instances of negative framing promoted by political and business elites at the level of presidents, prime ministers, opposition leaders and their allies or entourage, including those in business. Due to the recent political history and specifics of gas politics in Ukraine, the two within-case studies feature the same political actor – Yulia Tymoshenko, who was involved in two gas patronage schemes: as a protagonist of the first scheme in the 1990s and as the main opponent of the second scheme in the 2000s. Other actors involved in the first scheme include President Leonid Kuchma and Prime Minister Pavlo Lazarenko, who later became one of the opposition leaders. Because the second case study aims to understand the conditions of negative framing, the analysis is centered on the discursive positioning of one particular actor – Yulia Tymoshenko. Hence, the positions of other actors, such as Prime Minister Viktor Yanukovych, President Viktor Yushchenko or Tymoshenko's ally Oleksandr Turchynov, are highlighted only when there is a direct connection to the framing of this central actor.

The *temporal scope* of the presented study is the two decades of power struggles in Ukrainian gas politics, but with a particular focus on case-specific periods. The first within-case study is confined to a detailed analysis of events and discourses in 1997-1998, i.e., the period when the gas patronage scheme became contested and the actors involved in its operation delegitimized. The second within-case study is devoted to the power struggle within the Orange coalition regarding the role of gas intermediaries during the presidency of Viktor Yushchenko from 2005-2009.

My main *sources of information* on actors' positioning are news outlets, relevant newspapers, and transcripts of the plenary sessions of the Verkhovna Rada. In order to diminish the framing effects of particular media outlets, primary sources such as press conferences, original commentaries written by the relevant actors or media interviews with political elites were weighted more heavily than journalists' articles, which were used only as supporting material. To illustrate certain frames, direct citations are mainly used.¹¹

The sources were accessed through such databases as Factiva and Integrum as well as the archive of the Research Center for East European Studies at the University of Bremen. Both databases allow a targeted search (in this case – by actor and gas-related issue) and encompass a wide range of sources (Factiva predominantly includes English-speaking sources, while Integrum includes Russian-speaking sources from the post-Soviet region). Because the period under review is quite encompassing, there is a difference in the quality of information available for different decades. While there were difficulties gathering relevant information for the case study on gas traders in the 1990s, the abundance of information due to the advancement of Internet technologies posed another challenge in

¹¹ In most cases, it was possible to retrieve actors' original wording from the news. However, in a few instances, I also use indirect citations that I crosschecked across different communication channels.

systematizing the data for the case study on gas intermediaries in the 2000s. Hence, I used different strategies of data collection for the two chapters.

Chapter 5 on gas traders in the 1990s is predominantly based on data published in newspaper articles. For this purpose, I systematically analyzed articles on gas topics in six influential newspapers in the period 1997-1998. These newspapers are Zerkalo Nedeli, Holos Ukrayny, Ukraina Moloda, Uryadovyi Kurier, Kievskie Vedomosti and Den. It should be noted that the decisive factor in choosing these newspapers was data availability to ensure a systematic analysis. In general, the above-mentioned newspapers were quite influential in the period under review and had different political affiliations. For instance, Uryadovyi Kurier and Holos Ukrayny are national daily newspapers published by the Ukrainian government and the parliament, respectively. Ukraina Moloda, Kievskie Vedomosti, Zerkalo Nedeli and Den represent the views of national-democrats, centrists and social democrats. The gathered information was further fine-grained with reports from the BBC Monitoring Service (which also include transcripts of important TV broadcasts) and other relevant sources accessed through Factiva and Integrum.

The initial analysis of data on gas intermediaries in the 2000s for Chapter 6 is based on a unique database that consists of news articles on gas politics provided by the Ukrainian news agency UNIAN in the Russian language for the period 2005-2009 that was built using the research tool Factiva. As in the previous case, the choice of news agency was dictated by data availability for the whole period to ensure a systematic review. In a second stage, the data were crosschecked and complemented by other sources accessed via Factiva and Integrum in order to diminish the “framing effects” of the chosen news agency.

To summarize, the research presented here relies on theory-building process tracing and framing analysis applied to in-depth case studies of gas politics in Ukraine with the goal of not only understanding the particular historical outcomes but also providing generalizable conclusions about the functioning mode of partial democracies that can be tested in further studies.

1.4. Setting the Scene: Ukraine’s Political Regime and Gas Politics

1.4.1. Ukraine’s Political Regime

The research on Ukraine’s political regime has followed the trends in the political science literature and the mainstream approaches that were prevalent in the relevant periods. Thus, the first attempts to classify Ukraine’s political regime were conducted within the so-called “transition paradigm” that dominated comparative politics in the 1990s. The transitologists believed that post-communist states would soon become full-fledged democracies. The “transition to democracy” was assumed to be natural and self-perpetuating, occurring in a number of incremental yet predictable stages that bore a

resemblance to the modernization theory (Carothers 2002: 7). However, the “third wave” of democratization (Huntington 1991) did not lead to the “end of history” (Fukuyama 1992) and the worldwide spread of liberal democracies. It soon became clear that transition countries could not be qualified as complete democracies, which spawned further conceptual debate. The first debate of this type was that on democracies with adjectives (Collier and Levitsky 1997). It advanced such concepts as “delegative democracy” (O’Donnell 1994), “illiberal democracy” (Zakaria 1997), and “defective democracy” (Merkel et al. 2003), among others. As argued by Collier and Levitsky (1997), the added adjectives pointed to a particular democratic deficit such as, for example, the rule of law or horizontal accountability. However, because these deficits were interpreted as consolidation challenges ‘on the way’ toward democracy, the debate on democracies with adjectives was still part of the transition paradigm (Carothers 2002: 10).

Although the transition paradigm in its radical, teleological form never dominated post-communist studies (see Gans-Morse 2004), its researchers studied post-Soviet politics in the 1990s through the prism of democracy. Ukraine was classified as an “electoral democracy” or a “delegative democracy”. For instance, drawing on the work of the transitology scholar O’Donnell (1994), Paul Kubicek (1994) classified Ukraine as a “delegative democracy” – a political regime in which vertical accountability is in place, i.e., elections take place regularly, but there is little or no horizontal accountability due to weak institutions. Delegative democracy is more likely to develop in countries that lack a past democratic tradition and that are experiencing a deep economic and social crisis, whereby the situation requires swift decision-making. Because delegative democracy is prone to authoritative leadership (power is delegated to the president, hence the name), it could become an impediment to further democratization (Kubicek 1994: 435f), which is why Kubicek advocated for a strong parliamentary system and a strong civil society in Ukraine that would help the country avoid the pitfalls of delegative democracy.

A few years later, Kubicek (2001) described Ukraine as an “electoral democracy”¹², but with some precautions. “Instead of praising a state for the holding of elections,” – Kubicek wrote – “one should also look at the wider socio-political context surrounding the election and whether the results will help further the development of the underlying social, economic, and political supports necessary to consolidate a democracy” (Kubicek 2001: 118). The problems identified by Kubicek included “weak civil society and weak political parties, regional divisions, unstable political institutions and a lack of the rule of law” (Kubicek 2001: 117). In his later work on Ukraine after the Orange Revolution, Kubicek (2009) underlined the importance of path dependence and the wider socio-economic context in the development of a country and advised not to jump to quick conclusions about Ukraine’s successful democratization.

¹² The term was propagated by Diamond (1996: 21), who distinguished between “electoral democracy” and “liberal democracies”.

Similar to Kubicek, Timm Beichelt (2004: 125) classified Ukraine as a “diminished electoral democracy with illiberal and delegative elements”. In his comparative study of the post-Soviet regimes in Russia, Belarus and Ukraine, Beichelt applied the concept of “defective democracy” developed by Wolfgang Merkel and his colleagues (2003). Similar to Kubicek, Beichelt stressed the role of the Soviet legacy and other socio-economic and cultural factors such as “the economic crisis, the unequal distribution of power resources, the ‘dark side’ of civil society, the identity crisis in nation-building and societal fragmentation” that in his view were responsible for the development of democratic deficits in these states (Beichelt 2004: 113).

In the early 2000s, however, the transition paradigm was heavily criticized (Carothers 2002; for an overview – Diamond et al. 2010, Part II). As the similarities with autocratic regimes in transition countries increased, the term “authoritarianism” became more pertinent to describe the changes. This marked a new trend in comparative politics. After a closer look at the political patterns in the post-transition countries, a new school of semi-authoritarian or hybrid regimes emerged that denied the “electoralist fallacy”¹³ and the democratizing bias (see Levitsky and Way 2002, 2010; Diamond 2002; Ottaway 2003; Rüb 2002; Wigell 2008; Bogaards 2009; Ekman 2009; Morlino 2009). Scholars within this debate questioned the alleged state of transition of these countries, arguing that their regimes displayed characteristics of both democracies and authoritarianism and in such a state could be quite stable and enduring over time. The subsequent literature on hybrid regimes proposed a number of models, such as “electoral authoritarianism” (Schedler 2006; 2013), “competitive authoritarianism” (Levitsky and Way 2002, 2010), and “semi-authoritarianism” (Ottaway 2003).

In compliance with the new paradigm, researchers in post-communist studies began reassessing the transition outcomes, confirming “a variety of patterns of change, including movement away from Western-style democracy and no movement at all” (White 2003: 433). Since then, Ukrainian politics has been described as “competitive authoritarianism” (Levitsky and Way 2002, 2010; Way 2004, 2005; Kuzio 2005; Pleines 2012), “electoral authoritarianism” (D’Anieri 2001, 2007), “oligarchic neopatrimonialism” (Fisun 2012) and “patronal presidentialism” (Hale 2005, 2006, 2014).

One of the most influential approaches to studying hybrid regimes was developed by Levitsky and Way (2002, 2010). The scholars draw a distinction between different regime types on the basis of whether elections are merely a façade or are meaningful for access to power. While the first case represents for the authors full-scale authoritarianism (Levitsky and Way 2002: 54), they argue that the second case should be treated as a particular type of hybrid regime that they call “competitive authoritarianism”. At the same time, competitive authoritarianism differs from democracy in that its incumbents systematically abuse the playing field in their favor via privileged access to resources, the media or the judiciary (see

¹³ Under the “electoralist fallacy”, Linz and Stepan (1996: 4) understand “that a necessary condition of democracy, free elections, is seen as a sufficient condition for democracy”.

Levitsky and Way 2010: 5-12). Hence, Levitsky and Way define “competitive authoritarianism” as a combination of authoritarian practices and meaningful democratic institutions.

According to Levitsky and Way, competitive authoritarianism is a phenomenon of the post-Cold War period that was prevalent in at least 35 countries across the globe in the early 1990s. In a number of articles (e.g., 2002, 2007) and a book (2010), the authors develop a theory to explain why some competitive authoritarian regimes democratized while others did not. In general, they explain the democratizing effect through a high level of Western pressure (those countries that had high linkages to the West and/or high Western leverage were more likely to democratize), while sources of authoritarian stability were a high level of incumbent organizational power (those countries that possessed high coercive strength and had a well-organized and cohesive ruling party were more likely to remain authoritarian).

According to this theory, Ukraine under President Leonid Kuchma (1994-2004) was classified as having medium coercive strength and a weakly organized ruling party combined with low linkages to the West and high Western leverage (Levitsky and Way 2010: 214f). Although Ukraine’s organizational power under Kuchma increased, primarily due to increased coercive capacity, it still remained medium-low because of the weak ruling party. At the same time, Ukraine’s governments were vulnerable to Western pressure: despite black-knight support from Russia,¹⁴ they also relied heavily on Western aid. In sum, the outcome of such a combination of defining factors is, according to the theory, “unstable authoritarianism”, that is, despite the incumbent’s turnover, successor governments are not democratic (Levitsky and Way 2010: 369). In comparison to other post-Soviet countries, similar situations occurred in Georgia and Moldova, where neither democracy nor authoritarianism could consolidate, while Russia, Belarus and Armenia faced fewer obstacles to authoritarian consolidation in a context of lower Western leverage and higher organizational power of the incumbents.

Unlike Levitsky and Way, D’Anieri makes no conceptual distinction between different forms of hybrid regimes such as “electoral authoritarianism”, “delegative democracy” or “competitive authoritarianism” (see D’Anieri 2005: 248; D’Anieri 2007: 241) because he does not try to situate Ukraine’s politics in a comparative perspective. His primary interest is the functioning of such systems, which he excellently analyzed in the book “Understanding Ukrainian Politics: Power, Politics, and Institutional Design” (2007). In this book, D’Anieri works with the term “electoral authoritarianism”, which he defines in a more general way as a polity “in which ‘free but unfair’ elections are used not to check the government, but rather to increase its power and legitimacy” (D’Anieri 2007: 16-17). Moreover, despite democratic ideologies and institutions, there is no real political competition in the time between elections, while power in such a system “tends to

¹⁴ Levitsky and Way call counter-hegemonic powers such as Russia, China, Japan or France black knights, whose influence blunts the impact of U.S. or EU democratizing pressure (Levitsky and Way 2010: 41).

concentrate rather than disperse” (*Ibid.*). D’Anieri argues that “Ukraine’s slide to authoritarianism was a result of a fundamental imbalance in the distribution of political power” (D’Anieri 2007: 14). This power concentration originated, according to D’Anieri (2007: 73), in the Soviet system, with its powerful executive branch. In the independent Ukraine, it was at first automatically reproduced, but later on, it was maintained in a new constitution and reinforced by the parliament’s inability to provide effective checks and balances. Initially, the parliament’s weakness was due to ideological fragmentation and electoral law, particularly a single-member district system¹⁵. Subsequently, however, Kuchma used this and other institutional and societal weaknesses to build up his power. Among the other techniques that Kuchma used in his “power politics”¹⁶ were selective law enforcement, selective administration of regulations, control over the media, control over the election process, control over patronage and control over the economy. Moreover, as D’Anieri argues in his other article (2005), the power abuses under Kuchma were not only systematic but were even organized in a form of “machine politics” – “an organized system of distributing patronage, collecting votes, and coercing opponents which was both vertically integrated from the central to the local level and horizontally integrated” (D’Anieri 2005: 234). Although the concentration of power was the product of Kuchma’s rule, Kuchma himself was not the reason. Thus, D’Anieri sees Ukraine’s main problem not in Kuchma’s personality as an autocrat, but in the principle that underlies Ukrainian politics – “rule by law” – that, as D’Anieri warned, would remain beyond Kuchma’s term (D’Anieri 2007: 4-12).

After the fall of Kuchma and the short episode of democratization following the Orange Revolution, scholars switched to actor-centered explanations of Ukraine’s politics, and the regime’s perspective was somewhat neglected during this period. However, the failure of the post-Orange democratization and the return to competitive authoritarianism under President Viktor Yanukovych made academics re-evaluate the regime dynamics in Ukraine. Recent scholarly works now seek to explain the regime’s variation over time (Pleines 2012; Fisun 2012, 2016; Way 2015; Hale 2015). The most prominent work in this respect is the *theory of regime cycles* advanced by Henry Hale (2005, 2015). According to Hale, political regimes in the post-Soviet region should be understood through the prism of patronal politics. Patronalism, Hale argues, is one of the major organizing principles of social relations in Eurasia.¹⁷ It is defined as “a social equilibrium in which individuals

¹⁵ For more on this issue, see Ishiyama and Kennedy (2001).

¹⁶ D’Anieri (2007: 11) defines power politics as “the ability of actors to pursue their goals by going outside the established rules”.

¹⁷ In my earlier article from 2010, I advanced a similar argument that the political dynamics in Ukraine after the Orange Revolution would be better considered through the prism of neopatrimonialism. The neopatrimonialism should be understood not as a political regime, but as a set of social relations designed to ensure behavioral compliance. I also argued in favor of a modification of Hale’s framework of “patronal presidentialism” to integrate actors’ expectations of the patron’s supremacy as an explanatory variable of political change beyond succession crises. I am pleased to see that both ideas found reflection in Hale’s final version of his theory on regime cycles published in 2014. For details, see Malygina (2010).

organize their political and economic pursuits primarily around the personalized exchange of concrete rewards and punishments, and not primarily around abstract, impersonal principles such as ideological belief or categorizations that include many people one has not actually met in person” (Hale 2015: 20). Consequently, the society is organized along the lines of extended networks of personal connections. At the top of each network resides a patron, who could be a client in another higher-level network. The system resembles a pyramid dominated by the chief patron, who controls the exchange of favors and manages the networks by means of cooptation and repression. At the level of the political regime, this could result in two situations, depending on the formal constitution in place. Thus, president-parliamentary systems promote the creation of single-pyramid clientelistic networks, while premier-parliamentary systems, which Hale calls “divided-executive constitutions”, create incentives for competing-pyramid informal networks (see also Hale 2011). The varying constellations are a product of actors’ expectations of the patron’s ability to provide perks in the future and coordination efforts either around a single patron (the president) or around two equally strong patrons (the president and the prime minister). In this way, Hale concludes, formal institutions do influence informal politics in patronal societal systems. This could also explain why the politics in such states oscillates between more democratic and more autocratic conditions, producing *regime cycles*.

In line with Hale’s theory, the political pluralism that emerged after the Orange Revolution was a by-product of the power struggle among three roughly equal networks – those of Viktor Yanukovych, Viktor Yushchenko, and Yulia Tymoshenko. The Orange Revolution itself was the result of a succession crisis that triggered elite defections from the president’s team. The logic of patronal politics also explains the move toward authoritarianism during Yanukovych’s presidency from 2010-2013. Following the restoration of the presidential constitution, elites again began to coordinate their actions around a single patron, which led to steady political closure until the outbreak of the Euromaidan Revolution in 2013-2014.

To summarize, the majority of studies on Ukraine’s political regime are rather static and aim to explain specific periods such as the semi-democratic politics of the 1990s or Kuchma’s semi-authoritarian presidency in the first half of the 2000s. Only more recent studies have examined the causes of the regime’s variation over time. The focus lies in the structural resources stemming from either the organizational capacity of the ruling party or an actor’s power position in the formal constitution. However, the overall emphasis on power preservation strategies overshadows the usage of power delegitimization techniques, which, in the author’s view, is an overlooked variable in the study of Ukraine’s regime dynamics. The current research project intends to fill this research gap and to show that similar to the rules, discourses are important resources in political power struggles in hybrid regimes, and their strategic deployment can produce meaningful effects on political outcomes.

1.4.2. Ukraine's Gas Politics

The geopolitical importance of the Ukrainian gas sector stems from Ukraine's role as a transit country for Russia's gas exports to Europe (Malyhina 2009). Before 2014, Ukraine was one of the largest gas consumers and importers of Russian gas. The political elite in both countries sought to exploit these mutual interdependences for their interests, which often affected other areas of bilateral relations as well as the EU-Russia-Ukraine energy triangle. Thus, the numerous gas conflicts between Russia and Ukraine, especially in the winters of 2006 and 2009, had clear repercussions for the EU's energy security. Following the Ukrainian crisis and the de facto secession of economically powerful Donbas, Ukraine no longer needed to import large amounts of gas. Moreover, it now imports gas through reverse flows from the EU, which not only increased Ukraine's economic independence from Russia but also changed the status quo in the relations between Russia and the EU. It should be noted, however, that the structural conditions of this relationship did not change. Ukraine is still one of the major routes for Russia's gas exports (although their volumes are now much lower due to alternative pipelines built in recent decades). Ukraine also still overconsumes gas due to its highly inefficient use of energy, which would worsen if Donbas were to return to Kyiv's control.

At the domestic level, the gas sector is of crucial importance in many respects. First, it is a matter of national security. Before 2014, the Ukrainian economy consisted of very energy-intensive industries such as metallurgy, chemicals and machinery, which were mainly concentrated in eastern Ukraine. Due to outdated fixed assets and inefficient production processes, the energy losses are very high. As a result, Ukraine is one of the most energy-intensive countries in the world. Until 2014, gas was Ukraine's main source of energy, accounting for approximately 40% of the country's primary energy consumption. However, this high gas demand was mostly covered by imports from Russia, as Ukraine itself produced very little gas. The situation provided domestic actors with numerous opportunities to exercise power: whoever controlled the gas sector had significant influence over the Ukrainian economy, national security and foreign policy.

The gas sector in Ukraine has also always played an important social function. Gas prices for the population were kept artificially low, which partially reflected the low purchasing power of the Ukrainian population but was also the result of irresponsible populist politics, especially before elections. This pricing policy dates back to the Soviet Union and is therefore deeply imprinted in the Ukrainian mentality, thus providing grounds for gas prices to be viewed as part of the social welfare (Pleines 2005; Abdelal 2004). However, low gas prices for households are non-conducive to energy saving and do not cover the full costs of supply, which causes chronic underinvestment in energy infrastructure. Throughout the last quarter of the century, low gas tariffs for households burdened the Ukrainian state budget and contributed to macroeconomic instability, as the size of the cross-subsidies in the energy sector grew together with gas import prices. Under pressure from the IMF, different governments attempted to increase gas tariffs to a cost-

reflective level. However, the subsequent swift increases in import costs undermined the efforts.

Finally, the Ukrainian gas sector has always been a highly lucrative field for rapid personal enrichment, partially due to the above-mentioned asymmetries that promised exceptional dividends in comparison to other sectors. Before 2009, a number of intermediaries were involved in the Ukrainian gas import business, and many influential people have made their fortunes in this way. Ihor Bakai, a Ukrainian gas trader and the first head of the state energy company “Naftogaz Ukrayny” (1998-2000), famously proclaimed that all rich people in Ukraine owed their capital to Russian gas (quoted in Balmaceda 2008: 106). Capital accumulation in the gas trade, however, fully depended on the benevolence of state actors. Two patronage schemes functioned in the 1990s and the 2000s, which are the main objects of investigation in this study. In 1996-1997, the gas trader United Energy Systems of Ukraine (UESU) enjoyed preferential treatment from Pavlo Lazarenko’s government, which quickly made it the largest private corporation at the time. Almost a decade later, another gas intermediary – RosUkrEnergo (RUE) – had an exclusive position in the Ukrainian gas market and was supported by several elite networks in both Ukraine and Russia.

Although high-level corruption is endemic in hybrid regimes, serious investigations of corruption are rare. Ukrainian gas politics is a prominent exception to this rule. In both cases, long-lasting power struggles surrounding state patronage schemes in the gas sector ended with the ouster of the gas intermediaries. The gas sector is therefore a good case to study the discursive strategies of political actors, especially with regard to how they address the corruption allegations that are typical for partial democracies.

Much of the analysis of Ukraine’s gas politics originates from policy advice by think tanks. The research is often carried out within the framework of European energy security and mostly focuses on Russia’s strategy as a gas supplier (Nies 2008; Götz 2007b, 2009; Noël 2008). Few studies address energy transit questions (Götz 2007a; Shapovalova 2008; Malyhina 2009; Razumkov Center 2004). The overall energy situation in Ukraine has been described in detail by the International Energy Agency (IEA 1996, 2006, 2012), Pirani (2007, 2009), the World Bank (2003), Tsarenko (2007) and the Razumkov Center (2002, 2008, 2009). Other relevant studies have analyzed the role of intermediaries in the bilateral gas trade (Balmaceda 1998, 2008, 2013; Fujimori 2005; Chow and Elkind 2009) and the progress (or lack thereof) of reforms in the energy sector (von Hirschhausen and Vincentz 2000; von Hirschhausen and Engerer 1998; Lovei and Skorik 1999; Pleines 2005; Balmaceda 1998, 2013). Additionally, the Ukrainian-Russian gas conflicts in 2006 and 2009 attracted a great deal of attention from think tanks and academics (Konoplyanik 2006; Stern 2006; Pirani et al. 2009; Pleines 2009a; Westphal 2009; Jong et al. 2013; Balmaceda 2008, 2013; Malygina 2009).

There are few studies that analyze the Ukrainian energy sector from a broader theoretical perspective. Perhaps the most influential works on Ukraine’s domestic gas

politics are the books by Margarita Balmaceda (2008, 2013). Balmaceda's work provides a detailed and empirically rich account of Ukraine's gas politics from the early 1990s. In contrast to many other Russian-centred studies, Balmaceda shifted the research focus to the internal political processes in Ukraine. She argues that Ukraine was unable or even unwilling to decrease its high energy dependency on Russia because the gas trade created lucrative rents for Ukrainian political and economic elites. For this reason, the Ukrainian actors were interested in maintaining the status quo. The desire to increase these "rents of energy dependency" (Balmaceda 2008: 8) guided these actors' political behavior, resulting in an incoherent and inconsistent gas policy that undermined Ukraine's energy security. According to Balmaceda, the rent-seeking behavior of various domestic political groups was therefore responsible for Ukraine's perpetuated energy dependency on Russia.

Melnykovska (2010: 167f) identifies two further explanations for the reforms blockade in the energy sector – the 'economy matters' and 'external factors matter' approaches. From an economic point of view, the failure of reforms in the energy sector, especially in the 1990s, was due to Ukraine's prolonged economic recession with its accompanying high poverty rates and output decline that hindered the sufficient funding of reform programs as well as increased energy prices. In the external actors' approach, the lack of progress in reforms of the energy sector is explained by the preference structure of the main external actors. While for a long time the EU showed no interest in the promotion of gas sector reforms in Ukraine, Russia managed to hold the incentives for reforms low in Ukraine thanks to its subsidizing price policy (Melnykovska 2010). Both factors, however, have limited explanatory power because of their association with concrete time periods. Both the economic situation and the EU's involvement in Ukraine's energy affairs changed in the 2000s. Despite these changes, however, the situation in the energy sector remained static.

Due to the general prevalence of academic literature on Russia's energy leverage (Hedenskog and Larsson 2007; Orttung and Øverland 2011; Newnham 2011; Freire and Kanet eds. 2012: Part III), the politicization of this dependency in Ukraine's domestic debates is largely understudied. Much of the work was written in the 1990s (D'Anieri 1997, 1999; Adbelal and Kirshner 1999; Adbelal 2004), and there is no comparable analysis on the situation in the 2000s. Thus, a group of scholars advanced the constructivist perspective on decision-making in Ukraine's foreign policy and provided an addition to the rent-seeking explanation of the actors' behavior. According to the nationalist thesis, "Russia's attempts to exploit the coercive power inherent in Ukraine's energy dependence failed, primarily because the Ukrainian government interpreted Russia as a security threat" (Adbelal 2004: 108). Consequently, Ukraine found itself in a dilemma stemming from the tension between economic interdependence and sovereignty (D'Anieri 1997, 1999). The gas sector revealed this tension more glaringly than any other sector.

In summary, there is a great deal of research on Ukraine's gas politics; however, it is highly descriptive, practice oriented and often lacks theoretical foundation. Ukraine's gas

politics is mainly analyzed within three dimensions – energy security, Russia's energy leverage and rent-seeking. Despite the prominence of gas politics in the public discourse, there are surprisingly no studies on this subject from the discursive perspective. The state patronage schemes in the gas sector are well considered; their politicization, however, has been overlooked.

1.5. Structure of the Thesis

The thesis is structured as follows. Chapters 2 and 3 define the key theoretical concepts. Chapters 4-6 are empirical and illustrate different aspects of the developed analytical framework.

Chapter 2 specifies the logic of partial democracies. It defines partial democracies as a subtype of hybrid regimes and contrasts it with other subtypes such as competitive and hegemonic authoritarianism. It also considers the effects of institutional strength on the forms and content of contentious politics in different regime types and provides theoretical grounds for a changed rationality in a highly uncertain environment that, as argued in this thesis, facilitates actors' reliance on negative framing in power struggles.

Chapter 3 combines diverse streams of literature to develop the theory of negative framing. The chapter starts by specifying what framing is and how it works as well as what factors contribute to a frame's strength. In the next step, the elements, forms and effects of negative framing are identified. Finally, negative framing is considered as a type of strategy with a particular focus on what types of actors engage in negative framing, what reactions such a strategy can produce, and when actors who are relying on negative framing can expect to succeed. The role of two institutions – the party system and the structure of the media market – in changing the intensity of negativity is explored.

Ukraine's political regime is elaborated upon in *Chapter 4* based on the criteria introduced in the theoretical description in Chapter 2. The political regime is deconstructed into competitive and institutional dimensions. It finds that political actors in Ukraine have always had to act under conditions of high contextual uncertainty.

Chapter 5 examines the genesis of the negativity spiral and its resolution. Theoretical insights are gained from an analysis of the power struggle around the delegitimization of the gas patronage system in 1997-1998. In particular, the chapter specifically focuses on the incumbents' response to a corruption scandal connected to a patronage scheme in the gas market and the subsequent positioning of the main actors after the scheme's elimination.

Chapter 6 analyzes the conditions of negative framing. The success of negative framing aimed at policy change is identified as being dependent on the actor's power position. Conclusions are drawn from a case study on the delegitimization of the second patronage scheme that operated in the gas market in the 2000s. To pinpoint the possible constraints

of negative framing, the discursive position of only one actor – the key sponsor of the anti-corruption frame – is analyzed.

Chapter 7 concludes by summarizing the evidence of negative framing and considers general implications of the developed argument.

CHAPTER 2. The Logic of Partial Democracies

This thesis advances the research on a changed rationality under conditions of high contextual uncertainty that are prevalent in partial democracies. For these purposes, I start this theoretical chapter with the definition of partial democracies as a subtype of hybrid regimes. Chapter 2.1 situates partial democracies in the broader regime family and examines their modes of functioning. In Chapter 2.2, I provide theoretical grounds for a changed rationality in a highly uncertain environment and argue that these conditions facilitate negative framing, which will be theorized in Chapter 3.

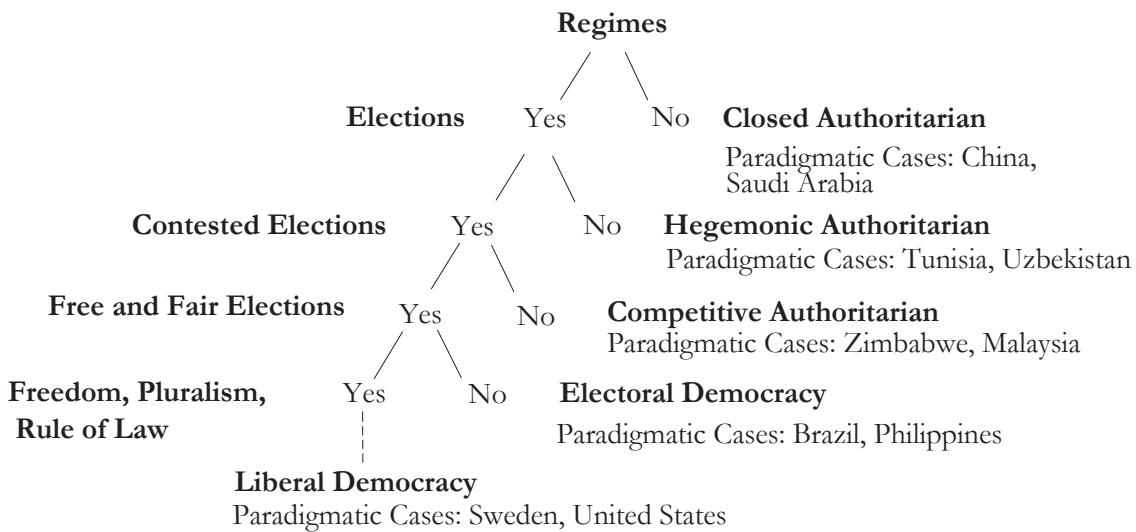
2.1. Defining Partial Democracies and Their Dynamics

In the following, I will define *hybrid regimes* as regimes where democratic institutions coexist with authoritarian governance. These regimes include not only electoral authoritarianism, which systematically abuses the playing field to preclude the alternation of power, but also partial democracies, which meet the procedural criterion of democracy – free and fair elections, although they also rely on authoritarian practices of power maintenance between electoral cycles. The latter are the primary focus of this dissertation.

2.1.1. Partial democracy as a subtype of hybrid regimes

While there is still an active academic debate on the classification of hybrid regimes (Bogaards 2009; Gilbert and Mohseni 2011; Wigell 2008; Cassani 2014), in this thesis I rely on a strategy adopted by Howard and Roessler (2006). They distinguish between five different types of regimes and organize them along four dimensions of democracy: whether there are elections, whether the elections are contested, whether the elections are free and fair, and finally whether the regime is based on pluralism and the rule of law. Their classification scheme thus starts with closed authoritarianism and ends with liberal democracy, with three types of hybrid regimes in between – hegemonic authoritarianism, competitive authoritarianism and electoral democracy (see Figure 2.1). In the following, I will refer to electoral democracies as “*partial democracies*” in order to highlight their hybridity without, however, putting much emphasis on the role of elections, as the term “electoral democracies” implies. Although elections are important institutions in this type of political regime, my particular interest in this thesis is the regular policy-making process.

Figure 2.1 – Classification of regime types according to Howard and Roesler



Source: Howard and Roesler (2006: 367).

Although not acknowledged directly, Howard and Roesler organize their regime types along a dimension of *political competitiveness*. Such a strategy is not uncommon. Schedler (2013) and Levitsky and Way (2010) also discriminate between different types of hybrid regimes based on the level and quality of competition between the opposition and the incumbent. However, while Schedler tries to keep the democratic borderline clear, Levitsky and Way place more emphasis on the boundaries between different authoritarian subtypes.¹⁸

Hegemonic and competitive authoritarianism are often united into one category – electoral authoritarianism, which has been actively shaped by Schedler (2006, 2013). Here, the functioning mode follows the *dominant power syndrome* as defined by Carothers:

Countries with this syndrome have limited but still real political space, some political contestation by opposition groups, and at least most of the basic institutional forms of democracy. Yet one political grouping - whether it is a movement, a party, an extended family, or a single leader - dominates the system in such a way that there appears to be little prospect of alternation of power in the foreseeable future (Carothers 2002: 11-12).

Thus, competitive and hegemonic authoritarianism share a common feature – thin prospects for the alternation of power. Nevertheless, they seem to use different reproduction mechanisms. Hegemonic electoral authoritarianism is a single-party regime that has practically no constraints on its actions (Schedler 2013: 106). It controls the electoral arena tightly and wins with high margins of victory, which creates an expectation of invincibility. The incumbents in competitive regimes also keep winning the elections, but with lower margins of victory. During elections, as found by Schedler (2013: 224; also 227),

¹⁸ On conceptual borderlines, see Schedler (2013: 78ff) and Levitsky and Way (2010: 12ff).

competitive electoral authoritarianism prefers such manipulative strategies as fraud, while hegemonic regimes rely more on exclusion. Furthermore, both types of electoral authoritarianism react differently to growing threats: hegemonic regimes become more repressive and fraudulent, while competitive regimes are more likely to accommodate (Ibid: 290). Structural factors such as average wealth and economic growth seem to have different impacts in competitive and hegemonic regimes, harming the incumbents in the former and bolstering them in the latter (Ibid: 244). The reactions to opposition strategies are also different: While hegemonic regimes are vulnerable to pre-electoral protests, competitive regimes are practically immune to them (Ibid: 230).

The competitiveness dimension is also helpful in defining the distinction between electoral democracies and full democracies. Here, the *feckless pluralist syndrome* (Carothers 2002) is at work. States with this syndrome experience frequent power alternations after elections, which makes them look like democracies. Unlike democracies, however, the authority in feckless pluralist regimes also remains contested between elections. In comparison to authoritarian regimes, even its hybrid forms, this creates more opportunities for opposition and allows other non-state actors to influence decision-making.¹⁹ However, unlike full democracies, the playing field in such states is not fair. Due to fierce competition and institutional weakness, each side is trying to redesign the rules for its own benefit while disadvantaging the adversary. The asymmetries are indecisive, however, as neither side is able to concentrate power in its own hands. When it does, the regime moves to the category of competitive authoritarianism. As shown by Erdmann (2011), halfway transitions from democracies are quite frequent, while transitions to outright dictatorship are rare. However, there is also a possibility that feckless pluralist regimes will find a “dysfunctional equilibrium” (Carothers 2002: 13) without becoming either authoritarian or fully democratic.

2.1.2. Institutional Weakness as Factor That Influences Hybrid Regime Dynamics

From the brief typology of hybrid regimes described in the previous section, it is now clear that they have different dynamics, or in other words, different functioning modes. In order to understand the sources of these dynamics, scholars of hybrid regimes have tested a number of factors, the most commonly cited of which are organizational infrastructure (Levitsky and Way 2010), international influence (Levitsky and Way 2010; Bunce and Wolchik 2011) and opposition strength (Howard and Roessler 2006; van de Walle 2006; Bunce and Wolchik 2011). All three factors describe a strategic environment that places constraints on and provides opportunities for political actors. Depending on the research question at hand, they emphasize the role of the individual variables differently. For

¹⁹ Levitsky and Way argue for the exclusion of opposition as a meaningful actor in competitive authoritarian regimes, focusing primarily on the strategies of incumbents (see, e.g., Levitsky and Way 2010: 25).

instance, Levitsky and Way (2010), who seek to explain regime stability, highlight structural factors, while Bunce and Wolchik (2011), who focus on regime change, place more weight on actor-centered explanations.

The strategic environment in hybrid regimes is largely conditioned on the institutional strength. So far, institutional strength has been understudied in comparative research, where the focus has primarily been placed on institutional design (Levitsky and Murillo 2009).²⁰ Yet institutional strength, just like institutional design, shapes actors' behavior and may actually shed light on the question of why actors employ one political strategy rather than another.

By a common definition, institutions are “the humanly devised constraints that structure political, economic and social interactions” (North 1991: 97). Constraints may be either formal (laws, constitutions) or informal (customs), but their primary function is to order. Hence, where institutions are weak, interactions are uncertain and volatile. What types of interactions are disordered depends on the type of institutional weakness. Similar to Holsti's differentiation between horizontal and vertical legitimacy (Holsti 1996: 91-97), institutional weakness can be either horizontal or vertical. When institutions are vertically weak, actors fail to monopolize societal control. Thus, interactions between state and society are uncertain. When institutions are horizontally weak, actors are not able to efficiently concentrate power in functional terms. Thus, the basis for interactions between elites is frail. Horizontal institutional weakness is therefore close (but not identical) to the notion of state capacity, while vertical institutional weakness refers to stateness as such.

When institutions are vertically weak, it means that the state is either failing or will soon undergo a revolutionary change. Hybrid regimes may experience a transition to this state under certain circumstances. However, they normally survive and might even last a long time due to the absence of uncontrolled challenges from below. Therefore, I argue that hybrid regimes are characterized by horizontal institutional weakness and vertical institutional strength. What does this mean?

Both authoritarian and democratic forms of hybrid regimes have weak links to the citizens. The public in such states is not only frustrated and disaffected (Carothers 2002) but also passive. Viewing politics as futile and corrupt, citizens engage in the everyday circumvention of state regulation through avoidance of taxes or reliance on informality (corruption, *blat*) when solving their bureaucracy-related problems (see Ledeneva 1998). Therefore, threats to power-holding in hybrid regimes are more likely to come not from below, but from a counter-elite or opposition.²¹ However, this is not to say that vertical legitimacy plays no role in hybrid regimes. Once the opposition decides to instrumentalize the deficient vertical legitimacy, it may lead to public mobilization and resistance, especially

²⁰ On the differences between institutional design and institutional strength, see also Schedler (2013: 231-239).

²¹ I would like to stress here the words “more likely”, as I am referring to probability. There is also a chance that a hybrid regime will collapse. Constantly low vertical institutional weakness may encourage certain societal actors to defy the state, which may lead to a power change initiated from below (revolution) or even to state failure (local conflict).

during such critical moments as elections.²² This is how the so-called “electoral revolutions” in the post-communist world have defeated authoritarian leaders (see Bunce and Wolchik 2011). Yet even in these cases, opposition actions were decisive for success, such that some scholars doubted whether these were revolutions in a classical sense (see Stykow 2010).

Now, if the institutions in hybrid regimes are more likely to be horizontally weak, what may be the cause? Levitsky and Murillo (2009) disaggregate institutional strength in terms of the enforcement and stability of rules. However, such a conceptualization presents a democratic bias because it implicitly defines institutions in terms of formal rules that could be “enforced” or “changed” and overlooks the role of the informal institutions that dominate in hybrid regimes. Instead, both formal and informal institutions are maintained through different governance practices that vary along two dimensions – competitiveness and asymmetry. In principle, there are two broad types of political governance:

Democratic governance is usually associated with procedural certainty or the rule of law. No actor is allowed to change the institutional design unilaterally. The costs of change are usually high: only specific authorities (e.g., legislature, constitutional court) through a certain procedure may review the institutional order. This brings about stability of institutions. The enforcement of rules is usually guarded by a third independent party (e.g., the judiciary). Schedler (2013: 14) calls this type of governance *symmetric* games with fair competition among equals. The outcome of such games is unpredictable; only the procedure is predictable.²³ The better the procedure is defined in terms of checks and balances, the higher the institutional strength is.

Autocratic governance is the complete opposite. Institutional stability comes about from the domination of one actor or a small group of actors who control the rules definitions, and in their enforcement, they rely on three main strategies – cooptation, repression and legitimacy (Gerschewski 2010; Schedler 2013). While cooptation ensures intra-elite cohesion and reduces intra-regime contestation, repression serves to deter challenges to the regime. Meanwhile, the purpose of legitimization is to gain support. Autocratic governance practices translate into an uneven playing field (Levitsky and Way 2010) or *asymmetric* games that “violate basic principles of fair competition” (Schedler 2013: 113). This results in biased rules and their biased application, with predetermined winners and losers (*Ibid.*). Thus, the outcome of asymmetric games is quite predictable, but the procedure is unpredictable.²⁴ The higher the organizational capacity of the incumbent is in terms of cooptation, repression and legitimacy, the more stable the regime is. As a by-product, the institutional strength is higher.

²² Elections are crucial institutions, as they regulate both the state-society interactions and inter-elite interactions. Thus, they contribute to both horizontal and vertical legitimacy simultaneously.

²³ Recall the famous definition of democracy as “institutionalized uncertainty” by Adam Przeworski (1991: 10-14).

²⁴ By an unpredictable procedure, I mean, for instance, whether the opposition will be coopted or repressed. The outcome, however, is clear – the power holders will win.

Both governance practices create a certain degree of predictability with regard to intra-elite interactions, and therefore they create a certain degree of stability (see Table 2.1). The paradox is that, when judged by degree of institutional strength, democracies and autocracies function similarly – they produce expectations that influence actors' behavior that result in self-enforcing equilibria (see also Gates et al. 2006; Goldstone 2001: 173). In hybrid regimes, on the contrary, institutional strength is lower due to institutional inconsistency, a mix of institutional features of both democracy and autocracy. One might still have certain expectations based on actors' personality traits or the results of previous interactions, but overall, future interactions are less calculable. Due to procedural uncertainty, actors have much more room for maneuver in hybrid than in democratic regimes, but they lack the stabilizing factors of power domination as in autocracies.

Table 2.1 – Types of political governance as methods of reducing and managing complexity

Governance type	Certainty type	Uncertainty type
Democratic	Procedural certainty (Means: enforcement of fair rules and stability of rules)	Outcome uncertainty (free and fair electoral competition with unpredictable results)
Autocratic	Outcome certainty (Means: cooptation, repression, legitimization)	Procedural uncertainty (biased ruling with unpredictable mix of autocratic techniques of power maintenance)

Source: Own depiction.

Thus, my claim is that hybrid regimes vary in the degree of horizontal institutional weakness. By definition, all hybrid regimes rely on autocratic governance, but they differ in the competitiveness dimension, as described above. Competition, however, may undermine the success of the autocratic enterprise. Under conditions of autocratic governance, political competition leads to power diffusion with occasional, rather than systemic, checks and balances. Rules that define political interactions change frequently depending on the current balance of power, which only makes institutions weaker. Moreover, hybrid regimes with feckless pluralist syndrome – partial democracies – are institutionally weaker than their more authoritarian counterparts because of the higher competitiveness under conditions of autocratic governance. The following factors may even further disrupt the domination and facilitate power diffusion.

Influence of informal actors on decision-making: These actors include economic actors (oligarchs), religious authorities, and the military, among others. In the democratization literature, such actors are called “tutelary powers” (Schedler 2013: 100; Merkel 2004: 49).

Unlike formal actors such as, for instance, interest groups, the interaction between informal actors and politicians is not regulated and thus could be unpredictable. Gilbert and Mohseni (2011) even isolate tutelary interference into a separate dimension for regime classification because its presence may change the regime dynamics substantially. Geddes (1999) also shows that military regimes produce different transitions from other authoritarian regime types. With regard to post-Soviet hybrid regimes, Radnitz (2010), for instance, shows that business elites facilitated regime change through mobilization financing and by signaling discontent during electoral revolutions in some post-communist states (see also Way 2005a, 2008).

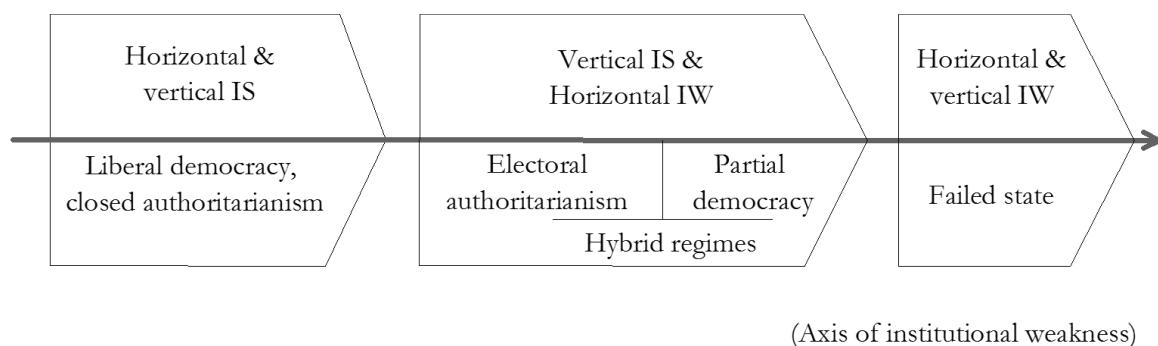
Influence of foreign actors on decision-making: Although in today's globalized world, no country can escape the influence of foreign actors on its domestic politics, developing countries suffer from outside interference more often than developed countries. In particular, such normative issues as the 'war on terror' and democracy promotion justify outside interference. International financial institutions also place constraints on states' authority to govern their own economy due to the system of high-conditionality lending.

Media freedom and critical reporting: Where the mass media is independent from both state and big business, it is often described as the fourth power together with the executive, judicial and legislative powers. It then performs an important watchdog function and via critical reporting indirectly facilitates the competitiveness of the regime. If not autonomous, however, the media is just another resource at the disposal of other actors. In this case, it does not contribute to competitiveness unless the media owners decide the opposite. Hybrid regimes usually have 'islands of media freedom', which are either larger or smaller depending on the balance of power and the structure of the media market (see Chapter 3.4.2). Moreover, in the age of the Internet and social media, it is far more difficult to control the content that is disseminated. New communication technologies have already shown their power to dismantle even the most durable autocratic leaders (see, e.g., Khondker 2011; Howard and Hussein 2013).

To summarize, institutional strength may explain regime dynamics better than just the competitive dimension alone because it includes information not only about a regime's competitiveness but also about the governance type. Autocratic regimes strengthen informal institutions aimed at limiting the competition. Here, the interactions between elites are based on certain expectations, and their outcomes are rather predictable, while the procedure is unpredictable. Democracies strengthen formal institutions that are based on widely accepted rules, which guide competition among elites. The elites therefore have certain constraints in their choice of strategies and are not certain about the outcome of their interactions due to fair competition. However, in hybrid regimes, elite interactions are uncertain because they are not based on fair competition, but they simultaneously lack sufficient power concentration to exclude the competition. Some hybrid regimes are more hegemonic than others and in relative terms are therefore institutionally stronger than others.

Figure 2.2 summarizes the argument by presenting the axis of institutional weakness in different polities. On the left side of the graph, we find highly institutionalized regimes (either formally or informally) such as democracies or autocracies. Here, institutions form the basis of expectations and guide actors' actions to a certain degree. With growing institutional weakness, the guiding force of institutions diminishes, and the role of actors in shaping the future increases. While functioning institutions increase the costs of change, rapid and large-scale changes are possible in an institutional void. In the extreme case, the state collapses or continues to exist only formally, as the notion of a failed state indicates.²⁵ Between the two extremes – high institutional strength and practically no functioning state institutions – lies the spectrum of hybrid regimes. They try to secure power and thus increase the level of institutionalization via autocratic means, yet the democratic institutions that they adopted place constraints on that and provide opportunities for contentious politics. What this means for regime dynamics will be explained in the next section.

Figure 2.2 – Institutional weakness in different polities



Notes: IS = institutional strength; IW = institutional weakness.

Source: Own depiction. Adopted from Schedler (2013: 24).

2.1.3. Effects of Institutional Weakness in Partial Democracies

Institutional weakness not only augments the importance of actors vis-à-vis structures but also affects actors' strategies and therefore changes *the nature of contentious politics*. Contentious politics is a term that is widely used in the literature on social movements and revolutions, but less so in the literature on political regimes. While the opposition in democracies is an equal player with the government and contests the latter's authority only during elections, it does not exist in closed autocracies by definition, and the incumbent's power is contested extremely rarely, mostly during revolutions or coups. In hybrid regimes with their lame horizontal legitimacy, the status of both the opposition and the incumbent

²⁵ In failed states, both vertical and horizontal legitimacy is lacking.

is more ambiguous due to institutional weakness. Thus, there is more room for contentious politics beyond the institutional arena. Therefore, scholars of hybrid regimes may well need the concepts developed in the literature on contentious politics in order to understand how these regimes actually function.

Institutional weakness changes the *form of contentious politics*. As I have argued above, the public in hybrid regimes is passive most of the time, so the struggle for power is waged between the elites. The character of contentious politics depends here on the intensity of the asymmetrical relations between the incumbent and the opposition. The higher the asymmetry is, i.e., the more effective the autocratic governance is, the higher the stakes for oppositional actions are. The incumbent may take advantage of the institutional resources²⁶ and keep the opposition fragmented and weak, as competitive authoritarianism regimes usually do (see Levitsky and Way 2010). However, with limited intra-institutional resources, the opposition may find recourse in extra-institutional means such as strikes and anti-government demonstrations to try to win the affection of the public.

The costs of protest in partial democracies are, on the contrary, marginal. There is no well-developed repressive state apparatus that incumbents can use to punish the contenders. The institutional resources needed for successful cooptation are also not sufficiently concentrated. The costs of coalition reshuffling are low – due to authority fragmentation, the actors may find another partner and realign at any time. The incentives to resort to extra-institutional forms of protest are therefore lower. The repertoire of contentious action is much broader, thus adding institutional oppositional strategies that are available in democracies (e.g., establishing parliamentary investigative committees, adopting critical resolutions) to the extra-institutional forms of protest. Thus, the struggle between the incumbent and the opposition in partial democracies evolves primarily within the political arena, but it is twice as fierce as in democracies. The fact is that these struggles are the so-called “nested games” (Tsebelis 1990) “in which strategic interaction *within* rules goes hand in hand with strategic competition *over* rules” (Schedler 2013: 116). This second dimension of the competition in established democracies is reduced to a minimum thanks to functioning democratic governance practices.

Institutional weakness also changes the *content of contentious politics*. As mentioned above, in authoritarian hybrid regimes, the struggle revolves around the access to power. This is a challenging task that requires cooperation and coordination with a variety of actors, most importantly those in society. Due to the high risks of punishment, mobilization has high costs. Challengers need to increase the motivation for participation despite the odds. This may well affect the strategies they adopt, including discursive radicalization.

When there are more prospects for a power change as in partial democracies, the logic of contentious action changes. The opposition is less dependent on societal actors in staging protests and at the same time is less radical in its mobilization strategies. It aims to prevent

²⁶ Institutions are understood here in a narrow sense as the institutional design or structure of the political system.

the concentration of power by the incumbent. Moreover, the opposition is not interested in challenging the regime as such because it hopes to rely on the same autocratic governance practices once it comes to power. Thus, we may expect softer forms of discursive polarization, which will be reflected in the policy-making process.

To summarize, the less institutionalized the regime is, the greater the role of actors is, while the competition is fiercer, but it does not necessarily become violent if the institutions are vertically legitimized. Given weak autocratic capacity of the incumbent, contentious politics is a normal phenomenon in such a state. When judged by only one criterion – competitiveness – such a regime would remind one of a democracy. However, adding another dimension of how power is exercised to the dimension of how it is accessed (see Mazucca 2007) changes the picture. The power in partial democracies is exercised via autocratic means, which renders them a hybrid rather than a democracy.

In the remainder of this thesis, I will use the terms “*hybrid regimes with feckless pluralist syndrome*”, “*partial democracies*” and “*weakly institutionalized regimes*” interchangeably. The next section examines how institutional weakness in hybrid regimes changes actors’ rationality by encouraging actors to rely on the strategy that I call negative framing.

2.2. The Link Between Negative Framing and Institutional Weakness

In the previous section, I argued that hybrid regimes vary in their dynamics due to the different degree of institutional weakness and that less institutionalized hybrid regimes (partial democracies or hybrid regimes with feckless pluralist syndrome) will function differently from other, more institutionalized types (electoral authoritarian regimes with dominant power politics syndrome). I also made some propositions regarding how the degree of institutionalization may affect the logic of contentious politics. In reality, however, political outcomes in weakly institutionalized regimes are difficult to predict because they are the product of very contingent, only loosely constrained interactions, with both actors learning from one another with each new move and modifying their behavior along the way.

So why study institutionally weak regimes if we cannot really make generalizable statements? The reason is that this type of environment changes not only the dynamics of contentious politics but also the rationality or the logic of decision-making in general. As I will argue in this section, institutional weakness facilitates negative framing, which in turn reinforces institutional weakness. In order to understand this mechanism, we first need to refer to the literature on cognitive psychology.

2.2.1. Prospect Theory: a Decision-making Theory Under Conditions of Uncertainty

The overall consequence of institutional weakness is that it leads to constant power struggles and uncertainty regarding both who wins and how. For political scientists, uncertainty is not an attractive concept because it explains nothing. Rather, political scientists are interested in conditions that reduce uncertainty, not the other way around.²⁷ However, in psychology, especially in its cognitive strain, uncertainty has been recognized as one of the major determinants of human behavior. Thus, cognitive psychologists such as Daniel Kahneman and Amos Tversky (1979) have shown that under conditions of uncertainty, people behave differently depending on the frame at hand. Their findings – summarized as *prospect theory* – challenged the standard expected utility hypothesis, which is the core of rational choice theory.

The prospect theory is based on three key assumptions. The first assumption is *reference dependence*, which means that when making decisions under risk, people do not value the outcome (the expected utility in rational choice theory), but rather the potential value of their losses and gains relative to some reference point. The second assumption is *diminishing sensitivity*, i.e., “the marginal value of both gains and losses decreases with their size” (Tversky and Kahneman 2000a: 144).²⁸ Finally, the third assumption is *loss aversion*, meaning that “[w]hen directly compared or weighted against each other, losses loom larger than gains” (Kahneman 2012: 282).²⁹ Therefore, people’s behavior is motivated more strongly to avoid losses than to attain gains. As put in the highly cited paper by Baumeister and his colleagues (2001), “Bad is stronger than good”, and this is the nature of our cognitive-information processing. As argued by McDermott and his colleagues (McDermott et al. 2008), we acquired this skill through evolution because the loss aversion principle helped our ancestors survive under conditions of high uncertainty.

With the help of the prospect theory, the authors showed that the same choice problems when framed in positive terms as gains or in negative terms as losses may lead to different decisions.³⁰ The standard rational choice theory cannot explain this paradox because it assumes that preferences should be invariable irrespective of their presentation or framing (Tversky and Kahneman 2000b: 211).

²⁷ In general, people value determinism more than probabilism, and reducing uncertainty constitutes a desirable goal (Kahneman 2012: 263).

²⁸ For instance, you will not feel the same if your income increases by one million dollars from initial salaries of one hundred thousand dollars and one hundred million dollars. The joy, apparently, will be higher in the first rather than second case.

²⁹ Kahneman provides an illustrative example of loss aversion given by the psychologist Paul Rozin, whereby “a single cockroach will completely wreck the appeal of a bowl of cherries, but a cherry will do nothing at all for a bowl of cockroaches” (Kahneman 2012: 302).

³⁰ For examples, see Kahneman (2012: 363ff).

2.2.2. Rational Behavior Under Conditions of Uncertainty

The prospect theory is a decision-making theory under conditions of uncertainty. In the sense that uncertainty is omnipresent due to bounded rationality³¹, the prospect theory is universal. Furthermore, the prospect theory is commonly applied to explain the strategic decisions made by individuals. Thus, individuals stand at the center of the analysis, not the context, as in this thesis. As shown in Chapter 2.1, political regimes vary in their degrees of competitiveness and institutional weakness, which profoundly alter their dynamics. In other words, they have different degrees of *contextual uncertainty*, which I define here as the combination of a highly competitive environment with institutional weakness. Moreover, uncertainty is meant in this thesis in relative terms as a property of a particular context relative to other contexts.

Although not directly applicable for our purposes, certain insights from the prospect theory are particularly useful for understanding the dynamics of hybrid regimes, especially those that are institutionally weak. As true psychologists, Kahneman and Tversky were “more interested in framing effects than in the activity of framing” (Kahneman and Tversky 2000: xv).³² However, political scientists know that individual behavior is influenced not only by unique personal reference points that have to do with character and former experience but also by reference points imposed by others. In this thesis, I argue that the framing activity should have a greater impact on people in institutionally weak regimes than those in highly institutionalized environments. To understand this argument, let us consider how rationality changes under different uncertainty conditions.

In situations when institutions work and contextual uncertainty is low, individuals are empowered in their decision-making processes. Because they can gauge the probability of an outcome more or less accurately, they are in a better position to maximize their expected utility than under less certain circumstances. In case of a mistake, the blame is clearly attributable, which also improves the learning process. The rational choice theory as a behavioral model provides good approximations of people’s behavior in highly institutionalized environments.

However, in an uncertain, rapidly changing environment, people need orientation and ready-made interpretations for what is going on and how to act. Thus, the role of framing and especially framing activity by others increases significantly. We lack either the time, resources or desire to analyze the abundance of information when complexity increases, and we gladly rely on shortcuts provided by others. Thus, relying on shortcuts, in other words, framing suggested by others, is a rational behavior under conditions of uncertainty.

³¹ In the 1950s, Herbert A. Simon emphasized that human rationality is not perfect due to our limited cognitive abilities to process and evaluate information. The imperfect information results in uncertainty about the possible outcomes. As a result, each decision is largely subjective, and it is simply impossible to make credible predictions.

³² Indeed, the prospect theory has been criticized by social scientists because it does not provide any clues regarding how reference points are established. For instance, Levy (1997) acknowledged that the prospect theory lacks a theory of framing.

However, a problem arises when framing actors try to instrumentalize certain features of information processing for their own purposes and capitalize on certain frames.

What types of frames are more persuasive? The prospect theory provides some clues. Because people are guided by the loss aversion principle, framing in terms of losses – which I will call here more generally *negative framing* – has greater rhetorical power than framing in terms of gains and will be particularly credible in an uncertain environment. Partial democracies are by definition hybrid regimes with high contextual uncertainty. Therefore, political actors have incentives to rely on negative framing as a strategy to define the social reality and change the power relations.³³ What negative framing means and what effects it produces will be discussed in the next chapter.

2.3. Conclusion

This chapter provided a brief overview of a typology of political regimes and examined the factors that might influence hybrid regimes' dynamics. Although all hybrid regimes are characterized by a combination of democratic institutions and autocratic governance, there are certain differences in their *modus operandi*. I argued that partial democracies function differently from electoral authoritarianism regimes because of their highly competitive politics and weak institutionalization. The different degree of institutionalization affects the logic of political action and changes both the format and the content of contentious politics. The more uncertain the political environment is, the more rational it is to rely on negative framing as a strategy in power struggles. The theoretical foundation for such a proposition is provided by the prospect theory developed by Kahneman and Tversky, which posits that people are likely to be loss averse when they have to make decisions under risk. Therefore, political actors may deliberately instrumentalize this cognitive feature for their own purposes. Thus, the prospect theory may help to predict what types of discourses to expect in institutionally weak regimes. In the next chapter, I will explore what role the political science literature assigns to discourses in general and to negative framing in particular.

³³ This is not to say that negative framing does not take place in well-institutionalized regimes. My contention is that its intensity in different regimes will vary as well as its effects. See Chapter 3 for more details.

CHAPTER 3. Negative Framing as a Concept

In this second theoretical chapter, I develop the concept of negative framing, which is the central concept of this thesis. As argued here, negative framing is the preferred discursive strategy of political actors in partial democracies, defined here as highly competitive and institutionally weak hybrid regimes.

Before delving into the concept of negative framing, it is necessary to understand how discourses function. The first section of this chapter thus addresses such questions as what is framing, how does it relate to other similar concepts and what factors contribute to frame's strength? It also considers the process of how framing translates into discourses in a competitive environment. In a next step, I look at the elements of effective negative framing and consider the difficulties of empirically capturing this phenomenon. I also specify the potential detrimental effects of negative framing on political system from a long-term perspective. The rest of the chapter considers negative framing from a sociological perspective and explores what kind of actors engage in negative framing, what reactions such a strategy can produce and when actors relying on negative framing may expect to succeed. Finally, I consider how such political institutions as a party system and media market structure can influence the intensity of negative framing.

This chapter thus focuses on both psychological mechanisms of frames and the embeddedness of frames in power relations. It integrates diverse streams of literature that work with framing and discourses such as electoral studies (negative campaigning), political communication studies (framing effects), social movement studies and securitization theory from the field of international relations.

3.1. Situating Negative Framing: Frames, Framing and Frame Strength

3.1.1. The Definition and Process of Framing

Discourse is a rather vague concept for which different disciplines have different definitions.³⁴ In this thesis, I use the term *discourse* to refer to “socially constructed knowledges of some aspect of reality”, as defined by Kress and Leeuwen (2001: 4). Such a definition is much broader than a more popular definition of a discourse as a codified language of a particular sphere, which is a narrow definition in my understanding. In this sense, my conceptualization of a discourse is close to the notion of a *frame* – “a central organizing idea or story line that provides meaning to an unfolding strip of events”

³⁴ Social science disciplines that analyze discourse include linguistics, political sociology, policy studies, cognitive and social psychology, and communication studies, to name but a few.

(Gamson and Modigliani 1987: 143). In the following, I refer to a discourse as a bundle of different frames that are promoted by a particular actor.

There is a debate about whether frames are conscious and deliberate representations of the world. Some theorists in the social movement literature consider frames to be cognitive models that unconsciously reflect the beliefs and worldviews of the framing agents (see, e.g., Oliver and Johnston 2000). By contrast, this thesis adopts a different perspective and stresses the constructivist approach to frames and framing, which is also reflected in the adopted definition of a discourse cited above.

Thus, defining a discourse as “*constructed knowledges*” has a heuristic advantage in that it helps to delineate the term from other concepts, such as ideologies, beliefs, values, norms and attitudes. These other concepts are cognitive models, either individual or collective, that describe what is right and appropriate. According to van Dijk (2006a: 372), ideologies, norms and values are social representations that are gradually acquired throughout life and, although they can be changed, are rather stable. A similar distinction is made in media studies, where the term “*schemata*” or “*frames in thought*” is used for mental structures to differentiate from “*media frames*” or “*frames in communication*” (see, e.g., van Gorp 2007: 63; Chong and Druckman 2007b: 1060). While social representations and schemata can be manifested via discourse, the latter is not necessarily linked to them. When discourse is used as a means for establishing and maintaining power, it may diverge from the actual belief system of the speaker and thus conceal his or her real intentions. In other words, actors might utter statements based on not only their cognitive models but also their strategic goals in mind. Furthermore, framing theory underlines the two-fold relationship between frames and cognitive structures: while frames definitely aid interpretation and social action (Snow et al. 1986: 464), cognitive structures are not purely cognitive entities; they are principally “products of the interindividual, interactional and contested process of framing” (Snow and Benford 2000: 56)³⁵. Overall, the framing process is political, since framing agents along with media, state and other stakeholders are involved in the “*politics of signification*”, that is, the struggle to define social reality (Snow and Benford 1988: 198).

3.1.2. Frame Strength

Framing is thus both an integral part of our life and an inevitable part of politics. However, our cognitive abilities to process information are limited, whereas many stimuli compete for our attention (Druckman and Lupia 2016). Are some frames more persuasive, especially in a highly uncertain environment? Before answering this question, one should understand how frames function, which is a special focus of the framing effects literature. Researchers in this strand of literature study how frames shape public opinions, particularly

³⁵ For more on the relationship between ideology and discourses from the perspective of critical discourse analysis, see van Dijk (2006b).

how individuals interpret these frames. A *framing effect* occurs when an individual alters his or her attitude, that is, becomes persuaded.

There are at least three mechanisms underlying the effect of a frame in communication on one's opinion – *availability*, *accessibility* and *applicability*. According to Chong and Druckman (2007b: 111), frames operate “by making new beliefs available about an issue, making certain available beliefs accessible or making beliefs applicable or ‘strong’ in people’s evaluations”. A subset of available beliefs stored in memory can easily come to mind when one thinks about an issue (Chong and Druckman 2007a). This ensures that people are able to comprehend the subject in question, irrespective of their attitude toward it. Accessibility effects, often referred to as priming or agenda-setting effects, are based on memory and therefore experienced by all people regardless of their disposition (Iyengar 1990). However, to persuade, a frame must be applicable. In other words, it must pass through a number of individual filters, such as one’s pre-existing partisan attachments, opinions, knowledge, values, and social identity.

Returning now to question regarding what factors promote the perceived strength of a frame, researchers have identified a number of such attributes that emphasize available and applicable considerations. The effects resulting from strong frames are considered to be resistant to dilution over time (Lecheler and de Vreese 2015). In the following, I concentrate on merely the types of frames that are important to understand negative framing as a phenomenon.

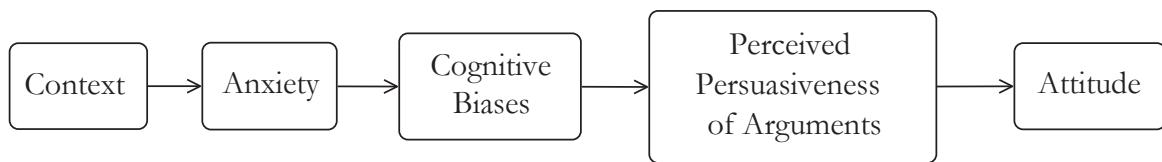
Negative vs. positive frames

The recipe for a powerful frame lies in its ability to tap into powerful emotional undercurrents. In line with prospect theory, empirical research shows that frames that evoke loss aversion by inducing negative feelings are perceived as more powerful. They usually last longer in memory and resist change; in other words, they are more difficult to reframe. Because negative framing is the focus of this thesis, I specify its elements and effects in the next section.

From a psychological perspective, the causal chain of negative framing can be summarized as follows (see Figure 3.1):

Contextual information triggers anxiety, which, in turn, triggers contextually appropriate cognitive biases. These biases alter the perceived persuasiveness of the considerations raised by political arguments and ultimately influence attitude formation. In short, the effects of anxiety are mediated through cognitive biases and the perception of argument strength (Arceneaux 2012: 273).

Figure 3.1 – The casual chain of negative framing



Source: Arceneaux (2012: 274).

Episodic vs. Thematic Frames

The framing effects literature distinguishes between episodic and thematic frames, both of which are issue, time and context invariant (Iyengar 1991; Gross 2008; Vreese et al. 2001; Aarøe 2011). While thematic frames underline the broader context of an issue or event and provide general and abstract evidence, episodic frames focus on particular cases that illustrate some problem (Iyengar 1991: 2). Recent findings suggest that episodic framing is more persuasive than thematic framing, as “episodic frames carry human interest details that are expected to be more emotionalizing and personalizing than the pale statistics of a thematic frame” (Aarøe 2011: 210). By contrast, thematic frames do not provide specific “faces” to direct emotional reactions or attribute responsibility. However, the outcome is conditioned on the emotional response that a frame generates. Aarøe (2011: 208) finds that “[w]hen there are no or weak emotional reactions, thematic frames are stronger than episodic frames, whereas the relative strength (...) is increasingly reversed when intense emotions are inflamed in the audience”.

In a similar vein, the social movement literature argues that the concreteness of a target is a necessary condition for a strong injustice frame that supports collective action:

The critical dimension is the abstractness of the target. Vague, abstract sources of unfairness diffuse indignation and make it seem foolish. We may think it dreadfully unfair when it rains on our parade but nature is a poor target for an injustice frame. When we see impersonal, abstract forces as responsible for our suffering, we are taught to accept what cannot be changed and make the best of it. At the other extreme, if one attributes undeserved suffering to malicious or selfish acts by clearly identifiable persons or groups, the emotional component of an injustice frame will almost certainly be there (Gamson 2013).

Generic vs. Issue-Related Frames

Whereas the episodic versus thematic typology of frames reflects the degree of personalization of a frame, the differentiation between generic and issue-related frames is based on a frame’s level of transferability to other contexts. Generic frames, called “*master frames*” in the social movement literature (see, e.g., Benford 2013), are usually broader and more generalizable across different topics than issue-specific frames, which pertain only to certain issues (Matthes 2009: 360; de Vreese 2005). As specialists in media and communication studies, Semetko and Valkenburg (2000) identify five generic frames –

conflict, human interest, economic consequences, morality, and responsibility. Social movement scholars list the following master frames that are relevant to their objects of study – equal rights and opportunities, injustice/justice, oppositional/hegemonic, imperial/anti-imperial, and market choice (Benford 2013). Master frames are thus crucial for a broad-based mobilization with diverse audiences because of its inclusiveness (Ibid.).

Media studies researchers also acknowledge the strength of generic frames. They argue that the news industry increasingly covers politics in terms of strategy and game. Instead of focusing on political substance and issues, news journalists concentrate on questions such as “who is winning and losing, the performances of politicians and parties, and on campaign strategies and tactics” (Aalberg et al. 2011: 163). In context of this research, scholars refer to the “*horse race frame*”, “*strategy frame*” or “*game frame*”, which may have far-reaching consequences for citizens’ trust in the media (see Chapter 3.2.3).

Appeals to Cultural Values or Specific Identities

Each person has a unique set of values and beliefs that fall on a wide range. Framing works by appealing to certain considerations, which may be activated or not depending on the individual applicability mechanism. However, certain attitudes are shared by a large group of people – either at the level of identity or at the broader level of the cultural environment. Shared predispositions come from socialization and are more context dependent than the other attributes of frames described above. Frames that appeal to cultural values or specific identities are not only easily available but also usually more applicable. The social movement literature offers the concept of “*discursive opportunity structure*” (Koopmans and Statham 1999) to underline that some ideas are perceived as “legitimate” and “sensible” in a particular cultural landscape. Frames that are linked to such hegemonic issues and/or to everyday experiences and routines are more persuasive and have far greater capacity for mobilization. In this regard, social movement scholars refer to a frame’s *resonance* with a target audience (Snow and Benford 1988). They argue that broad frames that incorporate a wider range of culturally relevant values and beliefs have a higher chance of resonating with the audience.

Frame Repetition

Repeated exposure increases the accessibility of a frame, the effect of which may otherwise dissipate over time (Claibourn 2008; Moons et al. 2009; Druckman et al. 2012). The news media literature on *priming* is based on the assumption that people weight issues that are extensively covered by the media stronger. However, Chong and Druckman warn (2007a: 651) that “not any frame will move opinions simply by repeating its message”. The repetition of a weakly formulated frame has practically no effect. Thus, the frequency dimension has to be combined with other attributes of a strong frame in order to have an effect in a competitive environment.

Source Credibility

Another important factor that determines the persuasiveness of a frame irrespective of culture is the credibility of the framing agent. The framing effects literature experimentally confirms that noncredible speakers have difficulties in promoting their frames (Druckman 2001; Slothuus and de Vreese 2008; Hartman and Weber 2009). Scholars usually distinguish two dimensions of source credibility – expertise and trustworthiness. Expertise refers to “the extent to which a speaker is perceived to be capable of making correct assertions” (Pornpitakpan 2004: 244, citing Hovland, Janis, and Kelley 1953) and is domain dependent. Trustworthiness refers to the audience’s perception of the validity of the assertions and is normally similar across topics. The two dimensions are relatively independent from each other, meaning, for example, that a source can be simultaneously perceived as an expert and untrustworthy. Moreover, the ideological match (also referred to as “party cue”) that presents yet another dimension of source credibility has also been shown to improve the persuasiveness of frames (Slothuus and de Vreese 2008; Hartman and Weber 2009). In general, source credibility works by influencing the applicability of a frame (Chong and Druckman 2007a: 640). However, research also shows that the persuasiveness effects of source credibility are relatively short lived and decay over time.

In sum, frames are more powerful when they induce negative feelings, are based on episodic instances, and appeal to generic conditions and cultural values that are pertinent to specific contexts. Moreover, frames that are promoted by credible speakers and that are frequently repeated have a higher chance of being powerful than frames that do not satisfy these conditions. However, the abovementioned factors are not deterministic. Persuasion is a very complex process that involves both the assessment of external conditions and internal filtering mechanisms. As argued by the persuasion scholar O’Keefe (2004: 35), “[n]o single theoretical view of persuasion is likely to provide a complete, wholly detailed account of every single possible persuasion circumstance”. Therefore, no universal persuasion tactic consistently works under different conditions. Rather, a combination of different elements tailored to a specific setting makes a message persuasive.

Furthermore, it is important to underline that frame strength does not equal “normative desirability”. After all, powerful frames should not necessarily be better arguments that accurately reflect reality and that are based on solid reasoning and evidence. Chong and Druckman explain this point very well in the following passage:

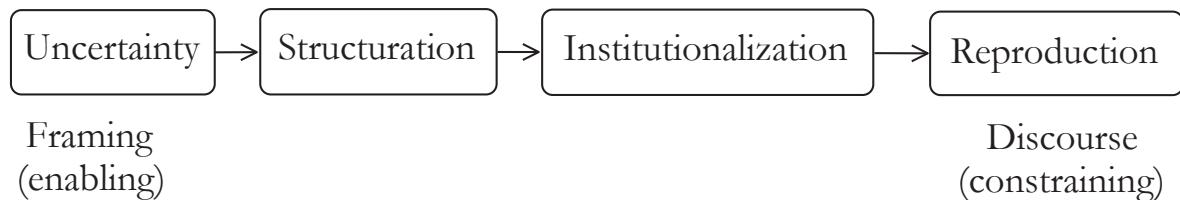
Strong frames should not be confused with intellectually or morally superior arguments. They can be built around exaggerations and outright lies playing on the fears and prejudices of the public. Strong frames often rest on symbols, endorsements, and links to partisanship and ideology, and may be effective in shaping opinions through heuristics rather than direct information about the substance of a policy (Chong and Druckman 2007b: 111).

3.1.3. Discourse Cycle: Framing in a Competitive Environment

Although certain attributes may increase the chance that a frame is persuasive, information processing is very complex. The literature on framing effects presented in the previous section, until recently, has assessed only the effects of exposure to a single frame. However, what happens when several frames collide?

Social movement and policy scholarship on framing has developed models that translate the micro-perspective of an individual into a macro-perspective of a structure. In this subsection, I present a process that I call a *discourse cycle*, which helps explain how frames become discourses in a narrow sense. In general, a discourse cycle has a number of stages, which are summarized in Figure 3.2.

Figure 3.2 – Stages of a discourse cycle



Source: Own depiction based on Hajer (1993), Steinberg (1999).

The first two stages – uncertainty and structuration – depict the situation when contests between frames either occur in a completely new environment that involves formerly unknown actors or concern a brand-new issue, on which the actors must first formulate their positions. Framing effects are the highest during these two periods, and the way in which actors frame their positions will most likely influence the way in which an issue is discussed at a later stage. This is also the period when individuals rely on cues and other heuristics to reduce the complexity of new information; thus, the role of agency is the highest.

The process of structuration is best captured by Marc Steinberg (1998, 1999), who first formulated the concept of a “*discursive field*” as a “dynamic terrain in which meaning contests occur” (1999: 748). In particular, Steinberg argues that the framing process occurs in a discursive field that contains different genres – typical sets of meanings and rules for using them – to draw upon for successful framing. The discursive field is context specific and simultaneously unorganized and fuzzy. However, it becomes organized once actors take up discursive repertoires, an action-specific combination of genres. Moreover, the interlocking of various repertoires is not predefined by the cognitive models of the actors; rather, it is a product of interaction. Thus, actors can borrow genres from other discursive fields and from discursive repertoires of others. Because of their situational character, discursive repertoires should be regarded not as resources but as a medium in which social reality is jointly constructed. The production of meaning is therefore a very dynamic,

collective and often conflict-laden process. While powerholders can instrumentalize genres for their own purposes and demarcate discourses within a field by presenting them as common sense, they cannot determine the discursive repertoires of other actors. This unpredictability thus allows the dominant discourse to be challenged and a new cycle of meaning creation to begin.

For Steinberg, “the boundaries of a discursive field are never entirely fixed or clear” (1999: 749). However, any discursive field becomes saturated and structured after a certain period, since it is human beings’ nature to order the unordered. The discourse cycle then evolves to its next stage – institutionalization. The processes that occur at this stage are best described by the policy change scholar Maarten Hajer (1993; 1995). In some ways, Hajer’s model resembles Steinberg’s conceptualization. For instance, instead of discursive repertoires, Hajer refers to “*discourse coalitions*”, which are “the ensemble of a set of story lines, the actors that utter these story lines, and the practices that conform to these story lines, all organized around a discourse” (Hajer 1993: 47). Actors use story lines to impose their view of reality on others in the “struggle for discursive hegemony” (Hajer 1993: 47; Hajer 1995: 263). Hajer refers to the state of discursive hegemony as “*discourse structuration*”, that is, the state in which “central actors are persuaded by, or forced to accept, the rhetorical power of a new discourse” (Hajer 1993: 47). Importantly, however, discourse structuration is a necessary but not sufficient condition for policy change, which occurs only when discourse is reflected in the institutional practices of the political domain. Hajer calls this condition “*discourse institutionalization*”. Moreover, actors who have been socialized within particular institutionalized discourse will facilitate its *reproduction* either during communication processes or in their social practices.

Evolving through the abovementioned stages, a discourse can thus be simultaneously enabling and constraining. At first, actors use discourse as a resource (i.e., they are involved in the process of framing), but once it becomes institutionalized (i.e., sustained in social practices), it then influences actors’ actions. There are myriad discursive fields, some of which are more consensual while others are more contested (see Snow 2013). Further, each country has a different set of *salient issues*, i.e., issues that went through the discourse cycle. Being socialized in certain discursive hegemonies or having themselves gone through the discourse cycle, people usually have strong opinions on salient issues pertinent to a certain context.

3.2. Elements, Forms and Effects of Negative Framing

Having specified what framing is and how it functions, it is now time to return to the central concept of this thesis. Negative framing is defined here as a one-sided presentation of particular developments, events or individuals exclusively in negative terms without recurring to positive appeals such as praise, approval, or solidarity in the case of individuals

or statement of alternative options in the case of developments. The overall aim of actors who rely on negative framing is to “criticize, discredit, or belittle their opponents rather than promoting their own ideas and programs” (Anscombe et al. 1994: 829). They influence public opinion by creating doubt, building fear and exploiting anxiety. In the following, I specify the elements of effective negative framing and its potential effects on a political system.

3.2.1. Elements of Negative Framing

To understand how effective negative framing can be constructed, let us refer to prospect theory introduced in Chapter 2.2. With some modifications, prospect theory proposed by Kahneman and Tversky can be viewed as a universal theory of framing. In principle, any argument can be disaggregated into three elements that the cognitive psychologists highlight as the core points of their theory.

First, each argument is developed around a certain issue; in other words, it always has a *reference point*.

Second, issues or reference points are not equally powerful and usually have different levels of *sensitivity*. Social science research concerning framing uses slightly different terminology – “*cultural resonance*”, “*narrative fidelity*”, “*metacultural frame*”, etc. – which in essence has the same function of signaling the sensitivity of the issue (see Chapter 3.1.2). As already stated, issues must pass through a number of individual filters, such as values, beliefs, norms and other cognitive schemata. However, in addition to macro-level factors such as culture and micro-level factors such as individual preferences, contextual characteristics, such as political or economic crises, can also influence a given frame’s sensitivity. Finally, certain types of issues, called *valence issues* here, *a priori* have high potential for being sensitive because of their normative aspect. Such issues are usually equally valued by a large number of people. For instance, virtually everyone favors economic prosperity, affordable health care or less crime. A frequent topic for partial democracies is corruption. Corruption is a valence issue because it shows “how closely the rival parties are linked with the universally approved symbol of honesty, and the universally disapproved symbol of dishonesty” (Stokes 1992: 144).

In electoral studies, valence-based party competition was first formulated by Stokes in 1963 as a critique of the influential spatial model of Downs. Originally, Stokes (1963: 373) defined position issues as “those that involve advocacy of government actions from a set of alternatives over which a distribution of voter preferences is defined” and valence issues as “those that merely involve the linking of the parties with some condition that is positively or negatively valued by the electorate”. In this sense, valence issues are non-ideological and are often labeled as irrational (Stokes 1963: 374). When valence politics matter, competition occurs not around ‘what’ questions but rather ‘who’ and ‘how’

questions (Clarke et al. 2011: 238). Consequently, voters first evaluate candidates' or a party's competence, integrity and unity (see, e.g., Clark 2009). As a useful heuristic or a cognitive shortcut, the party or leader's image becomes an important determinant of voting behavior. The instrumentalization of valence issues may therefore provide a strategic advantage in discursive battles.

Third, according to prospect theory, arguments that activate loss aversion principle are more powerful than those that merely describe the advantages of a specific activity or development. This element of the framing process has been most well researched in the field of international relations, more specifically within the framework of the *securitization theory* developed by Buzan, Wæver, and their colleagues (dubbed the Copenhagen School).

In brief, securitization is a speech act that presents something as a matter of security that must be protected. Unlike politicization, which is a matter of choice and open debate, securitization is a matter of urgency (Buzan et al. 1998: 29). By moving the issue to the security agenda, framing agents evoke specific rationality or logic implied by security language (Wæver 1995: 55). In this respect, the Copenhagen school refers to *internal* facilitating conditions – the “grammar of security”, i.e., “a plot that includes existential threat, point of no return, and a possible way out (...) plus the particular dialects of the different sectors” (Buzan et al. 1998: 33).³⁶ As explicated by other authors, security language has several universal features. Thus, it promotes zero-sum, us-versus-them thinking (see Williams 2003). Security frames can become petrified and inert. For example, when identities are securitized, their negotiability and flexibility are challenged, in contrast to the moment when they are simply politicized and thus still open to renegotiation (Williams 2003: 519). That is why security speech is very effective as a means of autocommunication (Vuori 2008: 71).

From the above discussion, a conclusion can be drawn that negative frames are most powerful when framing agents securitize valence issues and other salient issues that resonate with cultural values and/or current contextual conditions. However, when valence issues are securitized, source credibility starts to play a disproportionately important role, as parties who are more ‘credible’ in delivering the proposed solutions would then have more chances to define the social reality or, in other words, to win the discursive battle. Moreover, based on the findings from the previous section, negative frames are expected to be more powerful when actors combine securitization with episodic (i.e. involving concrete people) or with generic frames (i.e. specifying overall conditions), which leads us to a typology of negative framing, as described in the next section.

³⁶ Buzan and Wæver give the following examples of the specific dialects – identity in the societal sector, recognition and sovereignty in the political sector, and sustainability in the environmental sector.

3.2.2. Forms of Negative Framing

Research on negative framing originated about three decades ago in the United States. Researchers usually investigate its role in the context of elections,³⁷ particularly how the negative tone of campaigns influences voting behavior and turnout, as well as attitudes toward the political system in general. In the following, I shortly describe the findings of this research strand with regard to forms of negative framing.

Similar to many other social scientists, negativity scholars face problems in translating theoretical constructs to empirical observation. Empirically capturing negative framing is not easy. The perception of negativity is subjective and may vary not only across different contexts but also from person to person. For instance, some scholars argue that not all criticism is bad and that one should discern *legitimate* criticism from *illegitimate*, unfair or “uncivil” criticism (Brooks and Geer 2007; Jamieson et al. 2000; Mayer 1996; Fridkin and Kenney 2008; Mutz and Reeves 2005). According to this approach, incivility is defined as “attacks that go beyond facts and differences, and move instead toward name-calling, contempt, and derision of the opposition” (Brooks and Geer 2007: 1).

In the context of election campaigns, negative campaigning is often associated with “dirty politics” (Mark 2009; Jamieson 1993). In a similar vein, Fridkin and Kenney (2008; 2011) distinguish between attacks that are *relevant* to governing and those that are *irrelevant*. Although there is evidence that voters are generally capable of distinguishing between mudslinging and fair play (Freedman and Goldstein 1999; Kahn und Kenney 1999), there is also evidence that they show partisan bias when judging the fairness of campaigns (Sigelman and Kugler 2003). As one can see, the evaluative definition of negativity is based on subjective categories that can be coded differently depending on the underlining norms and preferences of each particular person, thus influencing the results in one way or another.

Accordingly, scholars studying negativity usually use a *directional* instead of an evaluative approach, meaning that all criticisms are coded as negative without paying particular attention to their normative dimension. This increases the reliability and validity of the research results (Walter 2014: 44; Lau and Rovner 2009: 292). In election studies, for instance, scholars evaluate the general tone of the campaign, understood as a balance between positive and negative appeals. When a negative tone dominates, the campaign is believed to be negative. In this case, one can refer to negativity as a strategy, instead of merely a tactical maneuver.

³⁷ As argued in Chapter 2, elections are the only period in consolidated democracies when the uncertainty about who rules is both allowed and encouraged. The uncertainty of the electoral period hence drives negative framing. This explains the scientific interest in this phenomenon within election studies. However, as argued in this thesis, negativity is widespread in the context of partial democracies exactly because they experience uncertain conditions more often and not only during elections.

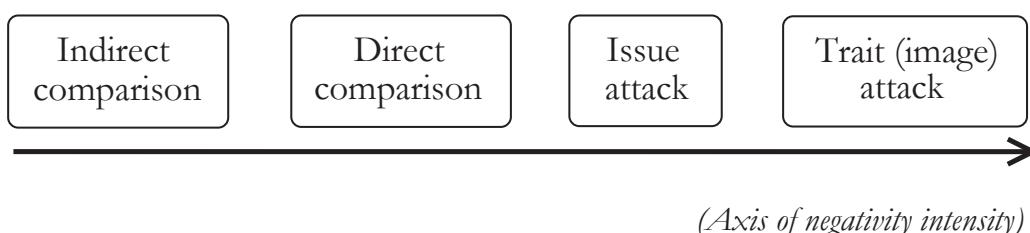
Unlike the evaluative typology based on factors such as relevance or civility, the distinction between *issue* and *trait* attacks has become well established among scholars of negative campaigning.³⁸ Annemarie Walter defines these kinds of attacks as follows:

Issue attacks refer to criticising the plans or policies of an opposing party or candidate. Trait attacks refer to criticising the traits of an opposing party or candidate, that is, his or her integrity or competence (Walter 2014b: 44).

In addition to the content-based typology, there is also structure-based distinction between pure attack appeals and contrast ones (Fridkin and Kenney 2008; Lau and Rovner 2009). Unlike pure negative ads, contrast ads contain arguments both against the target candidate and in favor of the sponsoring candidate. Furthermore, contrast ads can be either ‘direct’ or ‘implied’. Whereas direct comparison ads compare two candidates explicitly, implied comparison ads do not necessarily mention the opposing candidate. The comparison takes place cognitively in the heads of the viewers, based on previously known information (Johnson-Cartee and Copeland 1991: 17 and 42ff).

These different forms of negative framing have different intensity and apparently different effects on individuals (see Figure 3.3). In the context of election research, the risk of a backlash is found to be higher when trait attacks or purely attack ads are used. Thus, studies show that voters consider personal attacks to be out of bounds, while the critique of past actions during office is viewed as legitimate (Freedman et al. 1999). At the same time, contrast ads are believed to be fairer and more legitimate in the eyes of the public and are less prone to a backlash effect (Johnson-Cartee and Copeland 1991: 17; Pinkleton 1997: 27).

Figure 3.3 – Forms of negative framing by intensity



Source: Dermody and Scullion (2003: 82), Fig. 1.

³⁸ In the following, I refer to trait attacks, personal attacks and image attacks interchangeably. At the same time, issue attacks are closest to the notion of securitization as understood in the original securitization theory.

3.2.3. Effects of Negative Framing

Negative framing is not something special. It is an indispensable part of any good argument when judged by the criterion of persuasiveness. It is also considered on the rise in many liberal democracies, partially because of the advancement of new media, unstable electoral markets, the mediatization of politics and the professionalization of election campaigns (Walter 2014b; Geer 2012). However, some forms of negative framing may have potentially detrimental consequences for the political system as a whole.

The most known and, at the same time, much-debated effect of negativity is *demobilization*. Negativity has often been blamed for exacerbating the atmosphere of mistrust and contributing to political apathy, cynicism and civic disengagement. In the negative campaigning literature, this effect is known as the '*demobilization hypothesis*' (Anscombe and Iyengar 1995), while in news research, it is known as the '*videomalaise*' thesis (see Cappella and Jamieson 1997). According to the latter argument, people are cynical because journalists themselves advance cynical explanations of politics with their "strategy frames" and "horse race reporting", leading to apathy among the population (see Tsafati and Cohen 2012). According to the former argument, as a strategy, negativity does not help voters in deciding for which party to vote. On the contrary, it discourages them from voting all together, reducing voter turnout and posing a threat to democracy. In words of Anscombe and Iyengar, "attack politics heightens the partisan flavor of political discourse by driving the Independent voter from the active electorate" (Anscombe und Iyengar 1995: 113).

Despite the high popularity of the demobilization hypothesis, empirical evidence remains mixed. Of 55 studies on the demobilization hypothesis reviewed by Lau et al. (2007), 25 support (9 statistically significant) and 29 reject it (8 statistically significant). The argument advanced by the opponents of the demobilization thesis is that negative campaigning provides voters with important information on candidates' policy standing and thus contributes to a well-informed electorate (Geer 2006: 63; Mayer 1996: 442). This may actually stimulate turnout rather than depress it (Finkel and Geer 1998; Freedman and Goldstein 1999; Goldstein and Freedman 2002; Kahn and Kenney 1999; Martin 2004). Furthermore, Norris (2000) argues that there might be corrosive effects of media biases and negativity for certain politicians or policies but not for a political system in general.

Another counterargument against the demobilization thesis is that negativity does not translate directly into perceptions. Thus, different people perceive information, including negative information, differently. A strong mediator is partisanship. Sigelman and Kugler (2003), for instance, find that partisanship strongly influences voters' perceptions of the same campaign as positive, negative or neutral, as does level of political knowledge (i.e., those with more knowledge are more likely to perceive campaigns as negative). Partisans as a whole are less likely than nonpartisans to perceive campaigns as negative, partially reflecting the tendency of the former to be more attentive to messages from 'their' party or

candidate than to those from rivals (Iyengar et al. 2008). In general, partisans tend to perceive attacks on their party by opponents as unfair and illegitimate, but when such attacks hit home, they seem to have an impact: partisans who see attacks on their party as fair are less likely to vote than those who shrug them off (Stevens et al. 2008).

Although scholars are far from a consensus on the role of negative campaigning in either mobilizing or suppressing turnout, the general implications of negativity for democracy seem to be more negative than positive. Moreover, unconsolidated democratic regimes are even more vulnerable to the detrimental effects of negative framing, precisely because they do not have robust democratic traditions that provide resilience to these effects.

One the one hand, if the demobilization hypothesis holds, negative framing presents a threat to liberal democracy by undermining the legitimacy of its institutions (see also Dermody and Scullion 2003). In response to negative framing, citizens become more cynical about the political process, which erodes their generalized trust and may lead to alienation from or even rejection of the democratic system in the future. The consequence is apathy and non-voting, which in turn distorts the election results, and they thus become increasingly non-representative.

On the other hand, if the mobilization thesis holds, negative framing promotes polarization, which is also deleterious for liberal democracy in the long term. The underlying mechanisms in this case are somewhat different from those in the scenario described above. Thus, intense competition drives parties to formulate equally strong arguments. To resolve ambiguity, individuals in non-polarized environments turn to other clues, such as party image and integrity (Druckman et al. 2013). In other words, intense competition decreases the impact of substantive information. Image attacks are a logical next step under such conditions. The result is growing polarization.

Extreme elite polarization, however, decreases the overall quality of debate, is not conducive to policy changes and potentially result in reform blockades owing to the following processes. People who already hold strong attitudes or opinions on certain issues are unwilling to change their positions because of the process of “*motivated reasoning*” (Kunda 1990). Motivated reasoning describes a psychological mechanism that guides the processing of new information in line with prior beliefs (Lodge et al. 2000; Taber and Lodge 2006). Studies show that people evaluate information more strongly and assimilate it more easily when it is congruent with their initial attitude (confirmation bias) and counterargue or dismiss information that is incongruent (disconfirmation bias). Such a strengthening effect leads to attitude polarization, which could become irrational at some point. Motivated reasoning coupled with selective exposure (such as the consumption of information from one communication channel) increases intolerance to other viewpoints, which ultimately changes the applicability of certain frames. As Chong and Druckman put it (2007a: 652), “[t]hese psychological biases dilute the benefits of democratic debate by reducing attention to information that is potentially valuable”. Through these mechanisms, intense party

competition decreases the quality of public opinion on certain issues.³⁹ Instead of searching for truth, the public becomes engaged in the process of vindicating prior opinions. Druckman and his colleagues summarize:

Unlike the no-cue and non-polarized conditions, partisans in a polarized environment follow their party regardless of the type or strength of the argument the party makes (...). Moreover, when individuals engage in strong partisan motivated reasoning, they develop increased confidence in their opinions. This means they are less likely to consider alternative positions and more likely to take action based on their opinion (...). In short, elite polarization fundamentally changes the manner in which citizens make decisions (Druckman et al. 2013: 79).

In sum, negative framing under conditions of intense competition may result in either a loss of legitimacy or polarization, both of which have negative consequences for the political system in general. As argued in Chapter 2, the competition in partial democracies is particularly intense owing to weak institutions and is not merely confined to the election period, as in established democracies, but also translated to the policy-making process between electoral cycles. This suggests that negative framing would be particularly widespread in partial democracies, with destructive consequences for their political systems.

3.3. Negative Framing as a Strategy

In this section, I consider negative framing as a strategy from three different perspectives – the perspective of an individual actor, the interactionist perspective and the structural perspective. The section thus seeks to answer the following questions: what type of actors are more likely to engage in negative framing, how do other actors react to negativity and under what conditions will negativity as a strategy succeed when framing agents resort to it.

3.3.1. From the Individual Perspective: Actor Types and Motives

The concrete form and success of negative framing as a strategy largely depends on a particular goal that certain type of actor wants to achieve. The logic of negative framing thus defines who are the attackers, what is the target and who is the audience.

³⁹ It should be noted, however, that this process concerns only salient issues that go through the discourse cycle described in Chapter 3.1.3. There could be many other issues upon which the public might hold only weak prior opinions and thus be not polarized at all.

In principle, one can distinguish between two settings in which negative framing can be deployed as a strategy:

Policy-making

The process of negative framing in the context of policy-making is conceptualized within the framework of *securitization* theory. Its proponents argue that securitization legitimizes extraordinary measures that would not have been applicable under ‘normal’ conditions of everyday politics (Buzan et al. 1998: 23-24). Through successful securitization, one can legitimately bend and/or break the established decision-making rules.

Although the original securitization theory defines the securitizing actors quite broadly on the basis of general social capital, which does not necessarily entail formal authority, the bending rules logic implies that potential securitization actors are more likely to be found among policy-makers, as “it is difficult to see how un-authorized agents can break the normal practices of democratic politics in any meaningful way” (Aradau 2004: 395). Indeed, most applications of the securitization framework focus on the securitization moves conducted by decision-makers (governments or international organizations) in producing meaningful effects on specific policies (see, e.g., Abrahamsen 2005; Hudson 2009; Youde 2002; Arifianto 2009, Kamradt-Scott and McInnes 2012).

However, such an approach to securitization has recently been criticized by other scholars, who see a ‘democratic bias’ in the original framework (Vuori 2008: 64; see also Wilkinson 2007). Thus, differentiation between ‘normal’ and ‘special’ politics is not really appropriate for non-democratic political systems with fluid decision procedures, where extraordinary measures and rules breaking may be quite an ordinary practice (see Vuori 2008: 69). As argued by Williams, “[c]asting securitization as a speech act places that act within a framework of communicative action and legitimization” that requires “a process of argument, the provision of reasons, presentation of evidence, and commitment to convincing others of the validity of one’s position” (Williams 2003: 522). Placing securitization in the realm of communicative action, however, restricts the applicability of the original securitization theory to the liberal democratic context, for which deliberation is characteristic.

The alternative approach that these authors propose is to differentiate securitization by its logic or the motives of the securitizing actors. According to Vuori, “security speech can be utilized for other purposes than legitimating the breaking of rules. Security can be used to reproduce the political order, for renewing discipline, and for controlling society and the political order, for example” (Vuori 2008: 69). In his analysis of Chinese politics, Vuori explicates five possible purposes of securitization: raising an issue on the agenda, legitimating future acts, fostering deterrence, legitimating past acts or reproducing a security status, exerting control (Vuori 2008: 76).⁴⁰

⁴⁰ The type of securitization introduced by Buzan and Wæver is the one for legitimating future acts in Vuori’s typology.

In all these cases, securitizing actors apply security language, but they differ in their intentions, and thus, the consequences of securitization also vary. When the task is to raise public attention on a particular issue, the securitization process will not necessarily end with the adoption of extraordinary measures. Similarly, securitization for deterrence purposes is aimed at non-action rather than exceptional policy. The most probable actors in this case would be opposition or societal actors rather than policy-makers.

Elections

When choosing negativity as a strategy to win elections, political actors seek to become voters' preferred choice "by attempting to diminish voters' positive feelings and emotions toward the opposing candidates or parties" (Walter and Vliegenthart 2010: 444).

One of the most influential theories that predicts individuals' decision to attack during an election campaign is the *theory of relative strength* proposed by Skaperdas and Grofman (1995). The theory comes from electoral studies and is based on candidates' poll standing or, in other words, the perception of the campaign's competitiveness. In a two-person race, the model predicts that weaker candidates are more likely to launch an attack than frontrunners, who prefer positive campaigning to strengthen the loyalty of their supporters. In three-candidate elections, it is predicted that a "spoiler" candidate – the one who has a significant margin over the others – will engage in positive campaigning, while "the two weaker candidates attack the front-runner and not each other" (Skaperdas and Grofman 1995: 56).

The theory of relative strength by Skaperdas and Grofman helps explain another general finding that incumbents (who are often front-runners) are less likely to go negative than the opposition (Lau and Pomper 2002; Fridkin and Kenney 2004; Benoit et al. 2000; Walter 2014a; Hansen and Pedersen 2008; Elmelund-Praestekaer 2010). This finding is consistent across countries with different institutional settings (e.g., Western Europe and the U.S.). While the governing parties enjoy certain advantages in virtue of their incumbent status, such as a clear policy record, greater name recognition and greater media coverage (Campbell 1983), opposition parties must first communicate to the public why they are better than the incumbent. In addition, incumbent parties would normally lean on positive campaigning to underline their achievements during their time in office. However, under condition of high competitiveness, front-runners also go negative – though most likely not as initial attackers but as counterattackers (Haynes and Rhine 1998).

By contrast, opposition parties have less to lose from a cost-benefit perspective, and this relative risk perception may induce them to go negative (Walter et al. 2014). Similar to opposition parties, radical parties and parties with less government experience are also found to be more likely to go negative (Walter et al. 2014). Other studies report that underfunded candidates are more likely to launch attacks on their opponents to garner "free" media coverage (Haynes and Rhine 1998).

3.3.2. From the Interactionist Perspective: the Spiral of Negativity

When actors engage in negative framing, they do not act in isolation, and it is important to know how other actors will react to it before one starts using negativity as a strategy.

In principle, several strategies can defuse the effects of attacks – a preemptive attack, refutation, a counterattack and inoculation (Pfau and Kenski 1990: xiv). A preemptive attack is risky in a context in which negative campaigning has not yet been widely established, and it is no longer effective in a context where negativity prevails. Simply ignoring the attacks may provide grounds to believe them and have disastrous consequences for an attacked actor. Refuting the allegations is also not the best strategy, since it might give the allegations credibility (Lau and Rovner 2009: 292) or call extra attention to the attack (Pfau and Kenski 1990: xiv). As argued above, positive framing, such as praising or approving something, is not an effective way to counteract negative framing due to the primacy of negative information.

Ignoring, refuting and positive framing are examples of defensive tactics, here called “*damage control*” strategy. In contrast to defensive tactics, a *counterattack* is believed to be the most effective strategy among practitioners (Anscombehere and Iyengar 1995). Scholars have found that attacked actors are most likely to respond with counterattacks (Skaperdas and Grofman 1995; Haynes and Rhine 1998). Yet, this sets off a ‘*spiral of negativity*’ or, in the words of Lau and Pomper (2004: 33), ‘mutual assured detraction’.⁴¹

Unlike a counterattack or refutation, the theory of inoculation posits that preemptive messages anticipating specific attacks that might be initiated by the opponent are more effective, promoting resistance to attitude change (Pfau and Kenski 1990). Yet, an inoculation strategy is very costly, since it requires careful preparation.

In addition to the attacked actors, allies of the attacked actors might start losing reputation from the negative framing. In this case, the allies can opt for a strategy that I will call here “*corrective action*” – a distancing or disassociating tactic that includes partial or full reparation if the ally enjoys an authoritative position and is capable of solving or preventing the problem formulated by the accuser.⁴²

Finally, actors could react to negative framing by starting a discourse of *reconciliation* that stresses the need for cooperation rather than competition. The effectiveness of such a strategy is dependent, in the first place, on the authoritative position of the actor that deploys it (see Chapter 3.3.3.).

The reaction to negative framing is specific in each situation and depends on factors such as the importance of the claim, legitimacy of the attack, and credibility of the attacker. Nevertheless, negativity is a risky strategy that might ‘backfire’ on the attacker. In the

⁴¹ Chapter 5 explores the spiral of negativity and ways to resolve it in partial democracies.

⁴² This type of strategy is borrowed from Benoit (1997) but formulated differently.

academic literature, this effect is known as a ‘*backlash*’ or ‘*boomerang effect*’ (Garramone 1984; Lau et al. 2007; for a critique, see Johnson-Cartee and Copeland 1991: 9-10). Although there is a widespread belief in the effectiveness of negativity among practitioners (Geer 2012: 422), there is no consistent support for its effectiveness in the academic literature. For instance, according to Lau et al. (2007), only 12 of 43 studies on negative campaigning in the U.S. scholarship report effects favorable to the candidate (i.e., the candidate received more votes). The reason for the widespread use of negativity in certain contexts could therefore lie not necessarily in its effectiveness but rather in the overall expectation that other actors would engage in negative framing and the desire to make a preemptive move first. In this case, negative framing becomes a kind of institution in itself. In such a context, spirals of negativity on salient issues are preprogrammed to occur.

3.3.3. From the Structural Perspective: Actors’ Power Position

The effectiveness of negative framing depends on not only the behavior of other actors but also the actors’ power position in a wider political context. Asymmetries in power influence the framing process, and some actors have more difficulties in promoting their frames than others because of uneven access to major communication channels and other factors summarized in the concept “*the political opportunity structure*” (McAdam 1996).

In contrast to the notion of political regimes, which are understood as more or less stable forms of institutionalized power, political opportunities may vary over time because of changing power configurations. According to social movement research, the political system can produce openings that are favorable to a movement’s goals during electoral periods or elite divisions that change constellations of allies and opponents, including their formal status in government or in opposition, for instance (see della Porta 2013).

As argued in Chapter 2.1.3, some political contexts provide more opportunities for contentious politics than others. In particular, partial democracies reduce the costs of protests and therefore are more vulnerable to or favorable for challenges and/or challengers. However, even within this type of political context, the balance of power could be less favorable to certain actors or to certain claims during certain periods. The political opportunity structure is thus most relevant when an actor wants to achieve a strategic goal with his or her negative framing than when negative framing is a consequence of situational positioning or a reaction to negative framing promoted by others.⁴³ The approach in this case is does not differ from other attempts to use a discourse as a resource, just as protest movements or policy-makers do.

⁴³ In the empirical part of this thesis, Chapter 5 presents the case of tactical attacking and counterattacking, while Chapter 6 analyzes the success of strategic negative framing dependent on the political opportunity structure favorable to the framing agent.

Actors' power position is also relevant in that it changes the perception of actors' framing attempts. As explicated in earlier sections, being an expert in a field or assuming an authoritative position could add credibility and make a frame more powerful. Position in a power configuration thus plays an important, sometimes implicit, role in promoting certain frames. In a similar manner, the Copenhagen school views security as a '*structured field*' in which "some actors are placed in positions of power" over the others (Stritzel 2007: 365; see Buzan et al. 1998: 29ff). The power position or authority of the securitizing actor, which could be either formal or informal, is directly related to the likelihood that securitization is successful.

3.4. Institutional Moderators of Negative Framing

Despite its cognitive superiority, negative framing is not a magic formula that works in all circumstances. The framing effects literature has identified numerous framing moderators.⁴⁴ Because I am interested in the power aspect of negative framing, I skip the discussion of individual variables (e.g., political knowledge, partisanship, and gender) and review here two institutional moderators that might facilitate or constrain negative framing – the type of party and voting systems and the structure of the media market.⁴⁵

The insights are gained from the literature on negative campaigning in well-established democracies. It should be noted, however, that because of weak institutionalization (see Chapter 2), the party system does not play the same moderating role in partial democracies as in full democracies. At the same time, the structure of media markets is a more important factor in partial democracies than in full democracies, because of partial media freedom and the use of media power for political purposes. Despite the different roles of party systems and media market structure in partial and full democracies (see Chapter 7), reviewing the relevant literature is still useful for understanding the general conditions of negative framing.

3.4.1. Type of Party System

When deciding to go negative, individuals or parties face different cost-benefit structures in multiparty systems than in two-party ones (Hansen and Pedersen 2008; Elmelund-Praestekaer 2008; Walter 2014a).

⁴⁴ For a systematic review, see Borah (2011).

⁴⁵ Here, I review only institutions for which the effects have been studied in the negativity literature. It is possible, however, to hypothesize that other types of institutions, such as semi-presidential political systems, for instance, also increase the likelihood of negative framing because of the lack of incentives for cooperation and compromise. For a general review of power-sharing institutions and their impact on democracy, see Norris (2008).

First, in the multiparty context, it is far more difficult to predict which party will gain from attacks. In words of Hansen and Pedersen (2008: 423), “negative campaigning in a multiparty system tends to represent a scenario in which the benefits can go to many different parties, while the risk of backfire is limited to the sponsoring party”. In two-party systems, on the other hand, voters alienated by negative campaigning generally have only two choices – either not to vote at all or to vote for the attacker’s rival.

Second, majority governments in European multiparty systems are rare, meaning that there is a need to form a coalition government after elections. Moreover, the party that gained the relative majority during elections would not necessarily form the government. Negative campaigning might jeopardize future cooperation or limit the number of possible coalition constellations, thus raising the coalition bargaining costs (Walter 2014b; Hansen and Pedersen 2008; Elmelund-Praestekaer 2010). Consequently, winning in a multiparty system means something completely different from winning in a two-party system, where votes translate directly into the governing mandate and vote maximization is therefore the best strategy. This argument could be further elaborated to conclude that the type of *voting system* matters – proportional voting systems have a constraining effect on negative framing, whereas winner-takes-all voting systems facilitate negative framing (see Hansen and Pedersen 2008).

Third, some European scholars argue that the nature of elections – either candidate based or party based – also influences the decision to go negative (Pattie et al. 2011; Hansen and Pedersen 2008; Elmelund-Praestekaer 2010). Thus, elections in the U.S. are very much personalized. Here, the candidates rather than parties fight to win elections. Consequently, public recognition could be a problem for some candidates, which motivates them to go negative. Well-established parties such as those in Western Europe, on the other hand, do not face such problems, since they can utilize their party “brand” value (Elmelund-Praestekaer 2010). Moreover, they coordinate and centrally control their campaign messages, such that “[i]ndividual candidates run on the themes and messages agreed by their national party” (Pattie et al. 2011: 335). Hence, there is no intraparty individual competition; at least, it is not communicated to the public. Thus, in countries where parties dominate elections, the voters normally know their programs and previous governance record, while competition between parties is not conflated with competition between individuals. The debates and critique are therefore more issue based than trait based. Indeed, European researchers report that in parliamentary Western democracies, trait attacks are rarer than issue attacks (Walter 2014b; van Heerde-Hudson 2011), whereas trait attacks in American politics are believed to be at least not less frequent than issue attacks. In addition, this argument can be further extended to predict that *presidential elections* that are candidate based are likely to be more negative than *parliamentary elections*.

3.4.2. Media Bias and Structure of Media Markets

In addition to party and voting systems, the structure of the media market may also mediate the decision to go negative. There is a general trend toward the *mediatization* of politics (Walter 2014b; Lau and Rovner 2009; Geer 2012).⁴⁶ The profit-seeking mass media produce biases in that it considers negative messages more newsworthy and ‘marketable’ than positive ones (Sabato 1991). In an attempt to appeal to the widest audience possible, media outlets cover negative news more often than positive news, which gives an impression that negative campaigning is on the rise. Apart from media commercialization, there are also other reasons for growing negativity in the news. Lengauer and his colleagues (2012), for instance, note the emergence of *interpretative journalism* in the 1960-70s, in which negativity or ‘critical scrutiny’ has become an underlying norm.⁴⁷ Through critical reporting, journalists try to legitimize their greater autonomy and counteract manipulation by state actors (Lengauer et al. 2012). In a similar vein, *investigative reporting* that uncovers corruption and serious crimes by political and economic elites adds up to negativity in the media.

Given this logic of commercialization and professionalization, media outlets face different pressures within a centralized and decentralized market structure. However, this aspect of negative framing remains understudied at the moment, since most of the literature focuses on either the media’s role in general or the ability of specific communication channels to foster negativity (see Elmelund-Praestekaer 2010; Ridout and Franz 2008; Walter and Vliegenthart 2010).

Yet, recent research conducted by Dunaway (2008, 2013) shows that the same communication channel (e.g., news outlets) might be characterized by different levels of negativity depending on the ownership type. Dunaway (2013) argues and provides evidence that news outlets owned by publicly traded corporations are more likely to offer negative messages because of their need to demonstrate constant growth to public stockholders. In addition, large newspaper chains exhibit the same news coverage pattern. In contrast, the tone in privately owned newspapers is found to be less negative. Dunaway (2013; 2008) explains this finding with a competing objectives model: although private news outlets are profit oriented just like media corporations, the former can pursue other objectives (e.g., ideological or journalistic objectives) much better than the latter because of the

⁴⁶ According to Lilleker (2008: 117), “mediatization is a theory that argues that the media shapes and frames the processes and discourse of political communication as well as the society in which that communication takes place”. One manifestation of this process is a move from issue-based toward image-based news reporting, which in turn drives politicians toward the professionalization of their public communication in terms of image creation and proliferation.

⁴⁷ Sabato (1991) describes three periods of evolution of journalism in the 20th century. During the first period between 1941 and 1966, journalists only rarely reported about politicians’ private lives and generally backed the government, what Sabato calls a “lapdog mentality” needed during war periods. During 1966-1974, journalists began to write their first independent investigations, and “watchdog journalism” came about. After 1974, the third period started what Sabato calls “junkyard dog journalism” – a confrontational style of journalism that is very aggressive, harsh and intrusive.

concentration of ownership and accountability in hands of a single person or entity (see also Hamilton 2006: 24-26).

The insights provided by Dunaway can be theoretically extended to the comparison of different media landscapes. One can anticipate that the structure of media markets, especially the degree of ownership centralization, would have different effects on negative framing. A decentralized structure of media markets would increase competition within media markets and promote a profit-maximization logic, which favors negativity as a criterion for newsworthiness. More regulated media markets, on the other hand, might exhibit these patterns to a lesser degree.⁴⁸

In sum, actors in two-party systems with winner-takes-all voting systems are more likely to rely on negative framing. Furthermore, negative framing is expected to be more easily communicated in countries with well-developed critical reporting and predominantly privatized, decentralized media markets, whose primary function is to seek profits.

3.5. Conclusion

The purpose of this chapter is to provide theoretical grounds for how discourses work. For this purpose, it develops the concept of negative framing, which is defined here as a one-sided presentation of particular developments, events or individuals exclusively in negative terms without recurring to positive appeals such as praise, approval, and solidarity in the case of individuals or statement of alternative options in the case of developments.

Negative framing is a very multifaceted phenomenon. It taps into one of our cognitive biases – negativity bias – which means that our information processing is skewed toward negative information, as it is weighted higher, more memorable and hence more easily accessible than positive or neutral information. Negativity is thus an important element of any persuasive argument and is commonplace in open debate.

The ultimate interpretation of negative information is, however, never consistent, since before influencing opinions, frames must pass through individual filters such as values, beliefs, norms and other cognitive schemata. To increase the persuasive power of a negative frame, framing agents may include elements such as the securitization of valence issues (or issues that are equally valued by a majority of people, such as better wages, less corruption, or more security) or other salient issues that resonate with cultural values

⁴⁸ Unfortunately, these effects have not been studied properly yet, although negativity scholars have underlined that media ownership and regulation differ substantially between Western Europe and the United States. Thus, many European countries do not have televised advertising, which is common in the United States (Elmelund-Praestekaer 2010; Hansen and Pedersen 2008; Pattie et al. 2011). Moreover, while the United States has a decentralized, market-oriented media system, the position of public broadcasting in many European states is still strong, and there are restrictions on the purchase of advertising time in some of them. Today, however, European countries are in the process of commercializing their broadcast systems, which might lead to an increase in negativity in the future.

and/or current contextual conditions. Securitization thus entails presenting something as a matter of security that has to be protected. While the securitization of non-personalized issues (e.g., developments) is often viewed as a legitimate form of criticism, the target audience may interpret the trait attack as illegitimate or as mudslinging. In addition, the risk of a backlash is usually higher in the case of trait attacks than in the case of issue attacks. However, the reward from personal accusations is also higher, as such frames are also usually more persuasive.

Persuasiveness, however, does not equal accuracy or validity. Negative framing can be instrumentalized for manipulative purposes. It is a potent tool that actors may deploy for good and for bad. The logic of negative framing thus depends on the type of actors who rely on it as a strategy and their motives. Negativity may be a preferred strategy for actors who want to break the established decision-making rules (goal – policy change) or to block certain decisions (goal – reforms blockade). It is also a common strategy in all liberal democracies during elections, although the intensity of negative campaigning varies across different contexts owing to institutional moderators such as the type of party system and the structure of media markets. Centralized media ownership could either facilitate or dampen negativity, depending on the interests of the owners. However, decentralized media markets, which are primarily guided by commercial interests, usually magnify negativity in an attempt to garner large audiences. Furthermore, because negative framing precludes certain forms of future cooperation, it is a less attractive option for actors in multi-party parliamentary democracies, where forming a coalition is required. By contrast, negative campaigning is more widespread in states with two-party systems because of the generally higher stakes of losing and the minimized chances of a backlash. Other findings consistent across different institutional settings affirm that incumbents are less likely to go negative than the opposition. However, the effect dissipates once elections are perceived as highly competitive. In this case, all candidates would lean on negative campaigning irrespective of their type.

Despite the cognitive advantage of negative information, deploying negative framing as a strategy does not lead automatically to success. Negativity is a risky strategy that might ‘backfire’ upon the attacker. Moreover, the most likely response to negative framing is a counterattack, which may trigger a spiral of negativity with unforeseen consequences. For successful securitization, the framing agent must enjoy a favorable political opportunity structure (often facilitated by his or her power position) and be credible on the particular topic that he or she wants to securitize. However, advancing the tactical goals through negativity could produce disastrous consequences for the political system. Negativity thus has dubious effects. It might demobilize the electorate, promoting more cynical attitudes toward power-holders and lowering their legitimacy. It could nevertheless also mobilize partisans and thus heighten attitude polarization, which in turn diminishes their receptiveness to alternative opinions and results into a lower quality of public debates.

In Chapters 5-6, I investigate the different aspects of negative framing presented in this theoretical framework. In particular, two case studies analyze the genesis of the spiral of negativity (Chapter 5) and the conditions of negative framing (Chapter 6). A more systematic review of the empirical findings through the lens of the developed theory is then presented in the concluding chapter, Chapter 7.

CHAPTER 4. Ukraine's Partial Democracy

As elaborated in the theoretical Chapter 2, partial democracies suffer from contextual uncertainty, which is defined as a highly competitive yet institutionally weak environment. This chapter analyzes Ukraine's political regime from this perspective. It shows that Ukraine has a highly unstable political system, which renders political interactions unpredictable. As argued in this thesis, such a political environment is particularly conducive to negative framing.

The chapter is divided into two parts. The first part examines the competitive dimension of Ukraine's political regime, while the second one evaluates the strength of its political institutions.

4.1. Competitive Dimension of Ukraine's Political Regime

A famous Ukrainian saying states: "When there are two Cossacks, there will be three Hetmans". Despite its historical reference, the proverb is still very applicable to Ukraine's modern-day politics, which are highly competitive, sometimes even confrontational, with a large number of authoritative actors who can influence decision-making. In the following, I briefly discuss the factors that contribute to the competitive dimension of Ukraine's political regime. Note that ethnic, linguistic and social diversity are not reviewed here, as these factors alone do not contribute to the regime's hybridization. Only factors that can potentially influence the decision-making process (either formally or informally) are included. Furthermore, the aim of this subchapter is not to judge the quality of such influence but to map the fragmentation of authority by considering possible veto players.

4.1.1. High Electoral Competitiveness

During its transition from Soviet rule, Ukraine has developed a pluralistic and competitive political regime (Freedom House 2009). Between 1991 and 2014, it held five presidential and seven parliamentary elections (see Table 4.1 and Table 4.2). Moreover, three of its elections were pre-term. One of them occurred after the parliament's dissolution by President Yushchenko in 2007, and another two, after the Euromaidan protests and the flight of President Yanukovych in 2014.

Judged by the absolute numbers, both presidential and parliamentary elections in Ukraine have always been quite competitive. Usually more than 10 candidates compete for a presidential post in Ukraine, whereas there are about 10-15 candidates per parliamentary

seat (see Table 4.1 and Table 4.2). Ultimately, however, few contestants end up with non-negligible vote shares. For presidential elections, the effective number of candidates is about 3-5, which is much higher than that in the majority of post-communist states. For instance, Herron's comparison of the effective number of presidential candidates in the 14 post-communist states for the period 1991-2008 reveals that this indicator was higher than 3 in only 10 of 39 elections, two of which occurred in Ukraine (Herron 2009: 61).

Another indicator of a regime's competitiveness is the frequency of opposition wins. Unlike many other post-Soviet states, such as Belarus, Kazakhstan and Russia, where incumbents keep winning elections, the President of Ukraine managed to secure his position only once. With the help of oligarchs and clever tactics, Leonid Kuchma was reelected in 1999. However, he failed to change the constitution and stay in power for more than the constitutionally permitted two terms in a row, whereas a few other post-communist leaders, such as Alexander Lukashenko and Nursultan Nazarbayev, managed to eliminate term limits. Furthermore, opposition leaders in Ukraine are generally allowed to run. The only opposite case was the imprisonment of Yulia Tymoshenko on corruption charges in 2011, one year before parliamentary elections. However, even this trial did not strengthen the incumbent's hold on power, bringing to the fore other oppositional forces. In general, the opposition regularly wins sizable vote shares in parliamentary elections, precluding the monopolization of power (see Table 4.2).

The general competitiveness of elections can also be assessed by the difference in vote share between the first-placed and second-placed candidates for presidential elections or between the largest and the second largest parties. Using this criterion, nine of twelve election races in Ukraine were very close, with the difference in vote share being less than 10% (see Table 4.1 and Table 4.2). Such low victory margins are typical for hybrid, competitive authoritarian regimes (Schedler 2013: 106-107). Moreover, they provide incentives for mobilization against the unpopular incumbent or other winners if there is a widespread perception of election fraud. This was exactly the case in 2004, when the so-called Orange Revolution unfolded after reports of rigged elections in favor of then-Prime Minister Viktor Yanukovych. According to election results in the second round, Yanukovych won a narrow victory, with an advantage of only 2.7% of the vote.

The competitiveness pattern analyzed above remains constantly high in each new election. The closeness of election races shows that Ukraine's hybrid regime neither restricts competition artificially nor creates the impression of pluralism. Moreover, although the quality of this competition is often low (see Chapter 4.2), elections in Ukraine remain a meaningful channel of access to political power and not merely a façade, as in closed autocracies (see Way 2005).

Table 4.1 – Competitiveness of the presidential elections in Ukraine

Election year	Number of candidates in the 1st round		Results of the 2nd round			Incumbent won?
	Absolute	Effective	The 1st placed candidate, %	The 2nd placed candidate, %	Difference, %	
1994	7	3.7	52.2	45.1	7.1	no
1999	13	4.7	56.3	37.8	18.5	yes
2004	24	2.8	46.7	49.4	2.7	did not run
after recount	–	–	52.0	44.2	7.8	–
2010	18	4.7	49.0	45.5	3.5	no
2014	21	3.0	54.7	12.8	41.9	did not run

Source: Own compilation based on data from the Central Election Commission of Ukraine, <http://www.cvk.gov.ua/>.

Table 4.2 – Competitiveness of the parliamentary elections in Ukraine

Election year	Contestants		Winners (absolute number of parties)	The largest party vote share, %	The 2nd largest party vote share, % (oppositional status)	Difference, %
	Absolute number of parties/blocs	Absolute number of candidates*				
1994	32	4079	17	12.7	5.2 (yes)	7.6
1998	54	7320	23	24.7	9.4 (yes)	15.3
2002	95	6830	11	23.6	20.0 (yes)	3.6
2006	45	7595	5	32.1	22.3 (yes)	9.9
2007	20	4864	5	34.4	30.3 (yes)	4.1
2012	87	5198	9	30.0	25.5 (yes)	4.5
2014	52	6668	10	22.1	21.8 (no)	0.3

* excluding those whose candidacies were cancelled before elections

Notes: Absolute numbers include parties/blocs or candidates from both proportional and majoritarian components of the mixed electoral system. The data for the party vote shares are based on the proportional election results, except for 1994, when elections were conducted according to the majoritarian electoral system.

Source: Own compilation based on data from the Central Election Commission of Ukraine, <http://www.cvk.gov.ua/>; data for 1998 – Birch (2003: 114).

4.1.2. Fragmented Party System

Ukraine's party system has always been and remains highly fragmented, weakly institutionalized and polarized. At the beginning of 2015, 232 political parties were registered in Ukraine.⁴⁹ According to Rybiy (2013: 407), only about 50 parties ceased operations during the last two decades, while many new parties are still being created. At the same time, only about half of the registered parties have ever participated in elections (Rybiy 2013: 412). There is also a constant process of renaming and rebranding parties. Thus, about a quarter of all parties changed their names before 2012, with some having done so more than once (Rybiy 2013: 417).

The party system fragmentation can be further explicated by the number of effective parties. Since Ukraine gained independence, this indicator has been steadily high in the country, ranging from about 3 to 5 parliamentary parties (see Table 4.3). Thus, no party has dominated in the Verkhovna Rada, and to adopt laws, parties are bound to find consensus with others, however fragile it may be. Only in the 1990s were communists in a position to exercise control over legislative activity because of their relative majority, but even then, they had to rely on support from other parliamentary factions (Whitmore 2003: 46). A parliamentary majority was formed for the first time only in 2000, i.e., a decade after Ukraine gained independence, but it did not survive even a year. The subsequent majorities were equally unstable, often leading to a political crisis. Some of them (as in 2000 or in 2008) continued to exist formally, but in fact, they were incapable of reaching agreement.

The weak institutionalization of party systems in the post-communist region is well known (Birch 2003; Bader 2009; Herron 2009). These systems are characterized by high levels of electoral volatility and party replacement. Ukraine is no exception.⁵⁰ What seemed to be the stabilization of the party system in mid-2000s turned out to be a temporal effect. Party replacement and volatility scores surged again during the parliamentary elections in 2012.

In Ukrainian politics, cases in which once influential parties disappear from the political arena are typical. In the 1990s, the People's Movement of Ukraine (NRU) was a popular non-leftist force, but after the turn of the millennium, it decided to join electoral blocs formed by other parties. The People's Democratic Party (NDP) and the Social-Democratic Party united (SDPUo) were present in parliament in 1998-2006, but they failed to win elections in 2006. The Socialist Party (SPU) lost early elections in 2007, having been part of the governing coalition under Prime Minister Viktor Yanukovych just a year before. Yushchenko's world famous bloc "Our Ukraine" (NU, later NUNS) collapsed during parliamentary elections in 2012, having received a miserable 1.1% of the vote compared to 25% in 2002 and 14% in 2006-2007. In addition, two mighty parties that defined politics

⁴⁹ State Registration Service of Ukraine, <http://www.drsu.gov.ua/party> (last accessed on 08.01.2015).

⁵⁰ For a comparison with other post-communist states, see Birch (2003: 124), Herron (2009: 84).

during the last decade – the Party of Regions and Bloc Yulia Tymoshenko (later Fatherland) – recently lost their influence. While the Party of Regions was completely discredited after Yanukovych's flight in early 2014 and did not participate in early elections during the same year, Fatherland barely overcame the threshold of representation and no longer plays a leading role. Even the longest political survivor – the Communist Party (KPU) – did not make it to parliament in 2014 for the first time since Ukraine gained independence.

Table 4.3 – Effective number of parties, party replacement and electoral volatility in Ukraine

Election year	Effective number		Replacement		Volatility	
	Elective parties	Parliamentary parties	Rybiy (2013)	Herron (2009)	Rybiy (2013)	Herron (2009)
1994	5.2	3.4	–	–	–	–
1998	10.7	5.0	–	32.7	–	31.8
2002	7.9	4.7	29.5	45.5	40.5	20.0
2006	5.6	3.4	14.4	11.2	64.8	39.7
2007	4.2	3.3	1.4	1.8	17.5	9.9
2012	4.9	4.3	16.7	–	35.6	–
2014	7.5	4.8	–	–	–	–

Notes: data for 1994 are based on the majoritarian electoral design; for all other years, they are based on the proportional component only. The data on replacement and volatility should be interpreted in relative terms, since the high turnover rate of parties poses challenges to coding, leading to diverging results for different sources.⁵¹

Source: Data on the effective number of parties for 1998-2014 – author's calculations based on data from Central Election Committee of Ukraine, <http://www.cvk.gov.ua/>; for election in 1994 – Birch (2003: 110). Data on party replacement index and electoral volatility index for 2002-2014 – Rybiy (2013: 411), Herron (2009: 84).

In addition to the high turnover of parties, Ukrainian parliamentary work is further aggravated by a number of additional factors that are either non-existent or irrelevant in the parliaments of liberal democracies. As a consequence, the real power balance in the Verkhovna Rada is different than the election results show. These factors are as follows:

Independent deputies: Compared to other post-Soviet states, unaffiliated candidates have regularly won substantial numbers of single-member seats in Ukraine (Birch 2003: 140). However, the party lists for proportional elections have also included nonaffiliated candidates along with party functionaries from time to time (Meleshevich 2007: 47). Although the practice shows that these non-partisans often join the side of the executive in exchange for private benefits,⁵² they are still an additional actor whose support is conditional and thus situational. This might substantially affect the parliamentary dynamics.

⁵¹ See Bader (2010: 81) and Herron (2009: 174-175) on problems of calculation.

⁵² For instance, in 2002 and 2012, independents helped Presidents Kuchma and Yanukovych form pro-presidential coalitions in parliament.

For instance, thanks to unaffiliated deputies, the pro-governmental parties managed to form the majority in parliament after the parliamentary elections in 2002, even though opposition parties received more votes during elections (Whitmore 2003; Wilson 2002).

Electoral blocs: Until 2012, the organizational weakness of the parties was amplified because blocs were permitted to form. For instance, 16 electoral blocs comprising 50 parties participated in the parliamentary elections in 2006 (see Table 4.5). Instead of investing in organizational capacity, small parties preferred to join blocs in order to overcome the national threshold of representation. Eventually, however, this only increased the number of possible actors, as such alliances were often short lived (Rybiy 2013; Bader 2009). Quite often, they disintegrated into separate and sometimes even rival factions immediately after the elections. For instance, the electoral pro-presidential bloc “For United Ukraine” disintegrated within a month after the 2002 election (Wilson 2002).

Parliamentary faction switching: Before 2006, the composition and number of parliamentary factions in Ukraine did not correspond to the elected parties. This system was institutionalized in 1994-1998, when unaffiliated deputies were encouraged to join parliamentary factions in order to increase their organizational structure (D’Anieri 2007: 179). However, the faction discipline was extremely low and even further undermined the low party loyalty. As a consequence, faction switching, commonly referred to as “political tourism”, has become widespread.⁵³ Faction permutation was particularly high after the parliamentary elections in 1998 and 2002. During these two convocations, the overall number of registered factions reached 17 and 19, respectively, with some of them ceasing to exist and others being formed (see Whitmore 2003: 105 and 158). During the 1998-2002 convocation alone, deputies changed factions 347 times (see Whitmore 2003: 106). The introduction of a purely proportional system with an imperative mandate in 2006 was supposed to strengthen faction discipline. The new Constitution directly banned party switching from 2004 to 2010, when the old Constitution was reimposed. Nevertheless, the practice continued to exist. For instance, in March 2007, Yanukovych’s coalition began growing owing to the deputies who defected from other parties. This led to a political crisis and ultimately to the President’s dissolution of the parliament. In summer 2008, several deputies left Tymoshenko’s coalition, such that its composition was reduced to 225 deputies and its legitimacy was called into question. In April 2010, deputies who supported President Yanukovych amended parliamentary rules, according to which the right to form a coalition was granted not only to factions but also to parliamentary groups. This was the first step in democratic backsliding under President Yanukovych, who managed to form a pro-presidential coalition in such a manner.

⁵³ For a detailed account, see Whitmore (2003, 2004).

Table 4.4 – Independent deputies in the parliamentary elections in Ukraine

Election year	Elected	Total number of seats filled	Seat shares (% of total seats filled)
1994	168	338	49.7
1998	126*	445	28.3
2002	93**	445	20.9
2006	–	–	–
2007	–	–	–
2012	47	445	10.6
2014	96	423	22.7

* elected 129, but in 3 districts where independents won, the results were considered invalid.

** elected 94, but in one district where an independent won, the results were considered invalid.

Notes: after the 1994 parliamentary elections, 112 seats remained unfilled, so by-elections had to take place; the total number of parliamentary seats is lower in 2014 because no elections occurred in Donbass and Crimea.

Source: Author's calculations based on data from Central Election Committee of Ukraine, <http://www.cvk.gov.ua/>; data for 1994 – from Birch (2003: 174).

Table 4.5 – Blocs of parties in the parliamentary elections in Ukraine

Elections year	Contestants		Winners	
	Number of blocs	Total number of parties within blocs	Number of blocs	Total number of parties within blocs
1994	–	–	–	–
1998	9	19	1	2
2002	12	42	3	19
2006	16	50	2	8
2007	9	30	3	14
2012	–	–	–	–
2014	–	–	–	–

Source: Author's calculations based on data from Central Election Committee of Ukraine, <http://www.cvk.gov.ua/>.

4.1.3. Presence of Powerful Informal Actors (Oligarchs)

The decision-making process in Ukraine is influenced by a large number of actors, who include not only formal actors such as government, legislature, judiciary, and interest groups, but also informal ones, such as powerful and individual economic actors – oligarchs. Although some of them are elected to parliament from time to time and thus become nominally formal actors, their influence strategies are largely informal: they operate alongside or in place of state institutions through patronage networks that developed in

Ukraine across regional lines. In early 2000s, different authors distinguished between the Kyiv, Dnepropetrovsk and Donetsk clans, each being dominated by different oligarchs (Zimmer 2006; van Zon 2007; Puglisi 2003). Other strategies of influence include assuming political office, engaging in classical lobbyism, participating in overt corruption, financially supporting election campaigns, financing protégé parties, and controlling mass media.⁵⁴

Oligarchs became noticeable players in Ukrainian politics by the end of the 1990s, when they accumulated enormous economic fortunes and turned to politics in order to either secure or expand their businesses. According to Hellman (1998), the immediate winners of the initial reform phase managed to obstruct the implementation of further reforms that threatened to “eliminate the special advantages and market distortions upon which their own early reform gains were based” (Hellman 1998: 204).

Judged by criteria such as political activity at the national level, business interests as a core activity, estimated wealth of at least \$200 mln and no affiliated position in a business empire, Pleines (2016) identifies a total of 29 oligarchs for the period from 2000 to 2015. Their composition has changed – while 15 lost their oligarchic status, 12 new individuals gained such a status. Moreover, the fifteen “losers” had their businesses wracked in the first place because of the economic crisis. Nevertheless, Pleines concludes that there is a core of oligarchs in Ukraine who are robust to both political and economic crises.

The role of oligarchs in Ukrainian politics is considered negative, although some scholars argue that oligarchs may play a democratizing role under certain conditions, especially when they favor closer integration with the EU (Melnykovska and Schweickert 2008; Puglisi 2008). Having accumulated their wealth in a dubious way, some oligarchs now seek legitimization by establishing different charity funds or maintaining frequent contacts with Western politicians and businessmen. In addition, some oligarchs are now actively involved in promoting Ukraine’s integration into the EU, which should not only provide access to Western markets but also secure oligarchs’ positions through better property rights protection. However, as Pleines (2010) states, this is a process of “democratization without democrats”, a by-product rather than intentional activity, because oligarchs are not interested in political democratization, which would deprive them of rent-seeking opportunities. Another seemingly democratizing by-product of their activity is the freedom of the media under certain conditions. By owning large media outlets,⁵⁵ oligarchs can influence public opinion by either allowing a plurality of information, such as during Yushchenko’s presidency, or by censoring information in favor of the incumbent, such as during Yanukovych’s term in office.

Furthermore, oligarchs have another significant effect on Ukrainian politics. Such actors are opportunistic by nature and have a weak sense of loyalty, always trying to join

⁵⁴ On strategies of Ukrainian oligarchs, see Pleines (2005; 2009; 2010; 2016), Puglisi (2003, 2008), Solonenko (2014), Melnykovska and Schweickert (2008), Matuszak (2012).

⁵⁵ For an overview of the media ownership of oligarchs, see Ryabinska (2014).

the winning side (Way 2005b: 137). Way calls this feature “*rapacious individualism*” (2005a; 2008), which contributes to elite fragmentation in Ukraine by facilitating elite defections. During both mass protests in recent Ukrainian history in 2004 and 2014, oligarchs played a decisive role by eventually siding with the protesters and, in doing so, facilitated regime change (Way 2005a; Pleines 2016).

4.1.4. Influence of Foreign Actors on Decision Making

Squeezed geographically between two geopolitical centers, the EU and Russia, Ukrainian politics has always been vulnerable to external pressure. In no other post-soviet country has foreign policy mediated the electoral outcome and domestic politics in general to the extent that it has in Ukraine. The east-west divide, with more a pro-European-oriented population in the west of the country and a more pro-Russian-oriented population in the east, has been one of the underlying causes for the most serious crises in Ukrainian politics – the Orange Revolution in 2004 and, most recently, the Euromaidan protests and the military conflict in the east of Ukraine in 2014.

The structural power of Russia over Ukraine because of economic imbalances from Soviet times is well known (Abdelal 2004; Balmaceda 2008). The disintegration of the Soviet Union brought about asymmetrical relations between Russia and other post-Soviet states, which were especially visible in the energy sphere. Consequently, Russia tried to use these relationships in its foreign relations with the CIS states, which gave foreign observers reason to dub the approach as an ‘*energy weapon*’ (see Larsson 2006; Smith 2008; Baran 2007). In addition to leverage in terms of energy, Russia has also used a number of other tools to influence Ukraine’s political developments, such as subsidies, trade boycotts, and ‘sabre-rattling’, as well as the use of ethnic minorities for the legitimization of coercive actions (see Hedenskog and Larsson 2007).

Although the EU has always been the reference point in domestic discourses concerning Ukraine’s development path, until recently, its influence on Ukrainian political decision-making has been noticeably weaker than that of Russia because of a number of factors. First, Ukraine had rather weak cultural, social and economic linkages to the West (see Levitsky and Way 2010). Second, it never had a membership perspective and consequently faced relatively weak democratizing pressure, unlike the Central European states to which the EU applied strict political conditionality on their road to EU accession. Third, the EU did not have a common border with Ukraine until the first Eastern enlargement in 2004. Following the enlargement, the EU reconsidered its threat perceptions and began to become more actively involved in Ukraine and other neighboring states. Finally, as a counter-hegemonic power, Russia blunted the EU’s impact in the region; thus, scholars began talking about ‘*the contested neighbourhood*’ between Russia and the EU, highlighting the competing rationales of these two actors (Popescu and Wilson 2009; Dimitrova and Dragneva 2009; Adomeit 2011; Averre 2009; Kobzova et al. 2011; Dias

2013). This confrontation reached its peak in 2013, when Ukraine was about to sign the association agreement with the EU. Yanukovych's refusal to sign the agreement triggered first a domestic and later an international crisis.

4.1.5. Well-Developed Investigative Journalism

The mass media in Ukraine is not a fully independent player, since the majority of the media outlets in Ukraine belong to a handful of oligarchs (Ryabinska 2014). Nevertheless, critical political reporting developed in Ukraine quite early in its transition. With varying success, media does exercise a watchdog function, and Ukrainian journalists have always been far more influential than their counterparts in many other post-Soviet states.⁵⁶ The most famous politically motivated murder in Ukraine is the killing of the investigative journalist Georgiy Gongadze in the fall of 2000, which led to a severe political crisis (see Krasnoboka and Semetko 2006). Moreover, the Orange Revolution in 2004 and the Euromaidan protests in 2013/2014 would have been impossible without critical reporting (see Dyczok 2005; Leshchenko 2014).

The autonomy of the mass media in Ukraine has grown over time, primarily because of the development and spread of Internet technologies. Today, there are numerous independent platforms for political communication that are run professionally and that garner large audiences. The mass media quite eagerly exposes politicians' wrongdoings and covers corruption scandals, just as the media in Western democracies does. On the one hand, the investigative genre is often instrumentalized by various groups that try to destroy rivals' public image. On the other hand, "watchdog journalism" was established in Ukraine thanks to a number of independent investigative journalists who specialize in corruption and who made their names by covering only these topics. These journalists became highly respected in Ukrainian society and are genuine opinion makers. With the advance of social media, their political weight has grown rapidly.⁵⁷

In sum, numerous actors influence Ukrainian decision-making. The number of such actors is higher than that in autocratic contexts and at least as high as if not higher than that in democratic ones. Some of these actors possess more resources than others, which makes the playing field uneven from time to time. However, as Kitschelt and Wilkinson (2007: 28) note, "[c]ompetitiveness is most intense under oligopolistic conditions when only a very small set of alternative (coalition) governments is feasible and has unimpeded control over

⁵⁶ For an overview of post-soviet political communication, see Oates (2012).

⁵⁷ For instance, the Euromaidan protests in November 2013 started after the call of the journalist Mustafa Nayem on Facebook to protest against the decision of Viktor Yanukovych to suspend the signing of the long-anticipated association agreement with the EU. In October 2014, Nayem and some other investigative journalists – Tetyana Chornovol and Serhiy Leshchenko – were elected to parliament, thus translating their social capital into political capital.

the authoritative allocation of public resources". From this point of view, the Ukrainian political regime can be said to be highly competitive.

4.2. Institutional Dimension of Ukraine's Political Regime

Whereas the previous section examines the competitive dimension of Ukraine's political regime, this section evaluates the strength of the political institutions in Ukraine. In particular, I access rule stability, with a primary focus on high-order rules that organize the political interactions of the majority of actors, such as the constitution and electoral design. I also consider the quality of rule enforcement and instances of institutional fragmentation that could be regarded as a proxy for institutional strength.

4.2.1. Rule Stability

Rules in Ukraine are highly unstable. Legislative time is mostly devoted to redrafting existing laws that regulate the distribution of power in a state. In the following, I explicate this by reviewing changes to high-order rules – the constitution and electoral system.

Constitution

The Constitution in Ukraine was never accepted as a binding framework, and the institutional status quo is challenged from time to time (Simon 2009: 17). Consequently, political actors have revised the constitution four times within the last twenty years – in 1996, 2004, 2010 and 2014. On three other occasions, the groups were close to reaching another revision agreement, which ultimately failed (Kudelia 2013). According to Kudelia (2013), practically all cases of a constitutional revision process have been initiated by the chief executive (president or prime minister), while parliament was the key veto player.

In this way or another, constitutional changes have had a profound impact on the regime type in Ukraine. When the president-parliamentary system was in place (1996-2004; 2010-2013), Ukraine's regime increasingly took the form of a competitive authoritarianism. The switch to a parliamentary-presidential system (2005-2009; since 2014) produced a different pattern of interactions, rendering Ukraine a partial democracy.

In the following, I briefly describe the characteristics of the two constitutions, between which Ukraine has been switching in its recent history. It is important to note that Ukraine adopted its first post-Soviet Constitution only five years after it gained independence – in June 1996 after a protracted conflict between the president and parliament (see Wolczuk 2001).

The President-Parliamentary Constitution (1996-2005; 2010-2013)

The Constitution of 1996 established a president-parliamentary political system in Ukraine with dual executive structure.⁵⁸ It expanded presidential powers at the expense of parliament: the president received veto power, a tougher impeachment procedure, and greater decree and appointment powers but not the power to dissolve parliament.⁵⁹ Most importantly, the Constitution of 1996 made the government accountable to both parliament and the president, with the latter having sanctioning powers in form of government dismissal.

President Leonid Kuchma (1994-2004) often managed to yield more power than formally defined by using informal means such as conducting referendums or threats thereof, ruling by decrees, instrumentalizing law-enforcement organs against disloyal deputies, and granting informal electoral support via the use of ‘administrative resources’ (see Synioky 2005; Protsyk 2004; D’Anieri 2007; Allina-Pisano 2010; Darden 2008).

After a brief period of the premier-presidential system with a dual executive (2005-2010), the Constitution of 1996 was restored by President Yanukovych in 2010. Similar to Kuchma, Yanukovych also used biased ruling to improve his power position beyond that formally prescribed, relying heavily on patron-client relationships in the first place (see Kudelia 2014; Kuzio 2015).

The Premier-Presidential Constitution (2006-2009; since 2014)

The Constitutional changes introduced in 2004 as a compromise during the Orange Revolution curtailed presidential powers substantially. Elgie and Moestrup (2008: 252f) report that presidential prerogatives decreased from 13 points in the Constitution of 1996 to 6 points in the Constitution of 2004. The reduction principally occurred owing to a change in the procedure of cabinet formation and dismissal. Thus, the president lost his/her prerogative to dismiss the prime minister, an important sanction mechanism frequently used by Kuchma. Through this act, the government was accountable to parliament, which now had the unrestricted right to call a vote of no confidence.⁶⁰ Furthermore, the right to form the government was partially transferred to parliament. Although the president and parliament had still to agree upon the prime minister’s nomination, parliament could now

⁵⁸ Hereinafter, I follow the typology of Shugart and Carey (1992: 23-24) that distinguish between president-parliamentary and premier-presidential political systems. The prime minister is accountable to both president and legislature in the first case and solely to the legislature in the second case.

⁵⁹ The president can dissolve the parliament only under the provision that the legislature failed to assemble within thirty days – a quite unlikely event.

⁶⁰ In the Constitution of 1996 (Article 87), Ukrainian parliament could call a vote of no confidence in the government, but it could not do so earlier than a year since the adoption of the government’s program of activities and not more than once during a regular session.

appoint most of the ministers. The president retained control only over the nominations of the Minister of Foreign Affairs, Minister of Defense and Head of the Security Service.

With broad appointment powers, parliament gained more incentives for coalition building. This then became obligatory, and its procedure was highly formalized. D'Anieri (2007: 245) notes that the introduction of premier-presidentialism in Ukraine returned the country back to the early days of its independence, namely, “the 1991–95 era, when the division of executive power among president, prime minister, and parliament led to constant infighting and stalemate”. Indeed, the new Constitution of 2004 did not introduce a clear separation of powers and system of “checks and balances”, which made it prone to power conflicts.⁶¹ Already in September 2006, there was a strong collision between President Yushchenko and Prime Minister Yanukovych over the Minister of Foreign Affairs and Minister of Defense. In addition, Tymoshenko's second government had several acting ministers, as parliament dismissed individual cabinet members but did not appoint new ones.⁶²

Following the Euromaidan protests and flight of Viktor Yanukovych, parliament reinstalled the Constitution of 2004 in February 2014. The parties are now again required to form a parliamentary coalition and approve the majority of ministers, including the prime minister. As in 2006-2009, the coalition-building requirement under conditions of weak party institutionalization facilitates political crisis. Thus, the coalition “European choice” collapsed in February 2016 after two years of Euromaidan protests. It took more than a month to form a new coalition and appoint a new prime minister.

Electoral System

Just as with the Constitution, the electoral system remains contested in Ukraine. During the period 1999-2015, the Law on Election of the President of Ukraine was amended 30 times,⁶³ while there were four different Laws on Parliamentary Elections, each of which was also amended many times.⁶⁴ Of the seven parliamentary elections during the period 1991-2015, four were held on the basis of a mixed electoral system, two were purely proportional, and one was fully majoritarian (see Table 4.6).

⁶¹ For a detailed account of the Constitutional process in Ukraine, see Wolczuk (2001), Ingmar (2009), Christensen et al. (2005), Sydorchuk (2014), Sedelius and Berglund (2012).

⁶² For an overview, see Malygina (2010).

⁶³ See amendments to “Pro vibori Prezidenta Ukrayini”, Verkhovna Rada Ukrayini, Zakon vid 05.03.1999, № 474-XIV.

⁶⁴ “Pro vybory narodnykh deputativ Ukrayiny”, Verkhovna Rada Ukrayiny, Zakon vid 24.09.1997, № 541/97-VR; “Pro vybory narodnykh deputativ Ukrayiny”, Verkhovna Rada Ukrayiny, Zakon vid 18.10.2001, № 2766-III; “Pro vybory narodnykh deputativ Ukrayiny”, Verkhovna Rada Ukrayiny, Zakon vid 25.03.2004, № 1665-IV; “Pro vybory narodnykh deputativ Ukrayiny, Verkhovna Rada Ukrayiny”, Zakon vid 17.11.2011, № 4061-VI.

Table 4.6 – Rules for parliamentary elections in Ukraine

Election years	Voting system	Election threshold
1994	majoritarian	–
1998, 2002	mixed (50/50)	4%
2006, 2007	proportional	3%
2012	mixed (50/50)	5%
2014	mixed (50/50)	5%

Source: Own compilation.

Compared to that for parliamentary elections, the system of presidential elections was somewhat more stable. All five presidential elections in the period under review were conducted on the basis of a two-round absolute majority. However, the requirements that presidential candidates had to fulfill in order to become registered became stricter with each new election (see Table 4.7). For instance, the presidential election in 1999, when the incumbent was successfully reelected for the second term, had the toughest requirements for candidates in terms of signature collection: the presidential candidate had to collect no less than 1 million signatures, while 30,000 had to be collected in each of two-thirds of the regions. Although the signature collection requirement was eventually abandoned before the presidential election of 2010, the actors introduced a stricter requirement of money deposit that grew from 0.5 million hryvnia in 2004 to 2.5 million hryvnia in 2010. The same regulation was effective also during the presidential election of 2014, despite the recommendations of the Venice Commission to reduce the sum.

Table 4.7 – Requirements for presidential candidate registration in Ukraine

Election year	Signatures	Financial deposit, million hryvnia (euro)
1991	100,000	–
1994	100,000 \geq 1,500 in each of 2/3 of regions	–
1999	1,000,000 \geq 30,000 in each of 2/3 of regions	–
2004	500,000 \geq 20,000 in each of 2/3 of regions	0.5 (0.08)
2010	–	2.5 (0.23)
2014	–	2.5 (0.18)

Notes: The equivalents of financial deposits in Euro as cited in OSCE/ODIHR Election Observation Mission Final Reports for the presidential elections in 2004, 2010, and 2014.

Source: Own compilation.

4.2.2. Rule Enforcement

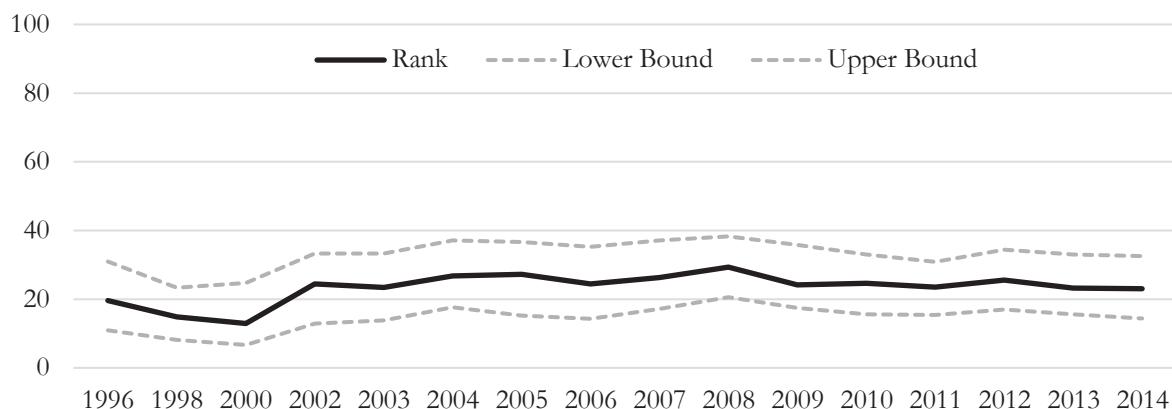
Expectations about rule enforcement guide actors' behavior to a large degree (Levitsky and Murillo 2009). Hybrid regimes, by definition, have partial rule enforcement because of the autocratic governance (see Chapter 2.1.5). Thus, the incumbents use administrative resources to create an uneven playing field, that is, to enforce rules in a biased way.

Scholars studying politics in Ukraine underline that political and economic patrimonialism is a constant feature of its political regime. The phenomenon might have different names – “*power politics*” (D’Aniery 2007), “*patronal politics*” (Hale 2006, 2015), “*neopatrimonial democracy*” (Fisun 2012, 2016), “*capitalism for the few*” (Havrylyshyn 2006), “*capture economy*” (Hellman et al. 2003) or “*patrimonial capitalism*” (Robinson 2013) – but the underlying principle is the same: the incumbent exploits the rules conditionally, usually depending on the degree of loyalty. Thus, he/she rewards certain actors for their loyalty and punishes others for their disloyalty. Both rewards and punishments could be of a different nature – political (e.g., appointing individuals to or dismissing them from high-ranking posts) or economic (e.g., bestowing privileges in or excluding individuals from privatization auctions). The corruption in such a system is endemic, because it becomes a “tradable good”. For instance, the incumbent could ignore misappropriations and tolerate corruption practices by some loyal actors or start a prosecution against others, depending on the situation at hand (see also Darden 2008). Such a large scope of action is facilitated by “the highly utilitarian and manipulative approach towards constitution-making and legislation in general” (Bredies 2009: 39). Many laws have loopholes and contradictory clauses that allow different actors to interpret them to their own liking. Such a mix of patrimonial and legal-rational logics of action is often called “*rule by law*”, which increases the level of contextual uncertainty.

Hellman and his colleagues were among the first to assess the level of “state capture” in different post-communist countries. In particular, they measure narrow interest groups’ degree of influence on the policy-making process by providing bribes to politicians (Hellman et al. 2003). In this subset, Ukraine was diagnosed as having a quite strong “capture economy”: in 1999, it was placed third among twenty post-socialist countries in the World Bank’s “state capture” index.⁶⁵ Since the 1990s, the situation has barely changed. In the World Governance Indicators provided by the World Bank since 1996, Ukraine has been constantly placed among the worst 30% of countries in the world, when judged by rule of law and control of corruption (see Figure 4.1 and Figure 4.2).

⁶⁵ See Table 2 in Hellman et al. (2003: 758). It is based on the firm-level data from the 1999 Business Environment and Enterprise Performance Survey (BEEPS), as part of World Business Environment Survey.

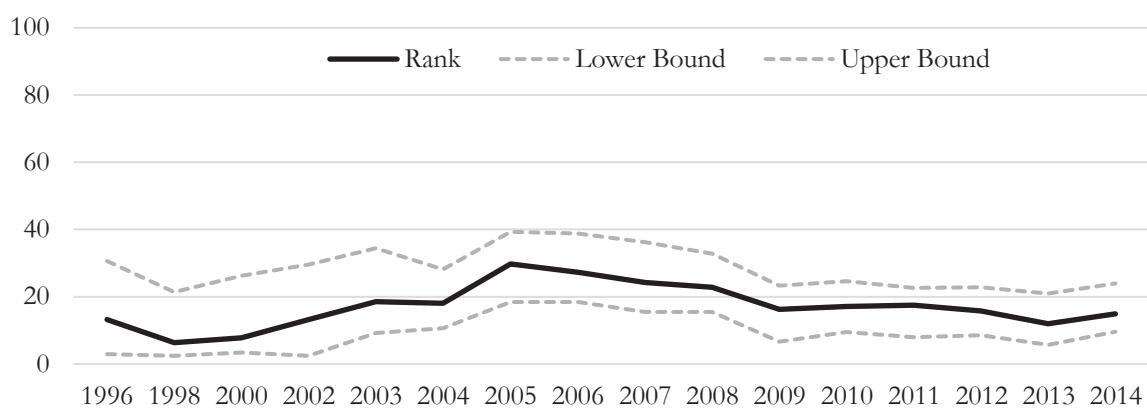
Figure 4.1 – World Governance Indicators: Rule of Law in Ukraine, 1996-2014



Notes: Percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank).

Source: World Bank.

Figure 4.2 – World Governance Indicators: Control of Corruption in Ukraine, 1996-2014



Notes: Percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank).

Source: World Bank.

A number of qualitative studies also note the existence of patrimonial rule along the legal-rational one in Ukraine. In the literature, such a state is characterized as “*neo-patrimonial*”. Authors who refer to Ukraine as a neo-patrimonial state include van Zon (2001, 2005), Zimmer (2006, 2008), Malygina (2010) and Fisun (2012, 2016), while Hale (2005, 2015) prefers the term “*patronal politics*”.

In most of these studies, the term “neo-patrimonial” was first used to describe the political regime under the second President of Ukraine, Leonid Kuchma. Depending on the emphasis on the role of agents, scholars have advanced two concepts – “*patronal presidentialism*” (Hale 2006) and “*oligarchic neopatrimonialism*” (Fisun 2012). While patronal presidentialism focuses on the formal status of the president that allows him vast informal powers, the oligarchic-neopatrimonial approach concentrates more on the role of oligarchs in forming patron-client relationships with state actors. Both approaches, however, analyze

the same mode of governance; they merely highlight different aspects of it. The underlying principle is the biased ruling or uneven playing field, in which one actor or a group of actors uses public resources for private gains, such as wealth or political power.

Empirically, neopatrimonialism under Leonid Kuchma has been captured by investigating the divide and rule strategy involving the regular dismissal and appointment of high-level officials. By constantly redistributing power between different networks in competition with each other for presidential benevolence, Kuchma managed to create a powerful center of personal rulership (Puglisi 2003: 103; Pleines 2005: 86-87).

Despite expectations, the Orange Revolution of 2004 did not eliminate this cornerstone of inter-elite relations, and the biased ruling was also reproduced during Viktor Yushchenko's presidency (Malygina 2010). What has really changed, however, is the degree of competitiveness – instead of governance being arranged around a single patron as promoted by the president-parliamentary system, the change to the premier-parliamentary system created incentives for multiple patronal pyramids that correspondingly formed around the prime minister and the president (Hale 2015). All the subsequent regime cycles in Ukraine can be explained by the change in formal constitutions, according to Henry Hale. The trajectory of these changes, however, has been limited – the regime has hovered between competitive authoritarianism (1999-2004; 2010-2013) and partial democracy (2005-2009; since 2014), both of which are subtypes of hybrid regimes (see Chapter 2).

4.2.3. Institutional Fragmentation

Institutional weakness in Ukraine is further exacerbated by the elements of institutional design promoting fragmentation or inclusion that go beyond a mere separation of powers. The nature of these elements is not to impose checks and balances between different power sources but rather to fragment one source. For instance, Ukraine has a semi-presidential political system, in which executive power is even more fragmented than in parliamentary or presidential systems since it is split between the president and the prime minister.

Although Verkhovna Rada is not bicameral,⁶⁶ it still has a rather large number of seats (450), which provides smaller parties better chances for being represented (Birch 2003: 80). Consequently, such an institutional decision has a fragmenting effect. Furthermore, as already mentioned, for most of the period under review, Ukraine has had a mixed electoral system, which is found to exhibit higher levels of inclusion than purely proportional or single-member district systems (see Birch 2003; Herron 2009).

Further examples of institutional fragmentation include the incentives for factions or parties to split that are created by internal parliamentary rules. Thus, by forming a faction,

⁶⁶ According to Tsebelis (1995), bicameralism increases institutional fragmentation.

the parliamentary group gained rather than lost influence, because it was then entitled to a seat in the Presidium and, after the Presidium's abolition in 1996, in the Conciliation Council of Factions, which decided on parliament's agenda (D'Anieri 2007: 180; Whitmore 2003: 80). Consequently, the threshold for a minimum number required to form a faction has constantly changed: from 25 deputies in 1994-1997 to 13-15 deputies in 1998-2012.⁶⁷ But already in 2012, the minimum requirement was eliminated.⁶⁸

Finally, a fragmented political system is also manifested in Ukraine through a large number of state bodies and weak coherence among them owing to their constant reorganization. For instance, the number of state agencies has fluctuated between 47 and 90 in different years (Koliushko and Aleksandrova 2009: 386). Presidents Kuchma⁶⁹ and Yanukovych⁷⁰ issued decrees on the complete restructuring of the public sector as part of their administrative reforms, although the constitutionality of such decrees remains questionable (Koliushko and Aleksandrova 2005: 202).

In addition, state actors often create *parallel structures* that are thought to counterbalance the original state agency and thus to mirror its functions either formally or informally. The National Defense and Security Council (NDSC) and the Presidential Administration are examples of parallel structures in Ukraine. Both state bodies have played the role of a "shadow government" under different presidents (Bos 2010: 541-542). Examples of other parallel institutions include the Coordinating Committee for Combating Corruption and Organized Crime (1994-2004), which reported to the President⁷¹, duplicated the functions of the parliamentary Committee on Combating Organized Crime and Corruption.

The parallel structures are created by granting a "*special status*" to new state bodies. President Kuchma in particular relied on this practice quite often. By the end of 2004, there were 23 such agencies that escaped government control in such a way (Koliushko and Aleksandrova 2005: 205). For instance, in October 2004, Leonid Kuchma created the

⁶⁷ "Pro vnesennia zmin do Rehlamentu Verkhovnoї Rady Ukrayny", Verkhovna Rada Ukrayny, Postanova vid 13.05.1998, № 7-XIV; "Pro Rehlament Verkhovnoї Rady Ukrayny, Verkhovna Rada Ukrayny", Postanova, Rehlament vid 16.03.2006, № 3547-IV; "Pro Rehlament Verkhovnoї Rady Ukrayny", Verkhovna Rada Ukrayny, Zakon, Rehlament vid 10.02.2010, № 1861-VI.

⁶⁸ "Pro vnesennia zmin do Rehlamentu Verkhovnoї Rady Ukrayny", Verkhovna Rada Ukrayny; Zakon vid 06.11.2012, № 5474-VI.

⁶⁹ "Pro zminy v systemi tsentral'nykh orhaniv vykonavchoi vlady Ukrayny", Prezydent Ukrayny, Ukaz vid 26.07.1996, № 596/96; "Pro zminy v systemi tsentral'nykh orhaniv vykonavchoi vlady Ukrayny", Prezydent Ukrayny, Ukaz vid 13.03.1999, № 250/99; "Pro systemu tsentral'nykh orhaniv vykonavchoi vlady", Prezydent Ukrayny, Ukaz vid 15.12.1999, № 1572/99; "Pro zminy u strukturi tsentral'nykh orhaniv vykonavchoi vlady", Ukaz Prezidenta Ukrayny vid 15.12.1999, № 1573/99.

⁷⁰ "Pro optymizatsiu systemy tsentral'nykh orhaniv vykonavchoi vlady", Prezydent Ukrayny, Ukaz, Skhema vid 09.12.2010 № 1085/2010; "Pytannia optymizatsii systemy tsentral'nykh orhaniv vykonavchoi vlady", Prezydent Ukrayny, Ukaz vid 06.04.2011, № 370/2011; "Pro deiaki zakhody z optymizatsii systemy tsentral'nykh orhaniv vykonavchoi vlady", Prezydent Ukrayny, Ukaz vid 24.12.2012, № 726/2012.

⁷¹ "Pro Koordynatsiyny komitet po borot'bi z koruptsiieiu i orhanizovanoiu zlochynnistiu", Prezydent Ukrayny, Ukaz vid 26.11.1993, № 561/93.

Foreign Intelligence Service of Ukraine out of the respective department of the Security Service of Ukraine (SBU).⁷² Unlike the SBU, the new state body received a “special status” and reported directly to the President.

4.3. Conclusion

The institutional erosion after the collapse of the Soviet regime has been recognized by many as an important factor that has influenced state building in Ukraine (Fritz 2007; Wolczuk 2001). However, even more than two decades after Ukraine gained independence, political institutions in the country remain rather weak. The regime cycles that Ukraine experienced throughout this time had a limited scope of change – Ukraine was either a competitive autocracy or partial democracy, predominantly depending on the type of formal constitution in place. However, these are both subtypes of hybrid regimes, meaning that certain features of Ukraine’s political regime have remained constant.

This chapter shows that, in particular, two factors – competitiveness and weak institutions – are not interim but constant structural features of Ukraine’s political regime; thus, their relevance should not change in the near future, and they therefore should be taken into account.

Because of the high number of participating actors, high turnover among such actors and constantly changing rules of the game, no party can monopolize power for a long period. In addition, the institutional weakness creates a favorable opportunity structure for the involvement of an even greater number of actors in Ukrainian politics. Notwithstanding their weakness, crucial institutions continue functioning and maintain the minimum of social order. It is exactly their hybrid form that makes them resilient and thus durable in a constantly changing environment.

However, the dispersion of authority might also have a detrimental effect on the functioning of formal institutions. Not only governability but also legitimacy might be engendered by a wide-range inclusion of various actors, especially when some of them decide to rely on negative framing as a strategy (see Chapters 5-6). Moreover, because political actors apply formal rules highly arbitrary and change them frequently, the real power distribution is often ambiguous and disputable. This provides ample grounds for different actors not only to interpret rules in their favor but also to securitize the biased ruling in their favor. Thus, negative framing becomes an additional resource in power struggles, which is more “credible” when formal rules are disregarded, that is, when the contextual uncertainty is high.

⁷² “Pro Sluzhbu zovnishn’oї rozvidky Ukrayny”, Prezydent Ukrayny; Ukaz vid 14.10.2004, № 1239/2004.

CHAPTER 5. The Spiral of Negativity: Delegitimization of the Gas Patronage Scheme in the 1990s

The first empirical chapter traces the process that leads to a *spiral of negativity*.⁷³ It shows that when both the incumbent and opposition resort to negative framing as a strategy, it sets off a spiral of negativity, which drives the incumbent to rely on authoritarian strategies of power maintenance.

To illustrate this process, I use the case study on gas traders in the 1990s. More specifically, I focus on President Leonid Kuchma's fight with Prime Minister Pavlo Lazarenko, backed by the largest private corporation at that time – Yulia Tymoshenko's United Energy Systems of Ukraine (UESU). Although gas politics provides the main framework for the analysis, the study purports to make an inquiry into the dynamics of power struggles and their discursive justification. The main types of actors studied in this chapter are, therefore, incumbents and opposition leaders.

The chapter is structured along three rounds of negativity in 1997-1998. The first round occurred in early 1997, when the external and internal actors began to demand Lazarenko's dismissal. The second round preceded the parliamentary elections in March 1998, while the third one started with a failed attempt to impeach the president in September 1998 and ended with Lazarenko's arrest in February 1999. The rounds of negativity were discerned based on the strategies that actors deployed in each round. The time period thus includes both types of settings in which negativity could be deployed as a strategy – elections and normal policy making.

In each round of negativity, I analyze the discursive strategies of President Kuchma and his rivals Pavlo Lazarenko and Yulia Tymoshenko. Particularly, I pay attention to their timing, their framing in terms of issues and targets, the chosen frame's sensitivity level and the effectiveness of the strategy. Such a structure only loosely follows the theoretical framework developed in Chapter 2 due to the specific focus of this case study. While the literature presented above specifies the range of possible strategies in reaction to negative framing (counterattacking, corrective action, damage control, reconciliation), it does not say much about the process of the spiral of negativity and how it can be resolved. The interactive model developed in this case study aims to illustrate the strategies that different actors deployed in reaction to negative framing and how they modified these strategies in each round of negativity. The outcome of these adjustments was the growing negativity of public discourses that was stopped only after the defeat or capitulation of one side. However, before turning to the case study analysis, I will first specify the political context

⁷³ The concept is defined in theoretical Chapter 3.3.2.

prevalent in 1997-1998. The chapter ends by considering case-specific effects of negative framing for both political actors and the political system.

5.1. Political Context and Actors

In 1997-1998, Ukraine was a typical example of a partial democracy. The country underwent its first democratic power transfer after the free presidential elections in 1994. The new Constitution of 1996 restricted presidential powers, installing a semi-presidential republic in Ukraine. Although highly fragmented, parliament played a significant role in political decision-making, which was uncommon for many other post-soviet states.⁷⁴ National broadcasting was still state-owned, but print media was overwhelmingly in private hands, providing a wide range of opinions (see The European Institute for the Media 1998).⁷⁵ Independent critical journalism, autonomous think tanks, sociological research centers emerged and began to exert an influence on public opinion.⁷⁶ By the time of the 1998 election campaign, several TV debate shows that contraposed politicians from different political camps were created.⁷⁷

All these features of the Ukrainian political system ensured that no enduring concentration of power was possible. Political polarization was particularly pronounced in the 1990s: the dividing line lay between communists and nationalists (Whitmore 2004: 36-37). Although there were several pro-presidential political forces in parliament, they did not have a majority; thus, they were dependent on situative alliances with other parties. Because parliamentary elections in 1994 were held according to the majoritarian system, parties played a minor role in the Verkhovna Rada of the second convocation. Frequent change in parliamentary factions was common (Whitmore 2003). After the 1998 parliamentary elections, parliament was somewhat better structured because of the new election law, according to which half of the seats were elected by proportional representation. However, just as earlier, neither pro-governmental nor oppositional parties could gain the upper hand, so the political strength of both camps remained roughly equal. Together with fluid alliances, this rendered the politics unpredictable and prone to mutual blockades.

⁷⁴ In Russia, for instance, President Yeltsin tried to dissolve parliament in 1993 and used military force to achieve this. After the constitutional crisis, Yeltsin pushed through a new constitution that lead to a strong presidency.

⁷⁵ As shown later in this Chapter, this media market structure played an instigating role in the power struggle between President Kuchma, who exerted influence over national broadcasting, and former Prime Minister Pavlo Lazarenko, who controlled a number of influential newspapers.

⁷⁶ For instance, newspapers, such as Zerkalo Nedeli, Kompanion, and Delovaya Nedelya; analytical TV programs, such as Oleksandr Tkachenko's "Pislyamova" and Mykola Kanishevsky's "Vikna-Weekly"; think tanks, such as International Center for Policy Studies (ICPS, since 1994), Kyiv Center of Political Studies and Conflictology (KCPSC, since 1993), Institute of Society Transformation (since 1994), and Democratic Initiatives Foundation (DIF, since 1992).

⁷⁷ For instance, the shows "5x5" by the Studio "1+1" and "Scales. Political competition" by STB.

Examples of such accidental checks and balances that are most relevant for the subsequent case study include the inability of parliament to impeach the president owing to the absence of an impeachment law and the inability of the president to prosecute deputies for criminal activity owing to parliamentary immunity. In both cases, parliament played a decisive role in tipping relations in one or other direction but could not exercise it owing to disunity.

Despite the major democratic institutions in place, Ukraine was not a fully-fledged democracy in 1997-1998. Thus, the incumbent constantly violated principles of democratic governance by skewing the playing field in his own favor through the use of administrative resources. Biased ruling was practiced in not only politics but also economics. The most controversial in this respect was the patronage system in the gas sector, which resulted in the creation of one of the largest private commercial structures in Ukraine at that time – the United Energy Systems of Ukraine (UESU).

The state patronage system for gas traders emerged in 1994 during the presidency of Leonid Kravchuk and was later maintained by the President Leonid Kuchma. Already during his first year of office in 1995, Kuchma changed the gas traders patroned by the previous government to a few others that were more loyal to him (see Balmaceda 2008; Fujimori 2005; Global Witness 2006).

In 1996, the patronage system was made more sophisticated through the introduction of the regional scheme of gas distribution (see Balmaceda 2008: 48-50). The scheme's pioneer was Pavlo Lazarenko, the first vice-premier, who was quickly promoted to the post of prime minister in May 1996. The regional scheme was an instrument of latent monopolization of the formally liberalized market by the few market players that enjoyed protection at the highest level. Thus, in January 1996, nine intermediaries received permission to supply Russian gas.⁷⁸ However, only two of them – pro-governmental UESU and Russian Itera – controlled almost 70% of gas imports to Ukraine. These companies also supplied the most gas intensive and most solvent Eastern regions and thus made the highest profits.⁷⁹

The regional scheme immediately created unequal competition between gas traders. While the position of UESU was secured, the government constantly reviewed the quotas of other gas traders. Such a state of affairs increased the dissatisfaction of other actors, who began to exert pressure on President Kuchma. However, the President was also becoming more displeased with the Prime Minister because of Lazarenko's rapidly increasing financial and political weight. Over a relatively short period, Lazarenko managed to monopolize a significant part of the Ukrainian economy, not only in the gas sector. Corruption schemes worked also in the production and sale of alcohol and tobacco products, the electricity

⁷⁸ “Pokhozhe problemy s RAO ‘Gazprom’ razreshilis’. Vremenno?”, Zerkalo Nedeli №7, 16.02.1996.

⁷⁹ Vadim Kravets “Ukrainskie vlasti ogranicili svoiu otvetstvennost' za gazosnabzhenie strany”, Neft' i kapital №3, 13.03.1996; Evgenii Kolesnik “Na zlatoi trube sideli...”, Zerkalo Nedeli №2, 12.01.1996.

sector and the grain market.⁸⁰ The establishment of close ties between the Ukrainian Prime Minister and Russian financial-industrial groups around Gazprom also contributed to the growth of Lazarenko's political influence.

Consequently, relations between President Leonid Kuchma and Prime Minister Pavlo Lazarenko began to dwindle in late 1996. The rest of this chapter analyzes the subsequent positioning of the main actors in a power struggle that lasted for more than two years. The particular focus lies herewith on the actors' discursive strategies, principally in terms of their timing, applied frames, sensitivity and effects.

5.2. The First Round of Negativity

The first round of negativity started when both external and domestic actors began to voice their dissatisfaction with Lazarenko's actions as prime minister. The introduction of the regional gas distribution scheme and its subsequent review in favor of one particular gas trader – UESU – substantially limited access to public spoils by other powerful groups, which began to seek ways to counteract this development. By autumn 1996, the pressure on the President began to grow at both the domestic and international level. The Western media widely covered Lazarenko's abuse of power in the gas sector, but the issue also received attention from a few Ukrainian newspapers.⁸¹ In September 1996, Russia also began to complain about the UESU's failure to meet its contractual commitments in a barter deal for gas imports.⁸²

Under such conditions, Leonid Kuchma made a number of moves to limit Lazarenko's grip over the gas market. By the end of 1996, the President advocated for the creation of a parliamentary commission on energy supplies,⁸³ introduced the position of State Minister for Industrial Policy and the Fuel Market to counterbalance Lazarenko's

⁸⁰ Mariia Zaplavskaya "Pavel Lazarenko i <ego> Ukraina", Kompan'on №10, 15.05.1997; Raymond Bonner, Ukraine Staggers on Path to the Free Market, The New York Times, 09.04.1997

⁸¹ Among them, the newspapers Region, Biznes, and Zerkalo Nedeli.

⁸² Russian Defence Minister Complains That Ukrainian Firm Not Meeting Obligations, BBC Monitoring Service: Former USSR, 24.09.1996.

⁸³ The pro-presidential Constitutional Center initiated the commission's creation in September 1996. The commission had to analyze the situation with energy supplies, more specifically the effectiveness of the regional gas distribution scheme introduced in 1996. See "Pro utvorennia Tymchasovoї spetsial'noi komisiï z pytan' formuvannia natsional'noho rynku enerhonosiv, Verkhovna Rada Ukrayny, Postanova vid 20.09.1996, № 380/96-VR.

actions in the gas sector,⁸⁴ and augmented state control over the gas market by prompting the creation of Ukrainian Gas Resources Consortium (UGK).⁸⁵

However, Kuchma's endeavors ultimately failed. Thus, parliament failed to adopt the final resolution on energy supplies that would suit the President's goals.⁸⁶ By manipulating the creation of UGK, the Prime Minister managed to keep UESU's market share at practically the same level as the previous year. In view of these challenges, the President began to justify his actions by using a negative framing of gas traders, as described in the next section.

5.2.1. Kuchma's Discursive Strategy

Timing

In summer 1996, influential international newspapers began to cover Lazarenko's protectionism of UESU on a regular basis.⁸⁷ With Kuchma's international reputation at

⁸⁴ Thus, the new State Minister gained control over a number of crucial administrative bodies, including the Ministry for Energy and Electrification and the Committee for Oil and Gas. He also received the right to sign intergovernmental agreements on behalf of the government, which was important for negotiations with external gas suppliers. See "Pro pryznachennia A. Minchenka Derzhavnym ministrom Ukrayiny", Prezydent Ukrayiny, Ukaz vid 21.09.1996, №864/96; "Pro Derzhavnoho ministra Ukrayiny z pytan' promyslovoi polityky ta palyvno-enerhetychnoho kompleksu", Kabinet Ministriv Ukrayiny; Postanova vid 28.09.1996, №1187.

⁸⁵ On 16 December 1996, the government adopted a decree on reforming Ukraine's gas sector. The decree foresaw the creation of vertically integrated companies, which had to become the leading business entities in the oil and gas sectors according to the plan developed by the presidential commission on the de-monopolization of the economy (created by the president). In line with the new policy, the government authorized the newly created "Ukrainian gas resource consortium" (UGK) to manage all gas resources in Ukraine, both imported and produced domestically. See "Pro Osnovni napriamy reformuvannia naftohazovoho kompleksu Ukrayiny", Kabinet Ministriv Ukrayiny, Postanova vid 16.12.1996, № 1510; "Pro personal'nyi sklad Mizhvidomchoi komisiui z pytan' demonopolizatsii ekonomiky", Prezydent Ukrayiny, Rozporiadzhennia vid 14.04.1995, №71/95-rp.

⁸⁶ In total, parliament voted on the issue of energy supplies more than twenty times, which highlights the paramount importance of this issue. After a fiasco in parliament, the issue was transferred to the presidential level. On 22 March 1997, the NSDC meeting on energy supplies took place, at which it decided to abolish the regional scheme of gas supplies.

⁸⁷ Here just some of them: Matthew Kaminski "Ukraine Economic Battle Escalates", Financial Times, 20.07.1996; Matthew Kaminski "Ukraine Held Hostage by the Clash of Its Clans", Financial Times, 07.08.1996; Rostislav Khotin, "Industrial city harbours claim to rule Ukraine, Reuters News", 09.09.1996; Jane Perlez, "On Ukraine's Capitalist Path, Clique Mans Roadblocks", The New York Times, 18.10.1996; Matthew Kaminski "Ukraine's Commercial Heart Beats Stronger", Financial Times, 21.01.1997; Matthew Brzezinski "Friends in High Places: Bustling Dnepropetrovsk basks in official favor", The Wall Street Journal Europe, 27.01.1997; Matthew Brzezinski "Ukraine Vows To Help Ease Investors' Woes – Foreigners Are Encouraged By Government Promise To Clean Up Its Act", The Wall Street Journal Europe, 31.01.1997; Weidenmann, J. "Kampf der Korruption in der Ukraine", Neue Zürcher Zeitung, 04.02.1997; Matthew Brzezinski "City reaps benefits of native sons Dnepropetrovsk is home to 220 national politicians. That is too cozy – and too influential – a relationship to suit many Ukrainians", The Wall Street Journal, 28.02.1997; Adrian Karatnycky "How to Succeed in Ukraine", The Wall Street Journal, 04.04.1997; Raymond Bonner "Ukraine Staggers on Path to the Free Market", The New York Times, 09.04.1997; Matthew Brzezinski "Trading Pains: Barter booms in ex-Soviet states, But it's the middlemen who profit", The Wall Street Journal Europe, 28.04.1997; "Monopoly Money", Financial Times, 06.05.1997; Geoffrey York "Ukraine's PM dogged by corrupt image Lazarenko's trip to Canada seeks to dispel rumours, attract wary investors", The Globe and Mail, 12.06.1997; Matthew Brzezinski "Power Politics: Ukrainian Company Turns Ailing Plants Into \$11 Billion Empire", The Wall Street Journal Europe, 24.06.1997.

stake, it was imperative for the President to address the lingering negative coverage of this issue.

The following quote illustrates that the President took publications on Lazarenko's protectionism seriously and was concerned about his own image in this respect. Speaking at the meeting of the Coordinating Committee for Combating Corruption and Organized Crime in February 1997, he said:

I do not mean to offend anyone, but the reality is this: in some cases the mass media makes a more substantial and qualified analysis and assessment of the most resonant criminal cases than those who are supposed to do this as part of their immediate professional duty. And today's speeches reflect the level at which the law-enforcement bodies are fighting crime. Perhaps, the most widespread topics in the press are as follows: Ukraine's market for gas, oil products, electric energy, sugar, alcohol and so on, and, naturally, instances of abuse in these areas. Then why do the structures involved in these abuses remain sacred cows for the law-enforcement bodies? (Kuchma's speech on 14.02.1997; as cited by BBC Monitoring Service: Former USSR, 18.02.1997).⁸⁸

Despite the attempts to avoid negative publicity, Kuchma did not have an active discursive strategy of his own until about March 1997. Only when his other attempts to gain control over the situation in the gas market were unsuccessful did he begin to securitize gas traders.

The timing of Kuchma's securitization move was strategic. On 18 March 1997, the left parties organized nationwide strikes over unpaid wages and pensions. Furthermore, on 20 March 1997, parliament failed to adopt the resolution on energy supplies. The next day, the President gave a speech before parliament, in which he negatively assessed the situation in the gas market and accused gas traders of not paying taxes. Immediately after that, the President convened the NSDC meeting, at which it was decided to abolish the regional scheme of gas supplies.

Framing Process: Issues and Targets

During the first round of negativity, Kuchma's main discursive strategy concerned corrective action. Both discursively and in practice, the President began to distance himself from the Prime Minister and attempted to limit Lazarenko's grip over the gas market. His first reaction to the external pressure was the *anti-monoplization frame* sponsored by Western actors. For instance, in October 1996, Kuchma stated that he knew about the flaws in the existing scheme of gas supplies and that there should be no "monopolists" in gas supplies

⁸⁸ President Kuchma Attacks Failure to Combat Corruption and Economic Crime, BBC Monitoring Service: Former USSR, 18.02.1997.

from Russia.⁸⁹ He also resorted to the anti-monopolization frame in an interview with a critical weekly in December 1996:

But you know my position: I will not allow a **monopoly**. Therefore, anyone who successfully worked [in the gas market] should return to the gas market, and these are Itera, Intergaz, and Olgaz. (...) And [I] gave official instructions to all the governors and state institutions: there should be a reaction to the publications that elicited a wide response (Kuchma's interview with Zerkalo Nedeli on 27.12.1996; author's own translation and emphasis).⁹⁰

However, the President did not fully adopt the anti-corruption discourse suggested by Western actors. While acknowledging the monopolization of the gas market, Kuchma did not explicitly define it as corruption, and thus, the issue was not present in Kuchma's anti-corruption discourse. For instance, having received a letter of complaint about corruption in Ukraine from the World Bank in February 1997, Kuchma organized the meeting of the Coordinating Committee for Combating Corruption and Organized Crime. At this meeting, the President lambasted law-enforcement bodies, a number of ministries (but not the one on energy), and judicial bodies for the inadequate struggle against corruption. The accusations were formulated very broadly and concerned "the organized crime" in the economic sphere. The only time when the President hinted at the corruption allegations against Lazarenko was when he talked about the need to set up a national bureau of investigation, which would address "*the most dangerous manifestations of organized crime and corruption in the top echelons of state power*".⁹¹ However, even then, Kuchma did not connect the charges to the situation in the gas sector.

In a similar manner, Kuchma reacted to an article by Raymond Bonner titled "Ukraine Staggers on Path to the Free Market" in the New York Times from 9 April 1997. Citing Western intelligence agencies, the newspaper reported that Lazarenko had an interest in UESU, which brought him about \$200 million per year. Everyone was immediately talking about the article, and it was even cited at the hearing on foreign aid to Ukraine in the U.S. legislature that occurred at about that time.⁹² The next day after the article was published, Kuchma issued a decree "On a national program for the fight against corruption", popularly referred to as operation "Clean Hands".⁹³ However, the new anti-corruption program focused on actions against low-ranking bureaucrats. Moreover, the government was made

⁸⁹ "V dele gazonabzheniiia Ukrayni so storony Rossii "ne dolzhno byt' monopolistov" - L.Kuchma", Agentstvo Interfaks, Moskva, 24.10.1996.

⁹⁰ Iuliia Mostovaia «Leonid Kuchma: budushchi god obiazatel'no budet luchshe», Zerkalo Nedeli №52, 27.12.1996.

⁹¹ "Protiv zlochynnosti - vsiiui hromadoiu: Vystup Prezydenta Ukrayni L.D. Kuchmy na rozshyrenomu zasidannii Koordynatsiinoho komitetu po borot'bi z koruptsiiciu i orhanizovanoiu zlochynnistiu pry Prezydentovi Ukrayni", Uryadovyi Kurier, 18.02.1997.

⁹² "1997: The Year in Review", The Ukrainian Weekly №52, 28.12.1997, p. 7, http://www.ukrweekly.com/uwwp/wp-content/uploads/year_in_review/1997.pdf (last accessed on 28.12.2016).

⁹³ "Pro Natsional'nu prohramu borot'by z koruptsiicium", Prezydent Ukrayny, Ukaz vid 10.04.1997, №319/97.

responsible for the program's implementation, and hence, the campaign was not directed against Lazarenko but was rather a reaction to negative framing by others.

By the end of March 1997, the President expanded his anti-monopolization discourse with a *tax evasion frame*. The main sponsors of this frame were deputies from the parliamentary faction the Constitutional Center (future NDP party of the next prime minister),⁹⁴ which initiated the creation of a parliamentary commission in September 1996 to investigate the situation in the energy market. On 18 March 1997, the day of protests over unpaid wages, the deputies from the Constitutional Center gave a press conference, at which they proposed an alternative explanation for the budget crisis by accusing gas traders in general and UESU in particular of not paying taxes, which resulted in wage and pension arrears.⁹⁵ A few days later, Kuchma made a securitization move by repeating the same frame in his presidential address to parliament. Thus, the President blamed the government for the budget crisis, which he connected to the issue regarding the taxation of gas traders. The following quote exemplifies the negative framing directed against Lazarenko's government and used in connection with the anti-monopolization and tax evasion frames:

Populism, incompetence, attempts to divide the country “for personal gain” – are the path to the abyss. (...) And this results in a situation where the state is being plundered “in accordance with the law.” (...) I see that some people are surprised, so there is a need for explanation. Almost 11,000 businesses in Ukraine – especially those that work in the markets of gas, oil, electricity, metals, chemicals, sugar and alcohol, that is where large amounts of money circulate – do not pay taxes because laws allow it, if these entities are registered as joint ventures, working on tolling schemes or bartering. Even approximate calculations show that if such structures made contributions to the budget, we would not have **problems with payments of pensions and salaries**. Don't you know that? Or doesn't the government see it? You know and see it!

Having solved the issue of external state debt for energy in the last two years – by the way, there was no such debt in 1996 at all – we are now experiencing a steady growth in the debt of domestic consumers and commercial entities. The joint stock company Ukrugazprom did not receive \$994.6 million for its gas supply and transportation services. Thus, we should talk not about a fundamental solution to the energy debt problem but about its transfer from the level of foreign trade to the domestic sphere.

The government is primarily responsible for this. Its inconsistent and ill-considered policies have made it impossible to offer adequate rules in the energy market. In addition, **the protective activity of some public officials has actually prevented the implementation of market reforms.**

There is a paradoxical situation – **the monopolization of the energy market is encouraged by public authorities**. It's not about the existence of gas traders; rather, they function parasitically and, without exception, **pay no taxes**. (Kuchma's annual address to parliament on 21.03.1997; author's own translation and emphasis).⁹⁶

⁹⁴ The NDP party formed on the basis of the Constitutional Center incorporated many deputies with interests in the energy sector – in other words, rivals of Pavlo Lazarenko. See Balmaceda (2008: 51), Puglisi (2003: 113).

⁹⁵“Rynok enerhonosiiv iak dzerkalo politychnoi borot'by?”, Holos Ukrainy №1549, 20.03.1997.

⁹⁶ See the transcript of the parliamentary session on 21.03.1997.

At this stage of the power struggle, Kuchma avoided directly referring to Pavlo Lazarenko in his statements. Instead, he used wording such as “government”, “public officials”, and “public authorities”. His negative framing therefore took a milder form of indirect comparison, which helped Kuchma limit the backfire effect of the person-related negative framing.

Finally, the way that Lazarenko was dismissed in July 1997 suggests that President Kuchma took this step rather involuntary, as a reaction to pressure from other actors. Thus, Kuchma did so only after meetings with parliamentary factions and regional governors.⁹⁷ Moreover, Kuchma did not dismiss Lazarenko but accepted his resignation.⁹⁸ The latter used the cover of illness to save face. In this manner, Lazarenko escaped the fate of his predecessor Yevhen Marchuk, whom Kuchma dismissed from the Prime Minister post with a harsh formulation “for efforts to create own political image”. No disclosures or attempts to bring Lazarenko to justice followed immediately after his resignation. Instead, Lazarenko was allowed to hold the office of governor of the Dnipropetrovsk region, which became instrumental in his electoral campaign and thus his return to national politics in 1998. Overall, the evidence suggests that Kuchma and Lazarenko negotiated an informal “neutrality pact” just before Lazarenko’s dismissal, which was later broken when the former Prime Minister became the head of the oppositional Hromada party.

Sensitivity

Blaming gas traders for the budget crisis was a particularly strong strategy in view of the economic situation at that time. The budget topic had been long in the public eye, because by the time of the President’s securitization move, the budget for 1997 had still not been adopted. The addressees of this statement were therefore not only gas traders but also international organizations and the opposition that advocated for the state budget crisis to be solved. Just a few days before the Presidential address, there were nationwide protests against wage and pension arrears organized by the left-wing opposition. The budget crisis therefore formed a major part of the 90-minute talk of the President before parliament, in which he blamed the government for the dire situation and called for its resignation if wage arrears were not paid. In such a way, Kuchma shifted the focus from Lazarenko’s protectionism in the gas sphere to the problem of tax evasion by gas traders. Consequently, the negative framing in terms of tax evasion was rather effective, because it was connected to a valence issue such as wage arrears, a highly sensitive issue at that time because of the budget crisis.

⁹⁷ Irina Gavrilova, Andrei Nikolaichuk “Leonid Kuchma: U Lazarenko pozitivnye cherty preobladajut nad drugimi”, Den’ №169, 15.09.1999.

⁹⁸ “Pro vidstavku Premier-ministra Ukrayiny P.I.Lazarenka”, Prezydent Ukrayiny, Ukaz vid 02.07.1997, №599/97.

5.2.2. Lazarenko's and Tymoshenko's Discursive Strategy

Timing

The gas trader UESU met the critique against it with its own counter-discourse. The strategy that both Lazarenko and Tymoshenko adhered to in this period was a *defensive* one. It was mere damage control, which was ultimately not effective. One reason for this was the poor timing. Thus, the ‘partners’ began their counter-discourse only in January 1997, while the rumors of Lazarenko’s protectionism of UESU had already circulated in the mass media for at least half a year.

The initial use of the defensive strategy was apparently connected to the negative coverage of UESU in the Ukrainian media after the creation of Ukrainian Gas Resources Consortium (UGK) in January 1997.⁹⁹ Later, Tymoshenko tried to counteract the negative framing started by the President. For instance, when the deputies listened to the report of the parliamentary commission on energy supplies in March 1997, UESU disseminated a statement in parliament that framed the firm in a positive light.¹⁰⁰ In April-June 1997, Tymoshenko and Lazarenko visited the U.S. to provide their own interpretation of the conflict around the tax exemption of joint ventures, which caused much discontent among American firms active in Ukraine.¹⁰¹

Framing Process: Issues and Targets

The counter-discourse of the gas trader UESU was based on presenting the firm in a positive light as a defender of national interests and a law-abiding firm. On 30 January 1997, UESU gave its first press conference, at which its President and the newly elected deputy Yulia Tymoshenko stated that UESU promoted UGK’s creation with the aim “*to end discrimination of Ukrainian gas in the Ukrainian gas market*”.¹⁰² She also stressed that UESU is a mechanism to implement market reforms, revive production and attract investments.

In a statement disseminated at Verkhovna Rada in March 1997, UESU denied the monopolization charges against the corporation on the grounds that its market share was not much higher than that of the Russian gas trader Itera and even less than that of state-

⁹⁹ Evgenii Kolesnik „Gazovyj rynok EÈSU”, Zerkalo Nedeli №1, 03.01.1997; Evgenii Kolesnik “Gazovyj peredel okonchen”, Zerkalo Nedeli №2, 17.01.1997.

¹⁰⁰ “Na Ukraine nachalas’ bor’ba za peredel rynka”, Delovoj mir №54, 10.04.1997 (Neftegazovyj Kompleks №13, 12.04.1997).

¹⁰¹ In March 1997, President Kuchma called for a review of the tax benefits to joint ventures – but only to those working in the gas market. However, Lazarenko introduced his own bill, according to which privileges to all joint ventures, regardless of their type, had to be abolished. In April 1997, parliament adopted the government’s proposal with 276 votes in favor. The decision caused discontent among foreign investors, as the majority of joint ventures in Ukraine were created with foreign capital. See: Tat’iana Ivzhenko “L’goty sdal - l’goty prinial”, Kompan’on №10, 15.05.1997; Élla Solov’eva, Mariia Zaplavskaya “Nalogovoe pole chudes <v zakone>”, Kompan’on №11, 01.06.1997.; the transcripts of the parliamentary sessions on 08.04.1997 and 09.04.1997.

¹⁰² Gleb Kornilov, Andrei Starostin “Ukraina vstupaet v EÈS...”, Biznes №4, 04.02.1997.

owned firms.¹⁰³ Simultaneously, the company countered the charges of tax evasion by saying that tax breaks were granted to joint ventures such as UESU by law.

In April 1997, Tymoshenko played the nationalist card during her weeklong visit to the U.S. Organized by an American public relations firm, the trip took place immediately after the U.S. legislature began hearings on foreign aid to Central and Eastern Europe, during which the issue of stopping the financial assistance to Ukraine owing to government corruption was actively discussed.¹⁰⁴ In her speeches, Tymoshenko talked about the need for market reforms and promised to introduce legislation that would create “*proper conditions for foreign investors in Ukraine*”¹⁰⁵ and reduce the “*influence of the bureaucracy and the shadow economy on business*”.¹⁰⁶ She also defended the regional gas distribution system by arguing that it helped Ukraine make timely payments for its gas imports in 1996. Tymoshenko also connected the absence of gas debts to Russia to the issue of Ukraine’s independence. This frame was constructed as follows: if Ukraine had gas debts to Russia, it would succumb to Russia’s pressure to give away its GTS in exchange for gas debt relief, which would have been a serious blow to Ukraine’s sovereignty. Moreover, Tymoshenko stated that Ukraine had to reduce its energy dependence on Russia by increasing imports from Turkmenistan and Uzbekistan.¹⁰⁷ Surprisingly, the anti-Russian rhetoric ran contrary to UESU’s established business relations with Russia and its earlier plans to increase such cooperation by supplying the production of the Khartsyzsk pipe plant located in the Donetsk region.

Tymoshenko also repeated the same messages at home during her press conference on 22 April 1997. However, the rhetoric was obviously less anti-Russian. For instance, when talking about the diversification of gas supplies, Tymoshenko added that imports from Russia were not so dangerous to national energy security, if Ukraine paid for the supplied fuel on time and in full.¹⁰⁸ Moreover, she also refuted the rumors about her letter to U.S. President Bill Clinton, in which she allegedly asked him to limit Gazprom’s monopoly.¹⁰⁹

¹⁰³ “Na Ukraine nachalas’ bor’ba za peredel rynka”, Delovoï mir №54, 10.04.1997 (Neftegazovyj Kompleks №13, 12.04.1997).

¹⁰⁴ Such hearings took place between 9 April and 7 May 1997. The first such meeting coincided with the publication of an influential article by Raymond Bonner titled “Ukraine Staggers on Path to the Free Market” in the New York Times. Just few days afterward, on 14 April 1997, Tymoshenko spoke in Washington at a seminar held at Johns Hopkins University. See: Michael Sawkiw Jr “House subcommittee hearing on foreign aid focuses on reports of corruption in Ukraine”, The Ukrainian Weekly, 20.04.1997 №16, Vol. LXV, http://ukrweekly.com/archive/1997/The_Ukrainian_Weekly_1997-16.pdf (last accessed on 28.12.2016).

¹⁰⁵ As cited in R.L. Chomiak ”Energy company president speaks on investment climate in Ukraine”, The Ukrainian Weekly №16, Vol. LXV, p. 16, 20.04.1997, http://ukrweekly.com/archive/1997/The_Ukrainian_Weekly_1997-16.pdf (last accessed on 28.12.2016).

¹⁰⁶ As cited in “Ukraine gas firm says prime minister not an investor”, Reuters News, 14.09.1997.

¹⁰⁷ Harry Dunphy “Ukraine parliament leader complains about corruption”, Associated Press Writer, 14.04.1997.

¹⁰⁸ „Printsessha-gazotreider neprilichnykh pisem ne pisala”, Biznes-Donbass №16, 26.04.1997.

¹⁰⁹ The content of this letter signed by Tymoshenko was published by the U.S. weekly Time on 31 March 1997 and was commented on by the Ukrainian newspaper Den on 8 April 1997. See Natalia Diachenko “Iedyni enerhetychni systemy” prosiat’ dopomohy u Klintonu”, Den’ №61, 08.04.1997.

Similar to Tymoshenko, Lazarenko too began to make efforts to counteract the corruption charges against him. In his public statements, he often praised the regional gas distribution system, under the argument that it helped shift the gas debts that Ukraine as a state owed to Russia and Turkmenistan to companies without providing them any state guarantees in the case of non-payment.¹¹⁰ As Tymoshenko did, he also stressed that Ukraine avoided accumulating debts for imported Russian gas in 1996. Lazarenko refuted the rumors regarding his patronage of UESU as groundless.

In general, Lazarenko's approach was more reactive than proactive. His reaction to the article by Raymond Bonner titled "Ukraine Staggers on Path to the Free Market" in the New York Times from 9 April 1997 is illustrative. As mentioned above, the author, citing the diplomats and American investors, accused Lazarenko's government of unprecedented corruption and monopolization of the gas sector through UESU. After the publication of the article, the Ukrainian government press office issued a statement, in which Bonner's article was stated to reflect prejudice and outright innuendo that distorted the government's work so that some Western businessmen could gain an unduly privileged position in the Ukrainian market.¹¹¹ The Prime Minister also published a rebuttal in the New York Times, where he denied that he had a stake in UESU and argued that foreign business investment was growing in Ukraine.¹¹² A month later, Lazarenko also published an article entitled "Economic Growth is Our Goal" in the Wall Street Journal, in which he denied the government's backsliding on economic reforms.¹¹³ In addition, Lazarenko made a number of oral refutations during his meetings with the Special Advisor to the U.S. President on CIS, Richard L. Morningstar (on 24 April 1997); the U.S. Ambassador to Ukraine, William Green Miller (on 25 April and on 7 May 1997); and foreign journalists (on 6 May 1997) and during his visit to Canada (on 12-16 June 1997).¹¹⁴

Advised by the American PR firm,¹¹⁵ Pavlo Lazarenko paid more attention to public relations abroad rather than at home. Instead of countering the public's mistrust, he preferred to take sick leave.¹¹⁶ Ignoring the domestic component of public relations cost

¹¹⁰ See the statements of Pavlo Lazarenko in: Alla Eremenko "Avtor "pravil igry""", Zerkalo Nedeli №16, 20.04.1996; Viktor Timoshenko "Na poroge reshaushchego etapa reform", Nezavisimaya Gazeta №246, 31.12.1996, "Prem'er ubedil posla i sovetnika", Biznes №16-17, 06.05.1997; also Lazarenko's speech at the parliament (see the transcript of the parliamentary session on 14.03.1997).

¹¹¹ "Press-sluzhba ukrainskogo pravitel'stva oprovergaet stat'iua Ra'ymonda Bonnera v gazete "New York Times", Agentstvo RIA Novosti, 18.04.1997.

¹¹² Pavlo Lazarenko "Foreign Business Investment Grows in Ukraine", The New York Times, 03.05.1997.

¹¹³ Pavlo Lazarenko "Economic Growth Is Our Goal", The Wall Street Journal, 23.05.1997.

¹¹⁴ "Prem'er ubedil posla i sovetnika", Biznes №16-17, 06.05.1997; Iuliia Mostovaia "Kontseptsiiia bezopasnosti prem'era: krugovaia oborona", Zerkalo Nedeli №18, 08.05.1997; "Vse budet khorosho", Biznes №18, 13.05.1997.; "Amerikanskie investitsii. Okhranaiutsia gosudarstvom", Finansovaia Ukraina №13, 12.05.1997; "Prem'er-ministr Ukrayny posetit Kanadu s ofitsial'nym vizitom", Agentstvo ITAR-TASS, 06.06.1997.

¹¹⁵ According to information published in: Geoffrey York "Ukraine's PM dogged by corrupt image Lazarenko's trip to Canada seeks to dispel rumours, attract wary investors", The Globe and Mail, 12.06.1997.

¹¹⁶ There were at least four such cases before his arrest in 1999: in September 1996, after a number of Ukrainian newspapers wrote about the unlawful privatization in the oil and gas industry; in April 1997, after the New York Times

Lazarenko his post as Prime Minister. During his visit to Canada in June 1997, the deputies from the rival NDP party lobbied for his dismissal, bringing against him the same corruption charges as the West did.¹¹⁷

Sensitivity

During the first round of negativity, neither Lazarenko's nor Tymoshenko's discourse was sensitive. The content that they promoted – an image of UESU as a defender of national interests and a law-abiding company – was not tenable because of the logic of negative framing, which suggests that when contrasted together, negative information always has the upper hand over positive information. In line with the theoretical propositions described in Chapter 3, the strategy of damage control proved to be ineffective. Thus, Lazarenko's last visit abroad as Prime Minister began with a newspaper article in the *Globe and Mail* in June 1997 that repeated all the previous corruption accusations.¹¹⁸

5.2.3. Subconclusion

The first round of negativity started with the negative framing of Prime Minister Pavlo Lazarenko promoted by both external and domestic actors. These actors used Lazarenko's protectionism in the gas market as pretext for formulating far-reaching demands. Thus, the external actors complained about widespread corruption at the highest level, which impeded international business relations. At the same time, deputies from the Constitutional Center, a faction that would form the basis of the NDP party of the next prime minister,¹¹⁹ promoted a tax evasion frame, according to which gas traders were to blame for the state budget crisis.

Because the President had sanctioning powers over Prime Minister, Kuchma's image suffered from this negative publicity. Consequently, he opted for a strategy of corrective action. Without resorting to dismissal, Kuchma began to distance himself from Pavlo

published an influential article on high-level corruption in Ukraine; in June 1997, the same day that President Kuchma appointed Lazarenko's first deputy as acting Prime Minister; and in February 1999, immediately before the vote on lifting his parliamentary immunity. See: Viktor Timoshenko "Ocherednoi skandal s privatizatsiei" *Nezavisimaia Gazeta* №168, 10.09.1996; Tat'iana Ivzhenko "Amerikantsy predpolagaiut, chto Ukraina delaet oshibki", *Kompan'on* №7, 01.04.1997; the transcript of parliamentary session on 05.02.1999.

¹¹⁷ Andrei Kapustin "Lazarenko popal pod udar", *Nezavisimaia Gazeta* №109, 18.06.1997.; "Prem'er-ministr Ukrayny ukhodit?", *Nezavisimaia Gazeta* №111, 20.06.1997.

¹¹⁸ Geoffrey York "Ukraine's PM dogged by corrupt image Lazarenko's trip to Canada seeks to dispel rumours, attract wary investors", *The Globe and Mail*, 12.06.1997.

¹¹⁹ In their analysis of the center politics under Kuchma, Protsyk and Wilson (2003: 712) define these factions – Center and NDP – as the principal pro-government factions during parliamentary terms of 1994-1998 and 1998-2002, respectively.

Lazarenko via infrequent critique of the government's actions. On the one hand, Kuchma promoted the anti-corruption discourse, which nevertheless did not include abuses in the gas sector. On the other hand, the President changed the focus from Lazarenko's protectionism in the gas sphere to the problem of tax evasion by gas traders. Redefinition of the discourse allowed the President to displace the gas trader UESU without having to dismantle the patronage system as such and simultaneously to shift the blame for the budget crisis to one company.

Lazarenko reacted to the negative framing against him quite late. Only in April 1997 did he begin to rebut the rumors of his protectionism in the gas market. However, neither the advice of the American PR firm nor his numerous personal meetings with key stakeholders abroad helped Lazarenko improve his tarnished image. The damage control tactics also did not help the gas trader UESU. Despite the efforts to position the firm as a nationally recognized leader that guards the interests of Ukraine, both domestic and international newspapers continued to publish unflattering stories about UESU's support at the governmental level.

Ultimately, the international and domestic pressure against Lazarenko reached its peak in June 1996, when the rival NDP party issued an ultimatum requesting Lazarenko's immediate dismissal. The President satisfied the demand but only after reaching an informal neutrality pact with the former Prime Minister. Such informal peace, however, was doomed to fail from the very beginning in view of the upcoming parliamentary elections.

5.3. The Second Round of Negativity

The second round of negativity began a few months after Lazarenko's dismissal. The ousting of UESU from the gas market and the approaching parliamentary elections based on a new electoral law prompted former Prime Minister Pavlo Lazarenko and former UESU president Yulia Tymoshenko to modify their tactics. Having learned from the failure of their defensive strategy in the first round of negativity, they then opted for a powerful anti-presidential campaign, the effectiveness of which was nevertheless limited because of the presidential counter-discourse and the restricted media access.

Another consequence of the first round of negativity was that the political actors were primed on corruption issues. Under such circumstances, the 1998 election campaign was dominated by the topic of corruption practices on the part of high-ranking officials (Birch and Wilson 1999: 278). Moreover, the ongoing budget crisis and the general lack of trust in political system incentivized the parties to campaign on negative sentiments to the status quo; thus, politics were divided not along ideological lines but along the relationship with the President and his policies. Consequently, many viewed the 1998 parliamentary elections as the start of the 1999 presidential elections.

5.3.1. Lazarenko's and Tymoshenko's Discursive Strategy

Timing

His dismissal did not immediately transform Lazarenko into an opposition politician. At first, he took a rather moderate stance, which supports the proposition of his informal agreement with the President just before the resignation. Thus, Lazarenko began to position himself as a social democrat who opposed Leonid Kuchma's impeachment.¹²⁰ Even in September 1997, when he became a head of the oppositional Hromada party, Lazarenko continued to state that he would not run for president and declared that he was in favor of a constructive opposition.¹²¹

The former president of UESU, Yulia Tymoshenko, initially took the same moderate position as Pavlo Lazarenko. In July 1997, during the first press conference of the Hromada party, Tymoshenko expressed willingness to cooperate with all political forces and branches of government and did not call for Kuchma's impeachment, unlike her party colleague Oleksandr Elyashkevich, who made a strong statement against Kuchma in his speech.¹²²

However, when the new government began to oust UESU from the gas market, Tymoshenko reacted with a powerful oppositional campaign. On 19 September 1997, the new government abolished the regional gas supply scheme. A week later, Russia renewed gas supplies to the gas trader Intergaz but not to UESU. Moreover, UESU was excluded from the list of wholesale gas traders, and the state-owned gas company Ukrugazprom took over its contracts.¹²³ Tymoshenko's response was immediate. Already on 27 September 1997, Hromada held a congress, at which Tymoshenko heavily criticized President Kuchma and his team. Lazarenko had no choice but to join this radical discourse. With parliamentary elections approaching, Hromada's discourse became increasingly more polarizing.

Framing Process: Issues and Targets

Hromada's congress on 27 September 1997 marked the start of its rhetorical radicalization. In his speech at the congress, Tymoshenko's close ally and Hromada's deputy Oleksandr Turchynov talked about the imposition of "*an authoritarian regime*" that is characterized by "*corruption and decay*" and "*lies and double standards*", which has led to a

¹²⁰ "Former premier sets out platform as parliamentary group leader", BBC Monitoring Service: Former USSR, 01.09.1997 (Radio Ukraine World Service, Kiev, in Ukrainian 1900 gmt 29 Aug 97).

¹²¹ IUrii Raikhel "Vozvrashchenie Pavla Ivanovicha", Zerkalo Nedeli №32, 09.08.1997; Vladimir Skachko"Anti-Presidential Triumvirate Takes Shape in Ukraine", Segodnya, 25.09.1997; "Leader of Community association does not rule out joining forces with presidential opponents", BBC Monitoring Service: Former USSR, 30.09.1997 (UNIAN news agency, Kiev, in Ukrainian 1530 gmt 27 Sep 97).

¹²² "Gromada" perekhodit k aktivnym aktsiiam", Delovaia Ukraina №53, 30.07.1997.

¹²³ Alla Eremenko "Dolzhok-s! Po schetam gazotreiderov pridetsia platit' gosudarstvu", Zerkalo Nedeli №39, 27.09.1997.

“national economic disaster”.¹²⁴ The congress approved the final statement, which was also very hostile to power holders and included phrases such as “*the authorities are merging with the mafia*” and “*official corruption and the theft of national wealth have reached an unprecedented scale*”.¹²⁵

The anti-presidential discourse of Hromada’s leaders allowed them to pursue two goals. First, it justified their demand to change the Constitution in order to curtail presidential powers. Specifically, Lazarenko and Tymoshenko promoted the move to a parliamentary political system, in which the parliamentary coalition and not the president would appoint government officials and the prime minister.¹²⁶ Given his split with the President Kuchma, this was the most feasible option for Lazarenko to return to a senior position in the government.

Second, the anti-presidential discourse served an important function of blame shifting. Whenever there were accusations against either Lazarenko or Tymoshenko, they countered them with a simple answer: the President (or the government) wants to prevent the opposition from coming to power. The strategy was to view any indictment from the perspective of a power struggle, which made it automatically political and therefore reduced its credibility. For instance, in December 1997, when law enforcement agencies opened a criminal case against Tymoshenko, Lazarenko called it “*the beginning of a dictatorship in Ukraine*”,¹²⁷ while Tymoshenko dismissed the accusations against her as “*an act of political reprisal of opposition*”.¹²⁸ In a similar manner, Lazarenko refuted any criminal evidence brought against him by the Prosecutor General, where he framed the investigations as Kuchma’s campaign to discredit him for his oppositional activity.¹²⁹

To increase the credibility of its oppositional discourse, Hromada constantly emphasized the biased and undemocratic methods of struggle used by the government. For instance, in November 1997, Hromada accused the President’s Administration of drawing up “recommended guidelines” on collecting election signatures by heads of state administrations in support of pro-presidential parties.¹³⁰ In December 1998, it filed a lawsuit

¹²⁴ “Nationwide Community association calls for early presidential election”, BBC Monitoring Service: Former USSR, 29.09.1997 (UNIAN news agency, Kiev, in Ukrainian 1210 gmt 27 Sep 97).

¹²⁵ “Former premier leads political movement”, Associated Press Newswires, 27.09.1997.

¹²⁶ See their statements in: “Svitlo rizhe ochi tin’ovomu uriadu”, Ukraina Moloda, 06.11.1997.; “Ptashtsi hnizda “Dnipropetrova” zahrozhuiie klitka?”, Ukraina Moloda, 06.12.1997; “Hromadiany” proponuiut’ zrobity “krok do demokratii”, Ukraina Moloda, 09.12.1997; “Khaziaïn ne khochu buty spikerom”, Ukraina Moloda, 13.03.1998.

¹²⁷ “Former premier says he sees “beginning of dictatorship in Ukraine””, BBC Monitoring Service: Former USSR, 08.12.1997 (UNIAN news agency, Kiev, in Ukrainian 1030 gmt 6 Dec 97).

¹²⁸ Tat’iana Ivzhenko “Ne nashe <delo>...”, Kompan’on №24, 15.12.1997.

¹²⁹ “Former Premier Lazarenko complains of campaign to discredit him”, BBC Monitoring Service: Former USSR, 14.01.1998 (Intelnews news agency, Kiev, in English 0312 gmt 13 Jan 98); “Former Premier Lazarenko rebuffs charges by “puppet” prosecution”, BBC Monitoring Service: Former USSR, 21.01.1998 (UNIAN news agency, Kiev, in Ukrainian 1330 gmt 19 Jan 98); “Ukraine ex-premier sees political plot behind charges”, BBC Monitoring Newsfile, 22.12.1998; “Ukraine ex-PM’s says accusations are political”, Reuters News, 22.01.1999.

¹³⁰ “President Kuchma’s office said to issue guidelines on collecting election signatures”, BBC Monitoring Service: Former USSR, 28.11.1997 (UNIAN news agency, Kiev, in Ukrainian 1400 gmt 25 Nov 97).

against the Kyiv mayor for removing Hromada's advertising billboards.¹³¹ In January 1998, Hromada accused the President of sponsoring the pro-governmental NDP through the charity program "Wife of the President of Ukraine to Ukraine's Children".¹³² Later that month, it condemned the ban of the oppositional newspaper *Pravda Ukrayiny* and complained that the government barred it from using radio and television.¹³³ In March 1998, the party appealed to international organizations over alleged persecution, calling them to speak out in defense of democratic freedoms and human rights in Ukraine. According to Hromada, the authorities sealed off its printing material and began exhaustive checks in its branches. The statement underlined that the regime demonstrated "*its criminal nature, aggressive impotence and complete lack of control of the situation*".¹³⁴

In addition to the post-factum accusations of undemocratic means of struggle, Lazarenko and Tymoshenko tried to create political capital on threats of certain undemocratic developments. To support such claims, Hromada relied on external information, such as that published in Russian newspapers. Thus, a day after the Prosecutor General's Office opened a criminal case against Lazarenko,¹³⁵ the Russian newspaper *Nezavisimaya Gazeta* published an article titled "Ukraine prepares for election", in which it alleged that the NDSC had a secret plan to eliminate Hromada and its leader Lazarenko.¹³⁶ A week after the article was published, the pro-Lazarenko Ednist group in parliament made a securitization move by issuing a statement, in which the President was accused of anti-constitutional actions and attempts to establish the dictatorship, citing the report published in *Nezavisimaya Gazeta*:

Analysis of the political situation in the country shows that the President and his entourage, ignoring Constitutional norms, took the criminal path of struggle against the democratic opposition. Now, we can say it based on specific documents. In particular, the media recently published a secret plan of priority actions for the neutralization of Hromada. According to the newspaper sources, the Secretary of the National Security Council under the President of Ukraine, Volodymyr Horbulin, developed a plan unprecedented in its cynicism and insolence. **The insolent plan prepared by state authorities presents a dangerous criminal offense.**

The authors of the plan state the possible consequences of its implementation. Here are some excerpts from the document: "It is possible to predict an attack against our opponents by the interested criminal circles. This will result in the elimination of one of the most active opponents. Adequate response would lead to a serious destabilization of public life, a wave of criminal terrorism, civil unrest and economic sabotage. This would lead to the introduction

¹³¹ Iuliia Mostovaia "Odnoimennye zariady ottalkivaiutsia", *Zerkalo Nedeli* №50, 13.12.1997.

¹³² See the transcript of the parliamentary session on 16.01.1998.

¹³³ "Pravda Ukrayiny' newspaper to sue information ministry over ban", BBC Monitoring Service: Former USSR, 31.01.1998 (UNIAN news agency, Kiev, in Ukrainian 1700 gmt 29 Jan 98).

¹³⁴ As cited in "Hromada appeals to international organizations over alleged official persecution", BBC Monitoring Service: Former USSR, 23.03.1998 (UNIAN news agency, Kiev, in Ukrainian 1330 gmt 20 Mar 98).

¹³⁵ "Genprokuratura vozбудила уголовне діло проти екс-прем'єра П. Лазаренка", UNIAN, 23.12.1997.

¹³⁶ Nikolai Vavilov "Na Ukraine gotoviatsia k vyboram", *Nezavisimaya Gazeta* №241, 24.12.1997.

of a state of emergency, dissolution of the Verkhovna Rada, ban of the Communist Party, full elimination of Hromada and so on.”

As can be seen from the document, **the presidential structures sanctified an anti-constitutional strategy to maintain power at any cost.** This means the physical destruction of active politicians, administrative removal of Pavlo Lazarenko, Hromada’s leader and the head of the parliamentary group Ednist, **from the political arena** and other provocations.

It should be noted that this time, we are not dealing with the mischievous acts of presidential advisers. Influential state institutions such as the General Prosecutor's Office, State Tax Administration, Ministry of Interior, and Security Service are involved in the plan’s implementation. If these ideas are successfully implemented, we would get a number of fabricated criminal cases against politicians and defamation cases against parliamentary candidates and opposition activists.

Having influence over the repressive apparatus, a practically fully monopolized TV space, **the presidential team is a step away from establishing a dictatorship. We can now predict the declaration of a state of emergency, ban of certain political parties, disruption of parliamentary elections, and dissolution of parliament.**

Analysis of recent steps of the President and his entourage, unfortunately, leaves no doubt about the authenticity of the document. This plan is being implemented consistently and in full. Further, its implementation will inevitably lead to a complete destabilization of public life in Ukraine, inciting internal conflicts and civil war in the country.

In this regard, the deputies ask a logical question: **should Leonid Kuchma, whose entourage is developing and implementing criminal plans to destroy democracy, remain the President of Ukraine, guarantor of the Constitution and political freedoms?**

We demand the immediate creation of a special investigative parliamentary commission that would include, in accordance with Article 111 of the Constitution of Ukraine, a special prosecutor and special investigators to investigate the unconstitutional actions of the President, his Administration and other subordinated structures in order to prevent a coup d'état in the country and the destruction of parliament, unprecedented in its cynicism intentions to involve criminal organizations.

If these facts are confirmed, we suggest **that the presidential impeachment procedure** be initiated in accordance with the Constitution of Ukraine.

Deputy group Ednist proposes to urgently consider a bill on the **impeachment of the President.** (The statement of parliamentary group Ednist on 30.12.1997; author's own translation and emphasis).¹³⁷

Hromada’s attempts to initiate an impeachment debate at this stage of a power struggle ultimately failed. Hromada’s best achievement was the inclusion of its impeachment bill into the parliamentary agenda in February 1998 (with 194 votes in favor), but this happened only after a number of political scandals related to the incumbent.¹³⁸ Despite this, parliament never considered the bill.

¹³⁷ See the transcript of the parliamentary session on 30.12.1997.

¹³⁸ In February 1998, parliament accused President Kuchma of banning the oppositional newspaper Pravda Ukrayny and illegitimately appointing the Yalta mayor by a presidential decree instead of direct election. See the transcript of the parliamentary session on 03.02.1998.

Over time, Lazarenko and Tymoshenko had to rely on *counterattacks* increasingly more. Consequently, the quality of the debate devolved to sleazy claims. One episode of such political mudslinging was the so-called “dacha saga”. When the Prosecutor General opened the first criminal investigation against Lazarenko, he was accused of misspending state money to repair his country residence – *dacha* – near Kiev. Lazarenko immediately reacted to this by warning state officials of publishing compromising material on the dacha of other high-ranking officials.¹³⁹ When a pro-Lazarenko newspaper, *Pravda Ukrayny*, finally published this information, the government closed it down under pretext of irregularities during registration.¹⁴⁰

Other examples of tit-for-tat accusations include the scandals around the renovation of the Ukraina Palace and the offshore companies in the US, both involving Prime Minister Valeriy Pustovoytenko. Thus, in January 1998, parliament adopted an unbinding resolution calling on President Kuchma to dismiss Pustovoytenko and several other senior officials for misusing state funds during the 1996 renovation of Ukraina Palace based on the report of a temporary investigative commission (TIC) headed by a deputy from the pro-Lazarenko Ednist faction.¹⁴¹ The parliamentary commission was created in December 1996, but its report was constantly postponed.¹⁴² On 16 January 1998, the TIC announced its results only two days after the government disclosed disturbing details of misappropriation of funds by state-owned gas companies during Lazarenko’s premiership.¹⁴³ In its report to parliament, the commission fully placed blame on Pustovoytenko, withholding the fact that Lazarenko was Prime Minister when the misappropriation occurred and was thus logically co-responsible for it. In addition, the commission used its status to promulgate another “finding”, which was actually not related to the commission’s initial objectives. Thus, the commission expanded its powers to investigate the question whether the charitable fund headed by Kuchma’s wife was allegedly used as a façade to cover the financing of the NDP party.¹⁴⁴ These accusations intended to overshadow the accusations of Lazarenko in financing the oppositional newspaper *Pravda Ukrayny* through a charitable fund registered offshore.

In March 1998, the Russian newspaper *Pravda-5* published an article entitled “Dnepropetrovsk boys are tougher than those of Chicago”, in which Prime Minister

¹³⁹ “P. Lazarenko zaiavliaet, chto odno vysokoe dolzhnostnoe litso stroit dachu za 28 mln. dol.”, UNIAN, 10.01.1998.

¹⁴⁰ Tat’iana Ivzhenko “Zakryta”*Pravda Ukrayny*. Sanktsii v otnoshenii pressy stali kharakternoi chertoj predvybornoj kampanii”, Nezavisimaya Gazeta №19, 06.02.1998.

¹⁴¹ “Pro informatsiiu Tymchashovoj slidchoj komisii Verkhovnoj Rady Ukrayny pro rezul’taty perevirky zakonnosti vydileniya i vykorystannia koshtiv na kapital’nyi remont Palatsu kul’tury “Ukraïna”, Verkhovna Rada Ukrayny, Postanova vid 16.01.1998, №33/98-VR.

¹⁴² “Profokatory”, *Ukraina Moloda*, 11.03.1998.

¹⁴³ See, e.g., “Haz, shcho pakhne kryminalom”, *Uryadovyj Kurier* №10-11, 17.01.1998.

¹⁴⁴ See the transcript of the parliamentary session on 16.01.1998.

Pustovoytenko was accused of founding an offshore company for money laundering.¹⁴⁵ Both types of accusations – misappropriating funds and opening accounts abroad – mirrored the charges levied against Lazarenko by the authorities.

To substantiate his anti-presidential discourse, Pavlo Lazarenko used a number of techniques. While he used the services of American PR firms earlier that year, he hired spin-doctors from Russia who worked with Russian opposition parties this time.¹⁴⁶ Moreover, his Ednist faction in parliament was replenished with deputies who performed the function of “talking heads” in other parties before switching to Lazarenko’s faction. A “strange bedfellow”, for instance, was Oleksandr Elyashkevich, a charismatic speaker in the Reformy faction. A few months earlier, he was openly hostile to Prime Minister Lazarenko, but now, he had the task of criticizing the government and president on behalf of the Hromada party.

Because of his limited access to television, Lazarenko relied heavily on print media throughout the electoral campaign. Different political observers noted Hromada’s influence over popular newspapers such as Holos Ukrayny (250,000 copies), Pravda Ukrayny (550,000), Kievskie Vedomosti (200,000), Vseukrainskie Vedomosti (118,000), Demokratychna Ukraina and many local newspapers in the Dnipropetrovsk region (Ott 1999; The European Institute for the Media 1998). Hromada’s list of candidates included six journalists, three of whom were editors at Holos Ukrayny, Pravda Ukrayny and Kievskie Vedomosti¹⁴⁷. Moreover, the circulation of Pravda Ukrayny grew from 40,000 to 550,000 copies in just one month after a charitable foundation close to Lazarenko paid a quarter of the subscription fee for the poor and pensioners.¹⁴⁸

The political affiliation of the mentioned newspapers had a profound effect on their content. Thus, they began to publish articles critical to the president and government on a regular basis. For instance, Holos Ukrayny reprinted the sensational article of Nezavisimaya Gazeta only few days after its publication.¹⁴⁹ It also actively covered the political scandal around the reconstruction of Ukraina Palace, having published the report of the temporary investigative commission in full.¹⁵⁰

Kievskie Vedomosti also scrutinized a scandal around Ukraina Palace. The newspaper formed the so-called “expert council” headed by Mikhail Brodskyi, a Kyiv businessman, the chairman of the newspaper’s board of directors and a candidate in a single-mandate constituency. Kievskie Vedomosti published a number of investigative articles on his

¹⁴⁵ Vitalii Portnikov “Ukrainskogo eks-prem’era mogut i posadit”, Russkiy Telegraf №50, 24.03.1998.

¹⁴⁶ “Nakanune voyny kompromatov”, Nezavisimaya Gazeta №234, 11.12.1997.

¹⁴⁷ See Hromada’s list of candidates in Holos Ukrayny №236-237 (1736-1737), 12.12.1997.

¹⁴⁸ According to government information published in: “Na terezakh zakonnosti”, Uryadovyi Kurier №20-21, 31.01.1998.

¹⁴⁹ “V Ukrayni hotuiut’sia do vyboriv. Boro’ba mozhe nabuty nadzvychaino hostroho kharakteru”, Holos Ukrayny №248 (1748), 27.12.1997.

¹⁵⁰ “Iak rekonstruiuvaly”Ukraïnu”, Holos Ukrayny №10 (1760), 20.01.1998; “Stsenarii, ne obtiazhenyi remarkamy z Konstytutsii”, Holos Ukrayny №10 (1760), 20.01.1998.

behalf, closely inspecting what goods or services were purchased with taxpayer money during the reconstruction of the Palace.¹⁵¹ However, for Brodskyi, the attempt to capitalize on the negative framing resulted in a loss of business: in February 1998, the government bankrupted his retail bank, and a month later, he was imprisoned for illegal real estate transactions, though he was released in April 1998 after Brodskyi's election to parliament.

There was wide publicity of the scandal around *Pravda Ukrainy*, which the government banned on 28 January 1998, the day after the newspaper published compromising material on President Kuchma. Thus, the newspaper covered in detail how some top government officials acquired elite apartments in Kyiv by presidential order, how much the president's foreign visits cost and what real property the President possessed.¹⁵² Lazarenko instrumentalized the newspaper's ban to present himself as a defender of freedom of press and to launch the discussion in parliament.¹⁵³ Ultimately, parliament created the investigative commission on Lazarenko's terms¹⁵⁴ and condemned the newspaper's ban in two statements.¹⁵⁵ He also tried to frame the issue as a personal abuse of power by Prime Minister Pustovoytenko to initiate government resignation.¹⁵⁶ However, this endeavor ultimately failed.

Sensitivity

Despite the attempts by its leaders to position Hromada as a democratic force opposing the authoritarian regime, the party barely overcame the electoral threshold of 4% and entered parliament primarily because of votes in Lazarenko's and Tymoshenko's stronghold –Dnipropetrovsk. However, the regional success was attributable to the tactics of positive framing at the local level, which stood in stark contrast to Lazarenko's polarizing rhetoric at the national level.¹⁵⁷ Thus, Lazarenko used his post as governor of the

¹⁵¹ "Dvorets "Ukraina" - v pole zreniia obshchestvennoi ekspertizy", Kievskie Vedomosti, 20.01.1998; "Dvorets "Ukraina" i glava Kabmina", Kievskie Vedomosti, 27.01.1998; "Kak mramorom iz Dvortsya "Ukrainy" "zamusorili" dachi nachal'nikov, i kakova rol' v etom prem'era, ministra kul'tury i iskusstv, a takzhe kievskogo gradonachal'nika", Kievskie Vedomosti, 05.02.1998; "Pervym delom Prezidentu samolety. Nu a pensii? A pensii potom...", Kievskie Vedomosti, 11.02.1998; "Pochem veniki dlja Dvortsya "Ukraina", ili Zachem Prezidentu eshche odni apartamenti?", Kievskie Vedomosti, 13.02.1998.

¹⁵² Sergei Il'chenko "Real'nosti postsovetskoj epokhi. Ukraina: gazeta oppozitsii ukhodit v podpol'e", Pravda-5 №13, 31.01.1998; "V minuvshii vtornik "Pravda Ukrainy" soobshchila", Kievskie Vedomosti, 30.01.1998.

¹⁵³ See the transcripts of parliamentary sessions on 03.02.1998.

¹⁵⁴ "Pro stvorennya Tymchashovoї slidchoi komisi Verkhovnoi Rady Ukrayny dla ziasuvannia obstavyn, poviazanykh iz zakryttiam hazety "Pravda Ukrainy" ta inshykh hazet", Verkhovna Rada Ukrayny, Postanova vid 03.02.1998, №58/98-VR.

¹⁵⁵ "Pro porushennia zakonodavstva Ukrayny shchodo obstavyn zakryttia hazety "Pravda Ukrainy", Verkhovna Rada Ukrayny, Postanova vid 03.02.1998, №49/98-VR; "Pro zvit Tymchashovoї slidchoi komisi Verkhovnoi Rady Ukrayny dla ziasuvannia obstavyn, poviazanykh iz zakryttiam hazety "Pravda Ukrainy", Verkhovna Rada Ukrayny, Postanova vid 11.02.1998, №110/98-VR.

¹⁵⁶ See Lazarenko's speech at the parliamentary session on 04.02.1998.

¹⁵⁷ Ryzhkov V. "Krislo dnipropetrovskoho hubernatora zaraz skhozhe na elektrychnyi stilets", Den' 23.04.1998; Iuri Raikhel "Vybory na Ukraine: Regional'nyi aspect", Nezavisimaia Gazeta №44, 14.03.1998.

Dnipropetrovsk region to win over the favor of regional and district newspapers that cooperated with the regional administration (Trautmann 1998).¹⁵⁸ Funded by UESU, the popular TV-channel “11” directly broadcasted from the state administration building. Massive advertising of Lazarenko’s good deeds, which included the decision to increase pensions in the region, allowed the party to win over 36% of electorate in the Dnipropetrovsk region.

Contrary to expectations, the attack strategy of the Hromada party did not translate into higher voter support. Lazarenko explained the modest support of his party among the population as “*an insane aggression on the part of the authorities, a total information blockade*”, which was partially true.¹⁵⁹ The government largely controlled the flow of information in television and radio broadcasts and promoted its own counter-discourse against Lazarenko, which ultimately decreased the sensitivity of Lazarenko’s and Tymoshenko’s anti-presidential discourse. The active campaign in the print media could not make up for the limited TV factor, since only 20% of people regularly read newspapers in 1998 compared to 60% who gained information on political events from television.¹⁶⁰ Moreover, Lazarenko’s recent participation in the executive branch did not add plausibility to his anti-systemic discourse, producing a rather contrary effect on people, the majority of whom viewed the whole class of government officials as corrupt.

While not genuinely popular, the anti-Kuchma image of Hromada allowed the party to position itself as an alternative source of power at the elite level. From a meaningless party that was almost non-existent before July 1997, Hromada practically transformed overnight into the main challenger of the President’s authority. Although it had only 23 elected members in total,¹⁶¹ the parliamentary faction began to grow thanks to unaffiliated candidates who won in single-member districts, and it reached about 44 members by June 1998.¹⁶² The negative framing was thus ultimately effective in terms of elite mobilization after elections rather than voter mobilization before elections.

¹⁵⁸ See also: ““Hromada” i morozy zupynt”, i sl’ozy zhinochi vhamuie”, Ukraina Moloda, 28.01.1998; “Pokazhy lychko, “HromADo” ”, Ukraina Moloda, 13.01.1998; “My pochynaiemo KVK iak “viňu kompromativ” ”, Ukraina Moloda, 13.01.1998.

¹⁵⁹ “P. Lazarenko – parlamentskie vybory zasvidetel’stvovali “porazhenie Prezidenta””, UNIAN, 02.04.1998.

¹⁶⁰ The data by Soris Gallup as cited in the European Institute for the Media (1998).

¹⁶¹ The elections results as cited in “1998: The Year in Review. A very long year of Rada elections”, The Ukrainian Weekly No. 52, 27.12.1998, <http://www.ukrweekly.com/old/archive/1998/529813.shtml> (last accessed on 28.12.2016).

¹⁶² “V parlamente prodolzhaiutsia izmeneniiia v sostave fraktsii”, UNIAN, 22.06.1998.

5.3.2. Kuchma's Discursive Strategy

Timing

The timing of the incumbent's discursive strategy in the second round of negativity suggests that Kuchma took a reactive rather than a pro-active approach. It was a *defensive* strategy, an attempt to counteract Lazarenko's anti-presidential campaign. However, as was the case for Lazarenko earlier that year, the late start played against the President. As already mentioned, the opposition used every opportunity to underline the political motives behind its prosecution. Lacking a sound basis to prove the opposite, Kuchma's discourse seriously suffered from chronological discrepancies and dubious coincidences. For instance, the criminal case against Lazarenko was officially opened only in December 1997, half a year after Lazarenko's resignation and almost a year after the start of the criminal investigation. The Prosecutor General's explanation for such a time lag with reference to election campaign and the status of the suspect was not convincing.¹⁶³ In addition, the mass media also questioned the timing of the shutdown of the oppositional newspaper *Pravda Ukrayiny*, which occurred the day after the newspaper's publication of critical material against the president and government.

Framing Process: Issues and Targets

In terms of issues, Kuchma's discourse did not change much after Lazarenko's dismissal. The main frames – tax evasion and anti-monopolization – remained the same. As before, Kuchma preferred to rely on indirect comparison rather than direct accusations, although, with elections approaching, the content of his messages became more personalized. At the same time, the new Prime Minister, Valeriy Pustovoytenko, continued to accuse UESU of not paying taxes, which in turn allegedly prevented the government from paying off wage and pension arrears (see Appendix A for the relevant quotations).

The anti-monopolization discourse became particularly intense a few months before the parliamentary elections. Kuchma's rhetoric became harsher, as he often referred to Lazarenko's desire “*to pocket the entire country*” in public, as in the following statements:

The guarantees given by the former government to certain commercial structures have resulted in the loss of hundreds of millions of dollars, which are now being used in the electoral campaign by people who want to **pocket the entire country** (Kuchma's speech at the meeting of the Coordinating Committee for Combating Corruption and Organized Crime on 16.02.1998; as cited by Associated Press Newswires; author's own translation and emphasis)¹⁶⁴

¹⁶³ “I.o. general'nogo prokurora Ukrayiny konstatiruet osushchestvlenie davlenia v rassledovanii dela P.Lazarenko”, UNIAN, 23.01.1998; “Postanovlenie o vozbuždenii ugolovnogo dela protiv P.Lazarenko sushchestvovalo eshche v ianvare 1997 g”, UNIAN, 23.01.1998.

¹⁶⁴ “Kuchma: Some Ukrainian political parties linked to underworld”, Associated Press Newswires, 16.02.1998.

We must put an end to unscrupulous politicians trying to **pocket the entire country** (Kuchma's speech at the meeting in Dnipropetrovsk in February 1998; as cited by UCPR; author's own translation and emphasis).¹⁶⁵

Entities that are behind the former prime minister **monopolized** not only gas but also energy, metallurgy, chemicals, alcohol, and grain (Kuchma's statement at the meeting with regional mass media on 21.03.1998; as cited by UNIAN, author's own translation and emphasis)¹⁶⁶

The evolution of Kuchma's framing of Pavlo Lazarenko as a man of action during his premiership to a representative of the criminal elite after his dismissal is best captured in the following passage, written by the famous political analyst and journalist Vyacheslav Pikhovshek in January 1999:

A few years later, Leonid Kuchma would declare that "I have no questions about the prime minister's merits, but the prime minister himself must answer questions on dignity and morality" (June 1997); then, the President would confirm that "after the dismissal of Lazarenko from the post of prime minister, political permissiveness is over" (November 1997). Then, the President would proceed to statements such as "guarantees given by the previous government to certain commercial structures turned into hundreds of millions of dollars stolen" and "millions are thrown around to finance the campaign of the criminalized economic elite" (February 1998). In March 1998, Kuchma would go on to ascertain that "the main things in life for him [Lazarenko – V. Pikhovshek] are power and money. He divides people into enemies and slaves. God forbid that we make another mistake and let such people come to power."

All this will be discussed later, but on 9 July 1996, when the question of Pavlo Lazarenko's appointment to the post of prime minister was practically settled, the President articulated his vision of the future head of the Ukrainian government as follows: "Today, more than ever, we need not a politician but a plowman as prime minister." On 10 July 1996, at the session of the Verkhovna Rada of Ukraine, when nominating "not a politician but a plowman" to the post of prime minister, Leonid Kuchma said: "Today the candidate for the post of prime minister has to have perfect and not only theoretical knowledge of economics, significant management expertise, decisiveness and balance in decisions and actions, who could take, if necessary, non-standard steps and reach reasonable compromises ...". The President stated that "I have granted Lazarenko complete discretion to form a government" (June 1996) and that "we finally have an effective government that takes responsibility" (June 1996)." (Pikhovshek's comment on Kuchma's rhetoric in Zerkalo Nedeli; author's own translation).

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¹⁶⁵ As cited in: „Corruption Watch“ Vol. 1, №1, 18.03.1998, <http://www.ucipr.org.ua/publications/corruption-watch-vol-1-1-18-bereznia-1998-roku> (last accessed on 07.09.2015).

¹⁶⁶ As cited in: "L.Kuchma podverg kritike eks-prem'er-ministra P.Lazarenko", UNIAN, 21.03.1998.

¹⁶⁷ Viacheslav Pikhovshek „Khoziain, ostavshisya bez strany”, Zerkalo Nedeli №3 (224), 23.01.1999.

To counteract the polarizing rhetoric of the Hromada party, the government started its own counterdiscourse. On the one hand, it refuted the attacks in public statements. In such a way, it reacted to the opposition's information about the NSDC's secret plan on Hromada's elimination, the NDP's covert financing through the charitable fund of the President's wife, and the opening of foreign firms by Prime Minister Pustovoytenko.¹⁶⁸

On the other hand, the government launched its own attacks, which diverted attention from Hromada's negative framing. For instance, in reaction to a scandal around the NDSC's secret plan against the opposition, the government swiftly made a securitizing move against UESU. On 29 December 1997, a day before the call for the president's impeachment by Lazarenko's faction in parliament (see Chapter 5.3.1), Prime Minister Pustovoytenko gave an order to investigate the issue of UESU's gas debts within a week.¹⁶⁹ Later, Pustovoytenko would explain the accusations against him over the refurbishment of Ukraina Palace with his decision to finish an investigation in the matter of stolen "gas billions".¹⁷⁰

In addition to attacking and refuting, the government attempted to intimidate the opposition with repressive means but failed to convincingly justify such actions. For instance, the plausibility of Lazarenko's prosecution in the *dacha* question was undermined by the fact that Kuchma apparently granted the former Prime Minister the summer cottage for lifetime use by a presidential decree.¹⁷¹ In the same manner, the media found implausible the Prosecutor General's justification of the opening of a criminal case against Lazarenko in December 1997. Refuting the opposition's claims about falsified evidence, the acting Prosecutor General declared that the information on Lazarenko's foreign bank accounts was obtained from the Swiss police.¹⁷² However, this version was immediately questioned on the ground that there was neither a Swiss court decision that would allow the disclosure of bank secrecy (which is otherwise forbidden to disclose) nor an appropriate legal framework between the two states that would permit the transfer of such information.¹⁷³ In reality, however, the information on Lazarenko's criminal deeds came from Hryhorij Omelchenko, the head of the parliamentary Committee on Combating Organized Crime and Corruption.¹⁷⁴ In early 1997, he informed the President Kuchma about Lazarenko's misconduct, but no action followed. Instead, the pro-Lazarenko Prosecutor General

¹⁶⁸ "Khto zh taky avtor?", Holos Ukrayiny №1764, 24.01.1998; "Narodni deputaty zasvidchly kinets' odniieï fal'shyvky", Ukraina Moloda, 17.03.1998; "Zaiava pres-sluzhby KMU", Uryadovyi Kurier №54-55, 21.03.1998.

¹⁶⁹ "Pay your gas bill or else, Russian PM tells Ukraine", BBC Monitoring Service: Former USSR, 09.01.1998 (Interfax news agency, Moscow, in English, 1230 gmt 29 Dec 97).

¹⁷⁰ "Zvynuvachennia na adresu uriadu bezpidstavnii", Uryadovyi Kurier №37, 24.02.1998. Also Pustovoytenko's interview in: "Holovne dlia uriadu, shchob zapratsuvala ekonomika", Uryadovyi Kurier №56, 24.03.1998.

¹⁷¹ "Lider "Gromady" Lazarenko protestuet protiv popytok "vyselit"" ego sem'iu iz dachi pod Kievom", Zerkalo Nedeli №43 (160), 31.10.1997; "Dachni prystrasti", Uryadovyi Kurier №202-203, 30.10.1997.

¹⁷² "Ukraine Prosecutor Defends Case Against Ex-Premier", Dow Jones International News, 15.01.1998.

¹⁷³ Valentin Badrak "Taïny schetov Pavla Ivanovicha", UNIAN, 31.01.1998.

¹⁷⁴ See Omelchenko's interview in: "Ptakhy hnizda Dnipropetrova idut' na posadku", Ukraina Moloda, 17.01.1998.

opened a criminal case against the deputy. Almost a year later, the new Prosecutor General carefully avoided this fact and instead changed the source of information from Omelchenko's investigations to the probe by the Swiss police. However, this did not work out well, and to make its discourse more credible, the Prosecutor General's Office began to open new criminal cases against Lazarenko. While Lazarenko was officially accused of just two criminal acts by the end of 1997,¹⁷⁵ the number grew to five by the end of January 1998 when the spiral of negativity was in full swing.¹⁷⁶

Another inconclusive explanation on behalf of the government concerned the closure of the newspaper *Pravda Ukrayny*, which was highly critical of Kuchma's administration. The Ministry of Information justified its decision on 28 January 1998 based on the fact that there were irregularities with the newspaper's registration. Thus, the newspaper renewed its registration in August 1997 as a Ukrainian-Antiguan venture, which later financed free subscriptions for almost half a million copies for three months.¹⁷⁷ According to the Minister of Information, such an act violated the Law on Elections, which prohibited foreign capital from intervening in the domestic electoral process.¹⁷⁸ However, the media and opposition condemned the newspaper's ban as illegal, under the argument that the ministry violated the Law on Mass Media, because it did not have the competence to suspend the newspaper without a court decision and thus overstepped its authority.¹⁷⁹ Moreover, the opposition countered the accusations in the free distribution of a newspaper in large circulation by citing inconsistent enforcement and double standards. Specifically, the government did not close a Kharkiv newspaper that openly supported the NDP and that, similar to *Pravda*, was delivered free of charge after its circulation grew to half a million.¹⁸⁰

The public reaction to the shutdown of the oppositional newspaper substantially damaged the President's image. Despite the calls by parliament, domestic and international media organizations and the U.S. Embassy to restore the freedom of the press in Ukraine,¹⁸¹ the government did not cancel the ban, and the conflict was transferred to court, where its consideration was constantly delayed.

¹⁷⁵ "Criminal proceedings started against former premier", BBC Monitoring Service: Former USSR, 29.01.1998 (UNIAN, news agency, Kiev, in Ukrainian 2100 gmt 23 Dec 97); "Genprokuratura Ukrayny vozbulila ugolovnoe delo protiv eks-prem'era respubliki Lazarenko", Agentstvo Interfaks, Moskva, 27.12.1998.

¹⁷⁶ "Former Premier Lazarenko publicly summoned to testify on corruption charges", BBC Monitoring Service: Former USSR, 29.01.1998 (Ukrainian TV, Kiev, in Ukrainian 1900 gmt 27 Jan 98).

¹⁷⁷ For a detailed account see: "Ukrainian anticorruption campaigner details allegations against ex-PM Lazarenko", BBC Monitoring Service: Former Monitoring Former Soviet Union – Political, 16.01.1999 ("Fakty i Kommentarii", Kiev, in Russian 24 Dec 98).

¹⁷⁸ Iuliia Mostovaia "Batrakhomiomakhiia-2", Zerkalo Nedeli №5, 31.01.1998.

¹⁷⁹ "Pro porushennia zakonodavstva Ukrayny shchodo obstavyn zakryttia hazety "Pravda Ukrayny", Verkhovna Rada Ukrayny, Postanova vid 03.02.1998, №49/98-VR.

¹⁸⁰ See the transcript of the parliamentary session on 11.02.1998.

¹⁸¹ See the statement by the Committee to Protect Journalists from 04.02.1998 cited in: "Pressa na territorii SNG: konflikti i pravonarusheniia fevral', 1998", Fond Zashchity glasnosti (Moskva) №2, 01.02.1998. Also "Media Club urges journalists to stand up to pressure", BBC Monitoring Service: Former USSR, 07.02.1998 (UNIAN, news agency,

Under such circumstances, Kuchma not only sided with the government, confirming its version with the “shady deals” of newspaper financing,¹⁸² but also toughened his anti-Lazarenko discourse. Thus, the President addressed the issue of negative framing by the pro-Lazarenko mass media on two occasions in March 1998,¹⁸³ propagating the view that there was no freedom of speech in Ukraine but paid journalism, as all print media belonged to some private interests. For instance, speaking at a meeting of senior tax officials on 10 March 1998, Kuchma stated:

It is particularly dangerous that **clan-like, semicriminal groups** have been legalized under the guise of some parties, thus ensuring political cover for themselves. Having gained the opportunity to join the election race, **these groupings are ripping society apart**, from top to bottom and from left to right. The mass media, which they bought up and which are to play the role of yeast in the election leaven, are being used to the full for that purpose. I can say today that the state has to a great extent lost control, first and foremost, on the information market, and the press has lost self-control, responsibility and awareness of its role in society. More than half of the over 4,000 newspapers issued in Ukraine belong to commercial organizations, the remainder being owned by private individuals. But this is not the problem, of course, the problem is whom they serve and in what manner. And, I hope you have had more than one opportunity to satisfy yourself that the they are **violating the consciousness of people** who have grown accustomed to trusting the printed word and **who have not yet developed immunity against dirty and cynical methods.**

There is not much to say about nonstate publications, if even the official parliamentary newspaper, ‘Hолос України’, has been turned into the mouthpiece of Hromada, to be more precise, the mouthpiece of [Pavlo] Lazarenko [former Ukrainian prime minister and leader of the Hromada party]. The recently issued fig leaves, meant to be a special issue, merely prove this point. In this connection, at least two questions arise: firstly, where do they get such astronomical sums for the election campaign? It would be logical [changes thought] - and I am surprised that the tax service has not yet joined other services in search for an answer to this question. And this is envisaged by the election law. Secondly, why are they so generous and what is behind their generosity?

I would like everyone in Ukraine to understand this. One can achieve something in an election employing a policy without conscience and morals, but this victory could result in **the loss of the state and people's disillusionment with the authorities.** (Kuchma's speech at a meeting of senior tax officials on 10.03.1998; as cited by BBC Monitoring Service: Former USSR, 13.03.1998; author's emphasis).¹⁸⁴

Kiev, in Ukrainian 1315 gmt 5 Feb 98); “US ambassador calls for free speech in Ukraine”, Associated Press Newswires, 10.02.1998.

¹⁸² “President Kuchma hopes next parliament will be “less Soviet”, BBC Monitoring Service: Former USSR, 25.02.1998 (Interfax news agency, Moscow, in English 0741 gmt 24 Feb 98).

¹⁸³ “Vystup Prezydenta Ukrayiny L. D. Kuchmy na I Vseukraїns’kykh zborakh intelihentsii, 21.03.1998”, Uryadovyj Kurier №56, 24.03.1998; “President Kuchma - Ukraine’s recovery jeopardized by immoral campaign”, BBC Monitoring Service: Former USSR, 13.03.1998 (Ukrainian TV, Kiev, in Ukrainian 1900 gmt 10 Mar 98).

¹⁸⁴ “President Kuchma – Ukraine’s recovery jeopardized by immoral campaign”, BBC Monitoring Service: Former USSR, 13.03.1998 (Ukrainian TV, Kiev, in Ukrainian 1900 gmt 10 Mar 98).

Concerning bias in the mass media, the incumbent nevertheless preferred to omit the fact that most of Ukraine's national airwaves were also biased – but in the president's favor. According to a study conducted by the European Institute for the Media, the president's political rivals received little, if any, TV coverage, and it was overwhelmingly negative.¹⁸⁵ The executive branch used this advantage to promote its own discourse against Hromada. For instance, the acting Prosecutor General quite often appealed to Lazarenko through national television, calling him to come up for a hearing.¹⁸⁶ In addition, the pro-governmental analytical program “Seven days” (UT-1) supported the discourse of the Minister of Information on the closure of *Pravda Ukrayiny*.¹⁸⁷ In addition to television, pro-governmental print media published compromising material on Pavlo Lazarenko and UESU. For instance, the newspaper *Ukraina Moloda*, which was closely affiliated with pro-governmental parties (and the NBU head Viktor Yushchenko), published a large amount of critical material against Pavlo Lazarenko.¹⁸⁸ Some articles were based on information provided by Hryhorij Omelchenko, the head of the parliamentary Committee on Combating Organized Crime and Corruption, and therefore included a detailed account of Lazarenko's criminal activity.

Sensitivity

The anti-Lazarenko discourse of President Kuchma and other pro-presidential actors during the second round of negativity was hardly conclusive. Neither Tymoshenko nor Lazarenko was convicted for their alleged crimes, so the population was left wondering whether the accusations were true. Such a situation resulted from parliament's refusal to give its consent on Lazarenko's prosecution by withdrawing his immunity as a deputy. Moreover, the oppositional counter-discourse revealed bias in the official discourse, seriously undermining its credibility. Instead of addressing these weaknesses, the

¹⁸⁵ For instance, out of three nation-wide TV channels in Ukraine, only the state-owned channel UT-1 (for which the audience during prime time was up to 10%) devoted non-negligible time to Hromada. However, according to monitoring results of the European Institute for the Media, the 86 minutes that the party received in March 1998 were predominantly critical, while the 145 minutes of coverage of the pro-governmental NDP were positive. See: the European Institute for the Media (1998).

¹⁸⁶ “Former Premier Lazarenko publicly summoned to testify on corruption charges”, BBC Monitoring Service: Former USSR, 29.01.1998 (Ukrainian TV, Kiev, in Ukrainian 1900 gmt 27 Jan 98); “Prosecutor's Office urges MPs to allow it to prosecute former Premier Lazarenko”, BBC Monitoring Service: Former USSR, 21.03.1998 (UNIAR news agency, Kiev, in Ukrainian 2130 gmt 19 Mar 98).

¹⁸⁷ Iuliia Mostovaia “Batrakhomiomakhiia-2”, *Zerkalo Nedeli* №5, 31.01.1998.

¹⁸⁸ See: “Ptakhy hnizda Dnipropetrova”, *Ukraina Moloda*, 03.10.1997; “Eks-premier uDACHI ne polyshaie dachi”, *Ukraina Moloda*, 04.10.1997; “Sud ta dacha, abo Populizm mitsniie”, *Ukraina Moloda*, 31.10.1997; ““Hromada” skochyla v hrechku”, *Ukraina Moloda*, 26.11.1997; ““Povna khata kompromata”. Dim, iakyi zbuduvav Dzhek-potroshytel' biudzhetu”, *Ukraina Moloda*, 11.12.1997; “Shveitsars'kyi rakhunok dla Pavla Lazarenko”, *Ukraina Moloda*, 25.12.1997; “Eks-Premieru uDACHI ne mozhe daty zdachi”, *Ukraina Moloda*, 26.12.1997; “Ptakhy hnizda Dnipropetrova idut' na posadku”, *Ukraina Moloda*, 17.01.1997; ““Hromada” i morozy zupynyt’, i sl'ozы zhinochi vhamuie”, *Ukraina Moloda*, 28.01.1998; “Kyiv'ski hnizdechka”ptakhiv hnizda Dnipropetrova””, *Ukraina Moloda*, 03.02.1998; “Chy povylitaiut “ptakhy hnizda Dnipropetrovs'ka” z kyiv'skykh hnizdechok?”, *Ukraina Moloda*, 10.02.1998; “Ptakhy hnizda Dnipropetrova idut' na posadku 2”, *Ukraina Moloda*, 24.03.1998; “Iak Lazarenko v Shveitsarii”bankuvav””, *Ukraina Moloda*, 26.03.1998.

government reacted with growing administrative pressure that only supported the general anti-regime discourse of the opposition.

The negative framing of Hromada helped the pro-governmental NDP divert attention from the pressing problems of unpaid wages. However, under conditions of deep economic crisis, such tactics backfired. The NDP, popularly referred to as “the party of power”, received slightly over 5% of the vote, despite the administrative support and positive advertising in the controlled mass media. The low voting results also showed the ineffectiveness of the government propaganda. Although Kuchma’s negative framing spoiled Lazarenko’s victorious comeback, the result was sub-optimal. Ultimately, the President managed only to minimize but not to exclude the risks to his power position after the elections.

5.3.3. Subconclusion

With the parliamentary elections approaching, a spiral of negativity was set in motion in autumn 1997. The new Prime Minister, Valeriy Pustovoytenko, continued to blame gas traders for the budget crisis and demanded that UESU pay off large amounts of taxes. In response, former UESU president Yulia Tymoshenko started a strong anti-presidential campaign, which in turn encouraged former Prime Minister Pavlo Lazarenko to break an informal agreement with Leonid Kuchma about mutual non-interference in each other’s affairs and to join Tymoshenko in the election campaign with strongly oppositional slogans. When the government opened criminal cases against Lazarenko and Tymoshenko in December 1997, more political scandals followed. Consequently, the 1998 parliamentary campaign was particularly dirty, full of mutual accusations and *kompromat* wars.

The negative framing employed by both Lazarenko’s Hromada and Pustovoytenko’s NDP did not bring the expected results in terms of voter mobilization. Both parties received only 4-5% in the parliamentary elections, which was not enough to form either a pro-governmental or an anti-governmental coalition. However, if spoiling the rival’s voting results was among the main goals of the parties, then they successfully coped with the task. From this perspective, both the NDP and Hromada profited from negative framing. While the NDP managed to keep its adversaries scattered, Hromada was able to withstand the administrative pressure against it and to enter parliament as a small but alternative political power that was expected to play a more assertive role in the future. Because of the low faction discipline and the large number of non-affiliated, independent deputies (see Chapter 4), Hromada capitalized on such an image in the aftermath of the elections. Thus, its faction grew from just 22 deputies in April 1998 to 45 deputies half a year later. By summer 1998, it became the second largest faction among the centrist parties after the pro-governmental NDP, which grew from 28 to 89 deputies in the same period.

5.4. The Third Round of Negativity

Lazarenko's and Tymoshenko's election campaign on anti-government slogans had only limited success. The modest result of the Hromada party after parliamentary elections did not pose much threat to Kuchma's power. Although the new parliament was more leftist than the previous one, the mandates of Hromada, communists and socialists did not suffice to change the constitution or form a coalition government. Nevertheless, the 1998 elections strengthened anti-presidential forces in parliament (Ott 1998),¹⁸⁹ which contributed to political polarization.

Because of a number of factors, the distribution of power quickly changed after the elections. First, the pro-governmental NDP and oppositional Hromada factions in parliament grew thanks to unaffiliated deputies elected in single-member constituencies. Second, the election of the new parliamentary speaker and the distribution of leadership posts in parliament caused a new reshuffling, which influenced the subsequent power struggle between Kuchma and Lazarenko to a large extent.

On the one hand, the president strengthened his position in parliament, after the pro-governmental parties supported the election of a leftist candidate – Oleksandr Tkachenko – the new speaker in July 1998. As it turned out later, this decision was a clever tactical move, since the new speaker began to support the President's discourse despite his oppositional stance during the parliamentary elections.¹⁹⁰ The speaker's support was particularly crucial to keep the situation in parliament under control after Tymoshenko made a bold anti-presidential move in September 1998.

On the other hand, Hromada profited from the distribution of leadership posts in the new parliament. In particular, its deputies became the heads of three parliamentary committees that were crucial for the political survival of Hromada's leaders – the committee on parliamentary procedure, committee on corruption and organized crime and committee on state budget affairs.¹⁹¹ Thus, the consent of the first two committees was needed to start the formal procedure of waiving parliamentary immunity.¹⁹² In such a way, the party blocked the prosecution of Pavlo Lazarenko and Yulia Tymoshenko. At the same time, Yulia Tymoshenko was elected the head of a parliamentary committee on state budget

¹⁸⁹ According to Ott (1998), the representatives of the left parties received in total at least 177 seats (39%), which was even higher than that after the parliamentary elections of 1994 (118 seats). The communists alone received 123 seats compared to 86 four years earlier.

¹⁹⁰ Tkachenko's Peasant party joined the anti-presidential bloc formed by the Socialist party during the parliamentary elections in March 1998. In October 1998, just before the vote of no confidence in Pustovoytenko's government, the Peasant party formalized its split with the socialists and announced the creation of its own faction in parliament.

¹⁹¹ "VR Ukrayini priniala postanovlenie ob izbraniii predsedatelei komitetov parlamenta", UNIAN, 11.07.1998.

¹⁹² "Profil'nyi parlaments'kyi komitet vyvchiae podannia henprokurora u spravi Lazarenka", Radio Assol', Simferopol', 10.01.1999, cited in „Corruption Watch” Vol. 2 №2(23), 20.01.1999, <http://www.ucipr.org.ua/publications/corruption-watch-vol-2-no-223-20-sichnia-1999-roku> (last accessed on 07.09.2015).

affairs. Through this post, Tymoshenko controlled the discourse around the state budget and counteracted the incumbent's tax evasion discourse against UESU.

5.4.1. Lazarenko's and Tymoshenko's Discursive Strategy

Timing

On 1 September 1998, Yulia Tymoshenko started a new round of negativity, putting forward a demand for the president's impeachment through referendum.¹⁹³ The move was connected to the decree on budget sequestration, which the President issued in August 1998, when parliament was on summer holiday.¹⁹⁴ The decree was the last in a series of presidential decrees on the regulation of economic issues that the President began to issue in June 1998 against a background of parliamentary crisis. The sequestration decree was in line with the IMF's demands on reducing the budget deficit, which was one of the preconditions for receiving an IMF loan.

Tymoshenko's move was apparently a reaction to the President's offensive against UESU. In June 1998, the Dnipropetrovsk Tax Administration fined UESU 1.4 billion hryvnia (about \$500 million) for tax evasion and illegal transfer of money received from the gas trade abroad.¹⁹⁵ However, in July 1998, the Dnipropetrovsk Arbitration Court forbade tax authorities from recovering funds from UESU. Then, the Prosecutor General's Office challenged the Dnipropetrovsk court's decision in the Supreme Arbitration Court of Ukraine, which ruled against UESU on 28 August 1998.¹⁹⁶

Three days later, Tymoshenko started the negative campaigning against the incumbent. Parallel to impeachment calls, Hromada also began to demand that the government report on its activity in 1998,¹⁹⁷ which was the usual pretext for a motion of no confidence against the government. The calls for the president's impeachment and the government's resignation were accompanied by the pro-UESU comments on behalf of Tymoshenko and oppositional newspapers.¹⁹⁸ Ultimately, the motion of no confidence did not gather enough votes.¹⁹⁹ A few days later, UESU lost another appeal in the Supreme

¹⁹³ See Tymoshenko's statement in the transcript of the parliamentary session on 01.09.1998.

¹⁹⁴ "Pro skorochennia vydatkiv Derzhavnoho biudzhetu Ukrayny na 1998 rik", Prezydent Ukrayny, Ukaz vid 08.08.1998, №860/98.

¹⁹⁵ Alla Eremenko „Sudebno-politicheskai retrospektiva iskov k EESU”, Zerkalo Nedeli №38, 30.09.2005.

¹⁹⁶ Svitlana Pysarevs'ka "A vona i dosi pratsiuie... Derzhavnyi reket "u zakoni"?", Holos Ukrayny №1919, 04.09.1998.

¹⁹⁷ See Hromada's statement in: "Sivachi vitru pozhnut' buriu", Ukraina Moloda, 10.09.1998.

¹⁹⁸ Svitlana Pysarevs'ka "A vona i dosi pratsiuie... Derzhavnyi reket "u zakoni"?", Holos Ukrayny №1919, 04.09.1998; Mykola Nechyporenko "Vynakhid vlady: zakrytyi protses z podatkovykh pytan", Holos Ukrayny №1927, 16.09.1998; Mykola Nechyporenko "Zamovlennia kalamutyty vodu peredano z Dnipropetrov'ska do Kyieva", Holos Ukrayny №1931, 22.09.1998; Anatoli Hryshchenko "IeESU proty podatkovoї inspeksii: krapku stavyty zarano", Holos Ukrayny №1955, 24.10.1998.

¹⁹⁹ See the voting results by factions in Holos Ukrayny from 30.10.1998.

Arbitration Court over the fine imposed by tax authorities. The company issued a statement, arguing that the fine was politically motivated by Tymoshenko's critique of the government.²⁰⁰

Framing Process: Issues and Targets

In terms of framing, the main strategy of both Tymoshenko and Lazarenko was initially the same as that earlier that year. Both continued their oppositional discourse that they started during the electoral campaign. However, the actors reacted differently to the growing pressure from authorities, which had profound consequences for their political careers. While Tymoshenko decided to switch sides and cooperate with the President, Lazarenko continued his vengeful discourse against the incumbent. Both positions can be traced back in the actors' discourses discussed in this subsection.

On 2 September 1998, Tymoshenko gave a speech in parliament, in which she accused President Leonid Kuchma of abuse of power. According to Tymoshenko, Kuchma drastically cut spending in the social sphere by decree and, by doing so, acted unconstitutionally, because budgetary issues were the exclusive right of parliament.²⁰¹ Tymoshenko argued that the President practically adopted a new state budget, ignoring the Constitution and parliament. Moreover, she compared such a step to "*a genocide*" of the people, thus creating a powerful anti-presidential frame. Here are some excerpts from her speech:

Without prior arrangement, the decree in fact enforced a new, unjustified and destructive version of the budget. It was the culmination of a **number of serious violations of the law of Ukraine that the President has committed practically since his accession to this post.**

In addition, the decree indicates not only the legal ignorance or disregard of the law by the President but also **the political and moral flaws of the "signatory", which are incompatible with the post of President.**

Colleagues, as I recall, there are many doctors among you. They know what they say to relatives of the patient in case of lethal damage in order to soften the blow: "The wound is not compatible with the life of the patient." In order to soften the grief of the presidential administration, which was preparing this decree for its boss, I would say: "**The decree is not compatible with the political life of the President!**"

(...) Perhaps the President forgot that there are a Constitution and Parliament, and he decided to make a new budget for Ukraine. But such unconsciousness borders on complete amnesia, which does not allow one to perform the duties of head of state for health reasons. However, since the Presidential Administration says that the President has no health problems, we should reject this version.

²⁰⁰ "Ukrainian company says tax attack politically motivated", Associated Press Newswires, 19.10.1998; "Penia z politychnym pidtekstom?", Holos Ukrayiny №1952, 21.10.1998.

²⁰¹ See the transcript of the parliamentary session on 01.09.1998.

Then, we can assume that the President does not give a damn about, sorry, ignores the Constitution of Ukraine, which is a legal violation not compatible with his position. In addition, the President does not give a damn about, sorry, ignores Parliament, with which he must cooperate as it is a branch of our political system. This is also a flagrant political violation. Besides that, the President does not give a damn about, sorry, despises the people who elected him, which is a moral crime.

(...) Let's look at the foundation of this violation. **When the expenses for medicine and bandages are sequestered, when wages and people's savings are sequestered – this means that the nation is “sequestered”, reducing its quantity and destroying its quality.** I do not mention the “sequestration” of health, culture and education of our nation. It may happen that the next decree would simply instruct the government to “purge” settlements due to budget difficulties, because quite often there is an **imperceptible step from indirect to direct extermination of a people**. Moreover, this step can be taken because of our indifference or fearful silence. (Tymoshenko's speech at parliament on 2 September 1998; author's own translation and emphasis).²⁰²

The anti-presidential calls found fertile ground in parliament. On 18 September 1998, deputies ruled the president's decree on budget sequestration unlawful and threatened to consider whether the president exceeded powers if he did not suspend the decree.²⁰³ Tymoshenko's proposal garnered 259 votes in favor.²⁰⁴

However, the emerging anti-presidential coalition very soon collapsed because of the incumbent's intervention (see Chapter 5.4.2). Tymoshenko reacted to the growing pressure from authorities in a very specific way. On 17 September 1998, when parliament discussed the abolition of the presidential decree on budget sequestration, the Prosecutor General's Office arrested Mykola Syvulskyi, the former President of the Ukrainian Gas Resouce Consortium (UGK) and now a member of Tymoshenko's 'shadow' cabinet.²⁰⁵ Syvulskyi was charged with embezzlement of state funds, more specifically for illegally transferring more than \$5 million from the state-owned gas company Ukrugazprom to UESU during the time when Yulia Tymoshenko was its president.²⁰⁶ The government thus made another move against UESU, which threatened Tymoshenko with more serious prosecution than the accusation of smuggling foreign currency.

Tymoshenko's immediate reaction to Syvulskyi's arrest was in line with her previous anti-presidential discourse. Both Tymoshenko and her ally Turchynov protested against the arrest in parliament, framing the issue as the incumbent's attempt “*to destroy democracy and to*

²⁰² “Pro zminy, vneseni do derzhbiudzhetu ukazom Prezydenta”, Holos Ukrainy №1921, 08.09.1998.

²⁰³ “Pro Ukaz Prezydenta Ukrayiny “Pro skorochennia vydatkiv Derzhavnoho biudzhetu Ukrayiny na 1998 rik”, Verkhovna Rada Ukrayiny, Postanova vid 18.09.1998, №119-XIV.

²⁰⁴ See the transcript of the parliamentary session on 18.09.1998.

²⁰⁵ “Arestovan prezent Ukrainskogo gazoressursnogo konsortsiuma N.Sivul'ski za zloupotrebleniia pri osushchestvlenii postavok prirodного gaza v Ukrainu”, UNIAN, 17.09.1998.

²⁰⁶ “Former Ukrainian government official and opposition activist charged”, Associated Press Newswires, 21.09.1998.

impose a dictatorship” in Ukraine.²⁰⁷ The Headquarters for the National Referendum on Impeaching President Leonid Kuchma, allegedly headed by Syvulskyi, issued the following statement, which presented Syvulskyi as another example of Kuchma’s intimidation of the opposition:

A regime of terror and violence is de facto established in Ukraine. The incumbent is guided only by the instinct of self-preservation. Recent events indicate that **the regime can neglect any moral standard, commit a gross violation of the current legislation, and destroy democracy and human rights** in order to avoid responsibility to the people for politics that are destructive and criminal for Ukraine. A well-planned scenario is being implemented to **create an atmosphere of fear, intimidation, and provocation**. Now everybody who has the courage and common sense to criticize the policies of the ruling elite is under threat. According to data obtained from reliable sources, we can say that **the arrest of Mykola Syvulskyi is only the first step on the path to the full and unconditional destruction of democracy in Ukraine**. Leonid Kuchma and his entourage are planning to ban political parties, close down media, arrest people’s deputies, dissolve the Verkhovna Rada, and introduce a state of emergency in Ukraine. (Statement by Headquarters for Referendum on Impeaching the President in September 1998; author’s own translation and emphasis).²⁰⁸

However, a number of failures made Tymoshenko change her tactics only a month later. Syvulskyi’s arrest, a verdict against UESU concerning the tax fine issue, unsuccessful attempts to dismiss the government and difficulties in initiating the impeachment referendum all contributed to Tymoshenko’s decision to plead for an informal agreement with the incumbent. According to media reports, Tymoshenko met with Leonid Kuchma in the period between Syvulskyi’s arrest (17.09.) and the vote of no confidence in Pustovoytenko’s government (13.10.) at least twice – officially, to discuss the state budget issue and, unofficially, to consider Tymoshenko’s prospects of joining the government.²⁰⁹ Although the offer was never formalized, Tymoshenko announced in November 1998 that she would not join the current government but would strive for ultimate power to implement her program.²¹⁰

The final straw for Tymoshenko’s tactical change was apparently the council meeting of the Hromada party on 15 October 1998, during which it was decided to recommend Lazarenko as a candidate for the presidential election.²¹¹ After the meeting, rumors

²⁰⁷ See the transcripts of the parliamentary sessions on 17.09.1998 and 18.09.1998.

²⁰⁸ As cited in: ”Ukrainskiĭ paradoks: “uznik sovesti” ne vyzyvaet sochuvstviia, pravookhranitel’nye organy ne vnushaiut doveriya”, Zerkalo Nedeli №39 (208), 26.09.1998.

²⁰⁹ “L. Kuchma i IU. Timoshenko obsudili voprosy priniatiia gosbiudzheta Ukrainy na 1999 g.”, UNIAN, 26.09.1998; “Pavel Ivanovich bez osobogo bleska ispol’zoval “reklamnuiu pauzu”, Den’ №186, 30.09.1998; “Parlament otlozhil vse “na potom”, Den’ №187, 01.10.1998; “Otstavka pravitel’stva: s Pustovoitenko ili bez?”, Den’ №191, 07.10.1998; Vladimir Levin, Irina Reshina „Velikaia oktiabr’skaia rotatsiia, ili <Sekvestr> podkralsia nezametno”, Kompan’on №41, 13.10.1998.

²¹⁰ “IU. Timoshenko zaveriaet, chto „ni na kakikh usloviakh” ne soglasitsia na predlozenie voiti v sostav pravitel’stva”, UNIAN, 09.11.1998.

²¹¹ Viktor Shlinchak “Lazarenko rvetsia v prezidenty?”, Segodnia №203, 17.10.1998. .

circulated about Hromada's split, because neither Tymoshenko nor Turchynov was present at the council meeting. As known, Tymoshenko made no secret that she had a different opinion concerning Hromada's future and publicly gave a preference to Oleksandr Moroz, the leader of the socialists and the former parliament's speaker, as the most serious contender to Leonid Kuchma in the upcoming presidential election.²¹² However, because Hromada postponed its final decision on the candidate's nomination to a later date, Tymoshenko did not leave the party, and the rumors soon ceased.²¹³

Political pressure by the authorities and disagreements with Lazarenko drove Tymoshenko into "voluntary" cooptation. Already in late October 1998, she denied the idea of impeachment, putting forward the President's arguments (see Chapter 5.4.2), as in the following interviews:

The idea of impeachment has regressed and is now a matter of political situation. Today, we need to solve more important problems. (Tymoshenko's interview with the newspaper Segonya on 24.10.1998; author's own translation).²¹⁴

To derail the presidential vertical [of power – K.B.], the country would de facto remain without authority and therefore without a hope of overcoming the crisis. (Tymoshenko's interview with the newspaper Vechernie Vesti on 31.10.1998; author's own translation).²¹⁵

Unlike Tymoshenko, Pavlo Lazarenko did not show flexibility in the issue of his relationship with the president. Despite the failure regarding government resignation, Hromada continued its anti-state rhetoric and formed a joint coalition with communists and socialists. On 16 October 1998, the three parties issued a statement, in which they laid political responsibility for the fate of Ukraine on the pro-presidential centrist parties and declared themselves in opposition to the "*anti-people policies of the President and the Government*" and their "*destructive course*".²¹⁶ Because the deputies in the three factions held 35% of the seats in parliament, they could block the work of the entire parliament if they wanted to. The new opposition showed their destructive power on 20 October 1998, when the three left factions refused to participate in the parliamentary session until their demands were fulfilled. In particular, the opposition requested that the government present its program

²¹² Mariia Zavgorodniaia "Sotsialisty i" Gromada" ob'ediniaut svoi usilia v bor'be za prezidentskoe kreslo", Fakty i kommentarii, 10.09.1998; Denis Semenov "Takie dela. Posledniaia stavka dlja zolushki", Segodnia №187, 25.09.1998.

²¹³ However, when Hromada announced that Lazarenko would run for president in January 1999, Tymoshenko and Turchynov resigned from their posts in the Hromada party. A few months later, Hromada finally split into the pro-Tymoshenko and pro-Lazarenko factions, but it occurred only after parliament stripped Lazarenko of his parliamentary immunity.

²¹⁴ As cited in: Viktor Shlinchak "Partitura. Pochti liubovnyi treugol'nik", Segodnia №208, 24.10.1998.

²¹⁵ As cited in: Viacheslav IAkubenko "Èto byla oppozitsiya. A teper? ", Den' №209, 31.10.1998.

²¹⁶ "Zaiava narodnikh deputativ-chleniv fraktsii Komunistichnoi parti, fraktsii viborchogo bloku Sotsialistichnoi ta Selians'koj parti Ukrayini "Livi tsentr" ta fraktsii "Gromada" ", Holos Ukrayiny №1950, 17.10.1998.

of actions and the budget bill for 1999.²¹⁷ The conflict was settled only after Prime Minister Pustovoytenko came to parliament and promised to fulfill the demand by the end of the week.

In addition to coordinating actions with other oppositional parties, Lazarenko continued the previous retaliation tactics against President Kuchma. Interestingly, Lazarenko did not publicly comment on either Tymoshenko's intentions to start an impeachment referendum or the motion of no confidence against Pustovoytenko's government. However, when Prime Minister Pustovoytenko and President Kuchma both accused Lazarenko of the "*theft of public money*" on 20 October 1998,²¹⁸ the former Prime Minister immediately reacted with two accusatory interviews in oppositional newspapers.²¹⁹ In both interviews, Lazarenko insisted that the authorities were planning to kill him and that the corruption allegations against him were ungrounded. Moreover, he alluded to foreign bank accounts of some high-ranking officials, the mysterious sell-out of warships to foreign states and other misconduct by politicians in the Presidential Administration and government.

Despite the warnings, no high-profile revelations followed. Lazarenko's forecasts about his killing also did not materialize. Instead, the authorities intensified efforts to enforce Lazarenko's detention abroad and lift his parliamentary immunity at home (see the Chapter 5.4.2.). On 2 December 1998, Pavlo Lazarenko was arrested for attempting to enter Switzerland on a false passport – a Panama passport.²²⁰ Despite the ultimate blow to his reputation, Lazarenko did not change the oppositional discourse. After his release on bail and return to Ukraine, he spoke at parliament and gave a press conference on 22 December 1998.²²¹ Although partially acknowledging that he did make mistakes and was not an "*angel*", he still underlined that he was a victim of political persecution.²²² A few days before parliament's vote on lifting his parliamentary immunity in February 1999, he gave an interview with the New York Times and again threatened to reveal details on corruption in Kuchma's entourage.²²³ Nevertheless, even after his arrest in the U.S. later that month, Lazarenko continued to insist on the political version of his prosecution. In June 1999, he

²¹⁷ See the transcripts of the parliamentary sessions on 20.10.1998 (morning and evening sessions).

²¹⁸ "Ukrainian president interviewed on budget, relations with parliament", BBC Monitoring Former Soviet Union – Political, 21.10.1998 (Ukrainian Television Third Programme, Kiev, in Russian 1700 gmt on 20th Oct); For Pustovoytenko's accusations see the transcript of parliamentary session on 20.10.1998.

²¹⁹ "Opposition leader accuses Kyiv of assassination plot", RFE/RL Newsline, 22.10.1998; "Pavlo Lazarenko: Plany vlastei taki?", Holos Ukrayiny №1954, 23.10.1998.

²²⁰ "P.Lazarenko byl zaderzhan na nemetsko-shveitsarskoj granitse s pasportom grazhdanina Panamy", UNIAN, 03.12.1998.

²²¹ See the transcript of the parliamentary session on 22.12.1998.

²²² "Lazarenko – ne angel", Holos Ukrayiny №1997, 24.12.1998.

²²³ See Michael Wines "A Ukrainian Politician Questions Swiss Arrest", The New York Times, 15.02.1999.

ultimately withdrew his candidacy for president but did not change his anti-presidential rhetoric.²²⁴

Sensitivity

Tymoshenko's negative framing in terms of budget cuts at the expense of social care substantially increased the chances of Kuchma's impeachment through a referendum, especially against the background of the prolonged non-payment of salaries and pensions. A few features made her discourse rather sensitive.

First, at the time, Tymoshenko was the head of the parliamentary committee on state budget affairs. Already in summer 1998, she had positioned herself as a strong advocate for a budget resolution, which had to outline the main directions of budgetary policy for the next budgetary year. Consequently, by September 1998, she was viewed by other elite members as a competent authority in budget issues, which provided credibility to her anti-presidential move.

Second, the way that Tymoshenko formulated her demand for the president's impeachment was also rather sensitive. Earlier that year, she made a few attempts to start the impeachment procedure in parliament. Such a step was doomed to fail because of the absence of an impeachment law and the general complexity of such a procedure. However, the president's impeachment through a referendum was a more likely event than impeachment through intrainstitutional means. Ultimately, there was already a precedent for a power change after a threat of referendum in 1994.²²⁵ Thus, the clever formulation of the impeachment demand secured the support of communists and socialists, who began to create groups to collect signatures for a referendum.

Consequently, Kuchma's political power was threatened in September 1998. However, the President managed to secure it through reliance on an informal agreement with Yulia Tymoshenko. At the same time, the informal split in the Hromada party undermined Lazarenko's oppositional status, while the arrest abroad completely ruined his reputation. Even the oppositional discourse could no longer improve the tarnished image of the former prime minister. Under such conditions, Lazarenko's parliamentary immunity would be removed in only a matter of time.

²²⁴ See: Statement By The Former Prime Minister Of Ukraine, Regarding Initial Favorable Decision By The U.S. Immigration And Naturalization Service On Status Of Application For Political Asylum, PR Newswire Europe 04.03.1998; Mr. Pavlo Lazarenko, Former Prime Minister Of Ukraine, Issues Statement Regarding His Relocation To San Francisco And Status Of His Application For Political Asylum, PR Newswire Europe 18.03.1998; "Pavlo Lazarenko ne ūde u prezydenty", Holos Ukrayiny №2110, 16.06.1998.

²²⁵ The pre-term presidential elections in 1994 that brought Kuchma to power resulted from the threat of a referendum of no confidence that had to take place in September 1993. Although the referendum was ultimately canceled, the very idea of it spurred the former incumbent to hold the pre-term elections.

5.4.2. Kuchma's Discursive Strategy

In the third round of negativity, President Kuchma decided to change his approach and to end his confrontation with the opposition. The tactics that he applied was “sticks and carrots”. On the one hand, President started a new discourse of reconciliation between the executive and legislature. On the other hand, he continued to intimidate the oppositional leaders. Researchers who study authoritarian modes of governance call these strategies cooptation and repression, respectively (see Chapter 2). Together with legitimacy, they constitute the main strategies of power maintenance by authoritarian incumbents. In the following, I show that President Kuchma indeed managed to stop the spiral of negativity through these means. His success in this way formed the basis of his reelection in 1999.

Timing

In the third round of negativity, Kuchma's moves resulted from his reaction to the opposition's anti-presidential discourse. The Prosecutor General arrested Mykola Syvulskyi only a few days after parliament supported Tymoshenko's motion to rule the presidential decree on budget sequestration unlawful.²²⁶ In a similar manner, the decision of the Supreme Arbitration Court against UESU was a kind of penalty for the opposition's support of a motion of no confidence in Pustovoytenko's government. Both events occurred in immediate succession: the government's resignation failed on 13 October 1998, and only two days later, the court ruled that Tymoshenko's gas trading company had to pay 1.44 billion hryvnia (about \$500 million) in taxes.²²⁷

Framing Process: Issues and Targets

Tymoshenko's anti-presidential campaign on very serious grounds of power abuse concerning the budget issue required immediate interference by the relevant power holders. Their reaction was twofold. On the one hand, they tried to avoid the politicization of the issue in parliament. On the other hand, they started a new discourse on the need for cooperation between different branches of power in a difficult economic situation. Instead of another round of negativity, Kuchma thus opted for a cooptation strategy, which was also reflected in his discourse. At the same time, the cooptation strategy was supplemented with an intimidation strategy, as Kuchma continued his previous discourse of tax evasion by gas traders. Finally, he also insisted on lifting parliamentary immunity through a referendum, thus holding parliament hostage to his confrontation with Lazarenko.

²²⁶ “Former Ukrainian government official and opposition activist charged”, Associated Press Newswires, 21.09.1998.

²²⁷ “Arbitrazhnaya politika, prigotovleniya na “gaze”?”, Zerkalo Nedeli №43(212), 24.10.1998.

The position of the new speaker was crucial for the success of the President's strategy. Unlike the previous speaker, who was hostile to Kuchma and opposed most of his decisions, the new speaker was inclined to cooperate with the incumbent. Consequently, he steered discussions in parliament over the sensitive issue of budget sequestration according to the incumbent's interests. For instance, he put to vote the proposal of the pro-governmental parties to declare the parliamentary session on 2 September 1998 – the one in which Tymoshenko was expected to give her anti-presidential speech – non-public.²²⁸ Simultaneously, the speaker postponed consideration of Tymoshenko's demands, so parliament discussed it only two weeks later.²²⁹ He also cancelled Tymoshenko's planned report on 30 September 1998 in violation of procedure.²³⁰ Despite that, the parliamentary weekly Holos Ukrayiny, whose editor was Hromada's deputy, published the censored report in full length.²³¹

In general, the President framed the oppositional statements against him as an attempt to destabilize the situation in order to earn political dividends. He explained the decree's urgency based on the deterioration of economic situation in Ukraine owing to a financial crisis in Russia (see Appendix B for the relevant quotations). While oppositional actors underlined the illegality of the president's actions, the President noted the need to expeditiously solve the pressing economic problems. Kuchma later used the same line of argument to resist the opposition's calls for government resignation. In a few public statements, he expressed the negative attitude toward it, calling parliament to take up a constructive position under conditions of economic crisis.²³² According to the President, the current government was the most professional in recent years, and its resignation would only exacerbate the crisis and have disastrous consequences for the state.

The President's assessment of the political situation at that time is well captured in the following quote from Kuchma's speech on 3 November 1998:

I consider it necessary to stress once again that society cannot live a normal life and the economy cannot develop in **an environment of disagreement, discord and confrontation**. Regretfully, I have to admit that a large part of those who consider themselves in the political establishment often act as a catalyst of ideological antagonisms and social tensions and even incite them. Nobody drew necessary conclusions after the parliamentary elections. The parties that lost or were close to losing the elections did not turn the failure into motivation to restructure. **Instead consolidating**, building alliances, and drawing closer to people, there is another round of internal strife, confrontation with other political forces and authorities, **and a search for perpetrators and enemies**. The political mimicry has already reached the point

²²⁸ See the transcript of the parliamentary session on 02.09.1998.

²²⁹ "Uriadovi zvity spivaiut' pryvity", Ukraina Moloda, 16.09.1998.

²³⁰ See the transcript of the parliamentary session on 30.09.1998.

²³¹ "Iuliia Tymoshenko: Proekt uriadu – prohrama zanepadu", Holos Ukrayiny №1939, 02.10.1998.

²³² "Leonid Kuchma: Uriad u nynishn'omu skladu pratsiuiie naibil'sh profesiono", Uryadovy Kurier №185-186, 26.09.1998; "U nynishn'omu uriadi pratsiuiut' profesionaly", Uryadovy Kurier №195-196, 10.10.1998; "Ukraine Pres Urges Parliament Against No-Confidence Vote", Dow Jones International News, 12.10.1998.

where some people continue to deliver statist slogans, but they essentially **work to counter statehood**. (Kuchma's speech on the occasion of the 80th anniversary of the proclamation of the West Ukrainian People's Republic on 03.11.1998; author's own translation and emphasis).

²³³

In his speech, the President indirectly labeled the opposition as anti-state actors that prevent economic development by inciting disagreements for the sake of gaining power. Such a position was also echoed in numerous statements of other pro-presidential actors (NDP, Prime Minister, Speaker) that called for consolidation in the face of economic crisis but that simultaneously framed the opposition as "*supporters of destabilization*" and "*anti-state forces*".²³⁴

Despite the discourse of reconciliation, the power holders continued to intimidate the opposition with threats of prosecution. After the arrest of Tymoshenko's ally Mykola Syvulskyi, the newly appointed Prosecutor General appeared on national television and promised to finish the investigation, stating that Lazarenko, Tymoshenko and Suvylskiy would bear responsibility for what they did if they were found guilty.²³⁵ In addition, both Kuchma and Pustovoytenko did not stop scapegoating and blamed the previous government of Pavlo Lazarenko for acute social problems, as noted in the following statements:

Pustovoytenko criticized the arguments in the faction's statement that the government's actions had **led to wage arrears and blaming the government for issuing treasury bills**. Pustovoytenko said that the former parliament chairman [Oleksandr Moroz] "must have known that the chronic illness of wage arrears appeared before my appointment as prime minister", while "bonds to the value of approximately 10bn hryvnias were put into circulation by a sleight of hand by [Hromada leader and former prime minister] Pavlo Lazarenko". (Pustoitenko's interview with *Fakty i Kommentarii* on 12.09.1998; as cited by BBC Monitoring Former Soviet Union; author's emphasis).²³⁶

I understand that the majority of acute social problems have not been solved yet. Of course, the present government has made mistakes but, for the sake of justice, **the people involved in letting social problems accumulate in recent years must bear some responsibility too.** (...) By comparison, during the previous government's term in office, debts for social

²³³ "Budivlia derzhavnosti mozhlyva lyshe na fundamenti zlahody ta porozuminnia", *Uryadovy Kurier* №212, 03.11.1998.

²³⁴ See, e.g., the following sources: "Bespochvennymi i iuridicheski bezgramotnymi" schitaet R. Bezsmertny obvinenii IU. Timoshenko v adres glavy gosudarstva", UNIAN, 03.09.1998; "Vступне слово Premier-ministra Ukrayiny V.P. Pustovoitenka na zasidanni Kabinetu Ministriv Ukrayiny 04.09.1998", *Uryadovy Kurier* №170-171, 05.09.1998; "Zaiava fraktsii NDP", *Uryadovy Kurier* №173-174, 10.09.1998; "Predsedatel' VR Ukrayiny dopuskaet vozmozhnost' zameny nekotorykh chlenov Kabineta Ministrov", UNIAN, 22.09.1998; "Zvernennia Kabinetu Ministriv ta Natsional'noho banku do narodnykh deputativ, usikh hromadian Ukrayiny", *Uryadovy Kurier* №185-186, 26.09.1998; "Stratehichna zavdannia – spivpratsia", *Uryadovy Kurier* №198-199, 15.10.1998; "Pered prirvoiu ne shtovkhaiut'sia", *Uryadovy Kurier* №198-199, 15.10.1998.

²³⁵ "Former Ukrainian government official and opposition activist charged", Associated Press Newswires, 21.09.1998.

²³⁶ "Premier slams left-wing opposition, says he will not resign", BBC Monitoring Service: Former USSR, 15.09.1998 (UNIAN, news agency, Kiev, in Ukrainian 1120 gmt 12 Sep 98).

payments from budgets at all levels grew by 60 per cent and 1bn hryvnyas. (Pustovoitenko's parliament address on 13.10.1998; as cited by BBC Monitoring Former Soviet Union; author's emphasis).²³⁷

[Presenter]... The leader of the Hromada faction called on the government today to pay off wage and pension arrears. Do you think this is possible under the current circumstances? [Kuchma] According to the information I received from the parliament prior to my visit to the studio, the prime minister made a very appropriate suggestion to Pavlo Lazarenko [Hromada leader] **to repay what he has taken from the country, and then the government will have fewer problems in settling debts to the state sector and pensioners.** (Kuchma's televised interview on 20.10.1998; as cited by BBC Monitoring Former Soviet Union; author's emphasis).²³⁸

After the immediate threat to his power was prevented, Kuchma modified his tactics once again. Instead of confrontation, Tymoshenko decided in favor of cooperation with the incumbent. However, unlike Tymoshenko, Lazarenko did not change his anti-presidential stance, now building up relations with other oppositional parties. In such a situation, Kuchma directed all his efforts to convicting Lazarenko for his past wrongdoings while leaving Tymoshenko alone.

Because the President could not simply arrest the former Prime Minister owing to his parliamentary immunity and because parliament blocked the decision to lift it, the incumbent decided to intensify his efforts in the international investigation of Lazarenko's foreign accounts. In November 1998, Ukraine's minister for justice visited Switzerland, and the Ukrainian media, citing Swiss newspaper Neue Zürcher Zeitung,²³⁹ revealed some details of the probe.²⁴⁰ At the same time, President Kuchma made a securitization move against Lazarenko, hinting at the possibility that Lazarenko had several passports even before the scandal with the Panama passport occurred:

Kuchma expressed dissatisfaction with the work of the Security Service of Ukraine, whose employees, according to him, had failed to react in any way to violations committed by officials in Ukraine. In particular, Kuchma stated that, between 1990 and 1998, **the consular department of the Ukrainian Foreign Ministry had issued** [former Ukrainian prime minister and now leader of the Hromada faction in parliament] **Pavlo Lazarenko with 12 business and diplomatic foreign-travel passports.** Kuchma called this "abuse", which the relevant bodies should have dealt with. (Kuchma's speech at a meeting of the Coordinating

²³⁷ "Ukrainian premier defends government's record on arrears in parliament address", BBC Monitoring Former Soviet Union – Political, 13.10.1998 (Ukrainian Television First Programme, Kiev, in Ukrainian 0900 gmt).

²³⁸ "Ukrainian president interviewed on budget, relations with parliament", BBC Monitoring Former Soviet Union – Political, 21.10.1998 (Ukrainian Television Third Programme, Kiev, in Russian 1700 gmt on 20th Oct).

²³⁹ Brenner, B. "Ukrainische Gelder", Neue Zürcher Zeitung, 07.11.1998.

²⁴⁰ See, e.g., "Shveitsartsi "zamorozyly" rakhunky Pavla Lazarenka?", Den' №215, 10.11.1998; "U byvshego prem'era Ukrayny nashli \$40 mln.", Kommersant Daily, 10.11.1998.

Committee for Combating Corruption and Organized Crime on 20.11.1998; as cited by BBC Monitoring Former Soviet Union 21.11.1998; author's emphasis)²⁴¹

Finally, when Swiss police released Lazarenko on bail after a short detention for a border-crossing violation, Kuchma took a clear anti-Lazarenko stance, overtly calling him "a criminal":

At the same time, the president stressed that it is no secret that an investigation against the ex-prime minister is under way. Kiev has officially requested Swiss bodies to provide legal assistance in this matter. According to the president, "**many are trying to make a political image of Lazarenko, but plain crime is on hand here**". If Lazarenko did not have lawmaker's immunity, he would have long stopped his foreign trips, Kuchma said, adding that a majority of criminals are hiding behind lawmaker's mandates. (Kuchma's press conference for regional media; as cited by BBC Monitoring Former Soviet Union 15.12.1998; author's emphasis).²⁴²

Although this was not the first time that Kuchma had referred to Lazarenko as a criminal, the statement reflected a different attitude from earlier. While the Hromada party insisted that Swiss police had no authority to detain a PACE member and blamed the Ukrainian authorities for inaction,²⁴³ the government's representatives underlined that Lazarenko violated Swiss law and was suspected in financial crime in Switzerland.²⁴⁴ The intervention of the Swiss police, perceived in Ukraine as objective and fair, into the prolonged power conflict between Lazarenko and Kuchma gave the latter a compelling argument in favor of Lazarenko's arrest.

Sensitivity

Overall, Kuchma's discourse in the third round of negativity was sensitive for two reasons. First, he instrumentalized the deteriorated economic situation to argue in favor of the status quo. Although the president issued the decree on budget sequestration in response to the IMF's demands, the decision was retrospectively justified with the financial collapse in Russia and its negative consequences for Ukraine. From such a perspective, Kuchma's "power abuse" in the name of economic salvation against a background of

²⁴¹ "Ukrainian president says not enough done to fight crime", BBC Monitoring Former Soviet Union – Political, 21.11.1998 (UNIAN, news agency, Kiev, in Ukrainian 1330 gmt 20 Nov 98).

²⁴² "Ukrainian president seeks further details of former premier's wrongdoing", BBC Monitoring Former Soviet Union – Political, 15.12.1998 (ITAR-TASS news agency (World Service), Moscow, in English 1706 gmt 15 Dec 98).

²⁴³ "Okolo 100 chelovek piketirovali v ponedel'nik posol'stvo shveitsarii v ukraine v znak protesta protiv aresta Pavla Lazarenko", UNIAN, 07.12.1998; "Fraktsiiia "Gromady" zaiavlaet, chto zaderzhanie v Shveitsarii P. Lazarenko iaaviaetsia "bespretsedentnoj aktsiei, napravlennoj na komprometirovanie lidera oppozitsii", UNIAN, 08.12.1998.

²⁴⁴ See, e.g., the speech of the first deputy of the Foreign Ministry at the parliament (the transcript of the parliamentary session on 09.12.1998).

parliament's prolonged dysfunctionality seemed logical, and the incumbent would have had problems with the justification of his actions otherwise.

Second, Kuchma's decision to seek the criminalization of Lazarenko at the international level was an effective strategy because it changed the topic's sensitivity. Despite the massive anti-Lazarenko campaign during the first round of negativity (i.e., when he was still Prime Minister), Western media showed little interest in his fate after the dismissal. The previous reports on Lazarenko's misdeeds were overshadowed by his new image as a victim of political repression during the election campaign of 1998. Lazarenko's detention abroad changed this perception once again. As occurred two years earlier, the world's attention was focused on Lazarenko's figure in December 1998. Although the short arrest abroad had no legal consequences for Lazarenko (he was ultimately released on bail), the episode had a tremendous effect on political relations in Ukraine. The anti-presidential ad hoc alliance of Hromada with left-wing parties quickly dissipated, as no party wanted to be associated with "a criminal". Moreover, when Kuchma threatened to organize a referendum on the elimination of parliamentary immunity as an institute,²⁴⁵ parliament chose the lesser evil and lifted Lazarenko's legal immunity in February 1999.

5.4.3. Subconclusion

In September 1998, the splash of mutual mudslinging resumed again when Tymoshenko attempted to organize an impeachment referendum. However, unlike the previous rounds of negativity, the third round was marked by a split within the opposition camp itself. The main point of disagreement was the strategy toward President Kuchma. While Yulia Tymoshenko maintained a radical anti-presidential line, Pavlo Lazarenko initially took a more moderate stance. However, the two actors reacted differently to political pressure against them and eventually switched sides. Already by the end of October 1998, Tymoshenko opted for cooperation with the incumbent, while Lazarenko retaliated with new tit-for-tat attacks against the President.

Interestingly enough, the radical position of Yulia Tymoshenko turned out to be quite effective in terms of political survival. Ultimately, she managed to "trade" her anti-presidential discourse for a refusal to prosecute. Pavlo Lazarenko was less lucky in this respect. For Kuchma, confrontation with Lazarenko was a zero-sum game structured by reputation risks – cooptation was not an option because of highly salient corruption scandals around the former prime minister, while repression promised to bring Kuchma's anti-Lazarenko discourse to its logical conclusion. The approaching presidential elections amplified the urgency of this final step. After a short period of detention abroad for a violation of immigration law and suspicion in money laundering, Lazarenko could no longer

²⁴⁵ "Ukrainian president threatens referendum on parliamentary immunity", BBC Monitoring Former Soviet Union – Political, 11.01.1998 (DINAU news agency, Kiev, in Ukrainian 1745 gmt 10 Jan 99).

improve his image with the oppositional discourse. Ultimately, the detention abroad tipped the balance in parliament against him. In February 1999, he was finally stripped of parliamentary immunity, but after fleeing Ukraine, he was arrested in the U.S.

5.5. Case-Specific Effects of Negative Framing

5.5.1. Negative Framing as a Strategy

Lessons for Incumbents

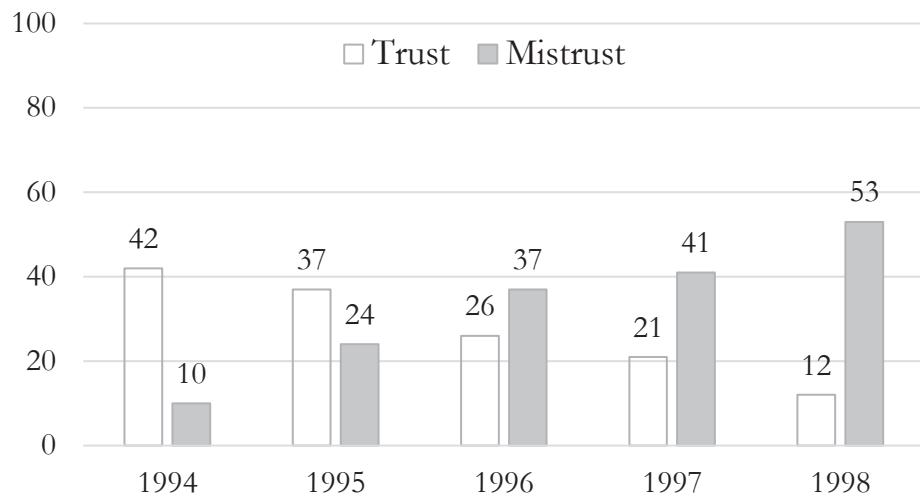
The inability of partial democracies to reduce the number of possible veto-actors (see Chapter 2) increases the probability that some of them would rely on negative framing to achieve certain goals. Negative campaigning on corruption charges seems to be a fast and reliable way to challenge the power holders' position. However, when challengers succeed, they fall victim to the spiral of negativity, which is difficult to control. As suggested in theoretical Chapter 3, negative framing is a risky strategy that might 'backfire' on the attacker. This was exactly what happened to the NDP party, which lobbied for Lazarenko's dismissal but had to fend off corruption accusations once it became "the party of power".

Negative campaigning on corruption charges is not a sound strategy not only for would-be incumbents but also for current ones. In the case of corruption scandals in their environment, they face difficult choices between a possible spiral of negativity if they politicize the issue and an image loss if they ignore the issue. Eventually, incumbents may suffer from a loss of reputation independent of their initial choice.

President Kuchma's case reviewed in this chapter provides a good illustration of this point. When the corruption scandal around Pavlo Lazarenko erupted, he decided to selectively politicize the issue. However, this started a spiral of negativity. Subsequently, Kuchma's popularity dropped from 42% in 1994 to just 12% in 1998 (see Figure 5.1). In November 1998, only 20% of respondents supported Kuchma's reelection for a second presidential term, while 55% thought that another candidate should become the next president.²⁴⁶ The negative campaigns by the opposition, including the scandals and attacks initiated by Pavlo Lazarenko and Yulia Tymoshenko, could only contribute to this result. Ultimately, negative campaigning by the opposition induced the incumbent to rely on authoritarian strategies of power maintenance to gain re-election and secure his power position beyond 1999. The inoculation tactics of the opposition, i.e., prediction of the future intimidation and repression by the incumbent, thus became a self-fulfilling prophecy.

²⁴⁶ "Po rezul'tatam oprosa obshchestvennogo mneniiia, 55% respondentov schitaiut, chto na dolzhnost' prezidenta dolzhen byt' izbran drugoi gosudarstvennyi ili politicheskii deiatel'", UNIAN, 19.11.1998.

Figure 5.1 – President Leonid Kuchma’s approval ratings in 1994-1998, %



Source: Representative opinion polls by the Ilko Kucheriv Democratic Initiatives Foundation (DIF), as cited in Ott (1999: 36-37).

The lesson from this case study is that no matter how infrequent and selective incumbent’s attacks are, an uncontrolled spiral of negativity is the most likely outcome in partial democracies. Other evidence, cited in theoretical Chapter 3, supports this conclusion: when incumbents engage in negative campaigning, they are more likely succumb to a boomerang effect than their challengers.

Lessons for the Opposition

In general, negative framing in hybrid regimes also brings about suboptimal results for the opposition, since it increases the chances of repression by the incumbent. Thus, the negative campaigning during parliamentary elections was not successful for Hromada – the party just managed to overcome the threshold of 4%. It also did not save Tymoshenko’s corporation UESU from ruin. If the company’s quick rise was due to Lazarenko’s patronage, the patron’s fall logically led to its quick decline. In UESU’s case, the demise was further accelerated by the government’s repressive measures as a reaction to negative framing by its former president.

While it is ineffective in saving corporations or the political career of the former high-ranking politicians involved in corruption scandals, negative framing still has positive effects for those who start it. Indeed, negative campaigning allowed the Hromada party and Yulia Tymoshenko to take up a central position in the political system within less than a year. Before 1997, Hromada was a marginal, barely existent party, and Tymoshenko was not a politician but a businessperson. Only a year later, Tymoshenko was at the center of all major political events, while Hromada managed to grow to the second largest centrist power in parliament after the pro-governmental NDP. However, the NDP party was also

a relative newcomer to the Ukrainian political landscape. It was created in February 1996 and later based on the parliamentary faction Constitutional Center that had lobbied for Lazarenko's resignation.

Another positive effect of negative framing that is difficult to achieve but is worth trying for corrupt politicians in hybrid regimes is the prospect of non-prosecution agreement with the incumbent. Assuming an oppositional status could be potentially rewarding, since it changes the logic of prosecution from purely criminal to political. For both Lazarenko and Tymoshenko, negative framing was used to avoid responsibility for their misconduct in the past. Features of the parliamentary system such as parliamentary immunity made the negative campaigning even more attractive, as it provided a certain safeguard against immediate prosecution by the incumbent. If not for the international dimension of Lazarenko's accusations, it is difficult to say how the power struggle against the former prime minister would have ended. Ultimately, the deputies were unwilling to lift Lazarenko's parliamentary immunity and effectively resisted the incumbent's demands for more than a year.

However, to be effective, negative framing has to be sensitive. Lazarenko and Tymoshenko had quite different tactics in this respect, which ultimately produced different outcomes. Thus, Lazarenko's favorite tactics were *refutation* and *retaliation*, which he used at the level of tit-for-tat accusations in personal enrichment. Although hybrid regimes, with their uneven playing field, provide fertile ground for personal attacks, this type of negative framing is usually less effective, as the theory suggests. In addition, refutation is an ineffective strategy when it is used alone. In line with theoretical considerations, Lazarenko's negative framing was not convincing and ultimately failed.

In contrast, Tymoshenko tried to associate her negative framing with *valence issues* such as pensions, wages, and national security. Only such negative framing has the potential to change the power balance in a state. Moreover, *sensitive* negative framing might become a tradable "good" that can be exchanged for something else, such as the refusal to prosecute, in hybrid regimes. Tymoshenko's case has proven it possible: in autumn 1998, she managed to escape prosecution after having reached an informal agreement with President Kuchma. The ground for such an agreement constituted the refusal from engaging in anti-presidential discourse, which threatened the incumbent's power position.

5.5.2. Effects of Negative Framing on a Political System

As shown in this chapter, negative framing had a profound effect on the structure of political alliances. Thus, parliament approved highly critical reports of investigative commissions on Palace Ukraina (226 votes in favor out of 450) and on ban of the

oppositional newspaper *Pravda Ukrayny* (233).²⁴⁷ It also acknowledged two decisions of the incumbent as unlawful – the government’s decree on a newspaper’s ban (230) and the presidential decree on budget sequestration (251).²⁴⁸ However, such alliances were rather situative and did not last long. The result was the continuation of political disunity, which was not conducive to overcoming the contextual uncertainty. More important, it shortened the time horizon of the government, which had to resist attacks rather than concentrate on reforms.

As already mentioned, negative framing promoted the quick rise of new parties, such as Hromada and NDP. Although they consisted of members of the existing elite, they still constituted new political entities, around which the political structuring occurred. The survival rate of the parties created using negative framing, however, is low. Thus, Hromada had already disappeared from the political arena after the arrest of its patron Pavlo Lazarenko in 1999. NDP was luckier – it managed to get into parliament in 2002 but only as part of the pro-presidential bloc. It ultimately disappeared from the political scene after receiving only 0.49% of the vote in the 2006 parliamentary elections.

Furthermore, negative framing does not come without side effects: it sets in motion a spiral of negativity that has a far more lasting effect on political relations in the state than the short-term goals of the actors that start it. It undermines not only the state’s international reputation but also its vertical legitimacy. In other words, it alienates the population, leading to Carother’s *feckless pluralist syndrome* described in Chapter 2. According to diverse political polls conducted in 1997-1998, 60% of the population believed that most deputies were corrupt and pursued their personal interests in the first place.²⁴⁹ Negative campaigning on corruption charges thus primes not only politicians but also the population and sows distrust in the political regime. Unfortunately, this is a systemic feature of partial democracies, such as that in Ukraine.

Finally, the spiral of negativity can be a contributing factor to democratic rollback and regime transition. As already stated, the powerful anti-presidential campaign initiated by Tymoshenko and Lazarenko not only prompted Kuchma to change tactics from attacking to seeking reconciliation but also induced him to rely on authoritarian strategies of power maintenance – repression against Lazarenko (through the inducement of an international anti-money laundering investigation and the vote on his parliamentary immunity) and Tymoshenko’s cooptation (in the form of an informal non-prosecution agreement). The subsequent move to competitive authoritarianism during Kuchma’s second tenure in 1999-2004 could be well explained by the spiral of negativity studied in this chapter.

²⁴⁷ See the transcripts of parliamentary sessions on 16.01.1998 and 03.02.1998.

²⁴⁸ See the transcripts of parliamentary sessions on 11.02.1998 and 18.09.1998.

²⁴⁹ According to polls cited in Wilson and Birch (1999: 278) and in Ott (1999: 37).

5.6. Conclusion

This chapter examines the dynamics of the spiral of negativity that negative framing can trigger by using the example of the delegitimization of the gas patronage scheme in the 1990s in Ukraine. In particular, it considers the discursive justifications of the main actors in a power struggle between President Kuchma and former Prime Minister Pavlo Lazarenko, whose main political and financial capital was based on the state patronage of the gas trader UESU. In Table 5.1 and Figure 5.2, I summarize the main findings of this chapter in terms of the strategies of the key actors and the frames that they used.

Table 5.1 – Actors' strategies and frames in three rounds of negativity, 1997-1998

Negativity round	Kuchma	Lazarenko	Tymoshenko
03.1997-07.1997	corrective action, attacking (anti-monopolization, tax evasion by UESU)	damage control (refutation without framing)	damage control (nationalism, positive framing)
10.1997-03.1998	counterattacking & damage control (tax evasion by UESU, anti-monopolization, Lazarenko's criminal prosecution for corruption)	attacking & damage control (corruption in the President's entourage, incumbent abuses of press freedom and fair electoral competition, victims of political persecution)	
09.1998-02.1999	counterattacking, then reconciliation (tax evasion by UESU, interbranch cooperation due to crisis, Lazarenko's criminal prosecution for corruption)	attacking & damage control (corruption in the President's entourage, victim of political persecution)	attacking, then reconciliation (incumbent abuses of parliamentary procedures, interbranch cooperation due to crisis)

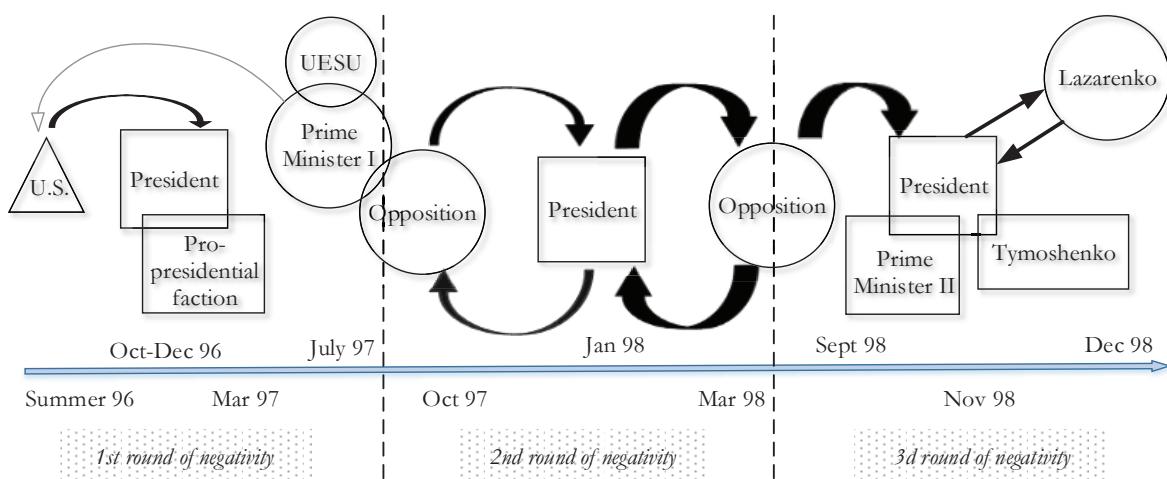
Source: Own compilation.

In short, President Leonid Kuchma began to accuse the gas trader UESU in late 1996-early 1997 of the monopolization of the gas market and tax evasion, initially as a reaction to the demands of the external actors to limit corruption and later in an attempt to deflect the blame for a budget crisis that leftist forces tried to politicize against Kuchma. This was the beginning of the first round of negativity. Although Kuchma personally quite seldom resorted to attacking, other pro-presidential forces in parliament joined the anti-governmental move with the aim of benefiting from corruption scandals around Prime Minister. Ultimately, Kuchma's corrective action had an unintended consequence – Lazarenko's dismissal. The analysis shows that the President made this step rather

unwillingly and tried to arrange an informal agreement with the former prime minister, which nevertheless did not last long. After a change in power, the new Prime Minister's post and key positions in the government went to Lazarenko's challengers – the representatives of the NDP party. However, having become incumbents themselves, they had to face accusations of abuse of power initiated by Lazarenko and his ally Tymoshenko. The *spiral of negativity* was set in motion, fueled by the approaching parliamentary elections.

In response to Lazarenko's and Tymoshenko's negative framing, Kuchma chose to counterattack in the second round of negativity. Accompanied by the repression and intimidation of the opposition, this strategy was not successful because of the oppositional counter-discourse. Similar to Lazarenko's Hromada, the pro-governmental NDP received slightly more votes in the parliamentary elections than the required minimum despite the supportive propaganda on television. Such an outcome induced Leonid Kuchma to change his tactics from pure counterattack to 'sticks and carrots' in the third round of negativity. Consequently, he started a new discourse of reconciliation between the executive and legislature but did not stop trying to intimidate the opposition. The tactics worked – the oppositional leaders were split. After Tymoshenko's cooptation, it was easier for Kuchma to get rid of Lazarenko. The involvement of the international community in Lazarenko's detention helped the President win the discursive struggle regarding the legitimacy of this prosecution. Despite the general resistance to the renunciation of parliamentary immunity as an institution, parliament agreed to strip it in an individual case and gave its consent to prosecute Lazarenko in February 1999. Thus, the spiral of negativity ended only after one of the sides was defeated, which was achieved with the help of authoritarian governance techniques – cooptation and repression.

Figure 5.2 – Attacking and counterattacking by key actors, 1996-1998



Notes: The arrows show targets of attacks and their intensity. Overlapping shows positional affinity. The form of figure reflects the actor type.

Actors: President – Leonid Kuchma; Prime Minister I – Pavlo Lazarenko; Pro-presidential faction – Constitutional Center, i.e. future NDP party; Opposition – Pavlo Lazarenko and Yulia Tymoshenko (after October 1997); Prime Minister II – Valeriy Pustovoytenko (leader of the NDP party).

Source: Own compilation.

CHAPTER 6. Conditions of Negative Framing: Delegitimization of the Gas Patronage Scheme in the 2000s

In the second case study, I investigate the conditions of negative framing. In particular, I differentiate the effectiveness of negative framing by the actor's position in a power hierarchy. For this purpose, I analyze the fight of Yulia Tymoshenko against the gas trader RosUkrEnergo (RUE) during Viktor Yushchenko's presidency in 2005-2009.

Unlike the previous case study, where the negative framing was actors' tactical decision in reaction to situational challenges, this case study examines what happens when an actor decides to rely on negative framing as a long-term strategy. In other words, negative framing could well result from the uncertain environment, but it could also be a conscious decision based on prior experience with negative framing. For Tymoshenko, who was one of the main proponents of the harsh anti-presidential rhetoric in the 1990s, the outcome of the spiral of negativity described in the previous chapter was positive – she escaped prosecution and the fate of Pavlo Lazarenko after reaching an informal agreement with President Kuchma. After coming to power in 2005, she strived to dismantle the patronage system in the gas market that was created by the rival political camp. However, owing to disagreements within the Orange coalition, the task was ultimately more difficult. Only after a prolonged power struggle and two gas conflicts with Russia she nevertheless did manage to oust RUE from the gas trade.

Tymoshenko's recipe for success was powerful anti-corruption framing. However, its effectiveness was preconditioned on her power position at each particular moment, irrespective of her status as either incumbent or opposition leader. In the following, I show that Tymoshenko was more successful with her anti-corruption discourse when her position was more independent from other actors and thus stronger than when she had to rely on cooperation with others. Regarding the effectiveness of negative framing, I focus not on the result of a power battle (i.e., reaching the end goal – ousting RUE from the gas trade) but on the result of a discursive battle (i.e., politicization of a topic to such a degree that it begins to influence the decision-making process).

The rest of the chapter is structured as follows. After reviewing the contextual uncertainty in 2005-2009 and positions of the main actors with regard to RUE, I analyze Tymoshenko's anti-corruption framing during four distinct subperiods – during her premiership in 2005, the parliamentary election campaign in 2005-2006, Yanukovych's second government in 2006-2007 and her second premiership in 2008-2009. This chapter's analysis is thus reminiscent of the analysis of political opportunity structure conducted by scholars of social movements (see Chapter 3.3.3), but it is not identical because the object of study is different.

As in the previous case study, I focus on the process of delegitimizing the gas patronage scheme. However, because of the specific issue of this chapter, I intensively cover the discursive positioning of only one major actor, while the positions of other relevant actors are treated only in passing. In the next step, I then consider the consequences of negative framing for Tymoshenko and her political party as well as its effects on the political system.

6.1. Political Context and Actors

6.1.1. Contextual Uncertainty in 2005-2009

The political setting that emerged after the Orange Revolution was highly uncertain and therefore particularly conducive to negative framing. To use the vocabulary of political regimes, Ukraine moved from competitive authoritarianism under Leonid Kuchma to partial democracy under Viktor Yushchenko.

On the one hand, the political system was democratized, especially with respect to media freedom and free elections, for instance. After years of censorship under Kuchma's presidency, the new administration decreased the level of state manipulation of press content. The practice of *temnyky* (informal instructions from the Presidential Administration on how daily news is covered) was no longer applied.²⁵⁰ Although major media outlets remained under oligarchic control, their owners supported different political forces; thus, there was a certain plurality of opinions. A plethora of popular political talk shows appeared, during which politicians from different camps discussed controversial topics, including that on gas. For instance, one of the popular TV debate shows “*Svoboda slova*” on the ICTV channel exclusively devoted at least 10 issues of the 2.5 hours of live programming to the issue regarding gas.²⁵¹

The media fulfilled its watchdog function in that it helped to uncover corrupt practices, including those within the gas market. In particular, the investigative journalists Serhiy Leshchenko (alias Viktor Chyvokunya) and Mustafa Nayem from the online daily Ukrainska Pravda contributed considerably to publicizing RUE's activity and its political

²⁵⁰ See, e.g., the section on media in “Guide to Ukrainian parliamentary election on 26 March 06 (updated)”, BBC Monitoring Ukraine & Baltics, 10.03.2006.

²⁵¹ See, e.g., the following issues of “*Svoboda Slova*” (<http://svobodaslova.ictv.ua/rus/>): Poveialo kholodom ot Kremlia?, 28.10.2005; Nachalas' li kholodnaia voïna s Rossie? 02.12.2005; Letit li biudzhet v trubu? 16.12.2005; Pererastet li “gazovaia voïna” v “krymskui voïnu”? 23.12.2005; Budet li kholodnoi zima-2006? 30.12.2005; Privel li gazovyj mir k parlamentsko-prezidentskoi voïne? 20.01.2006; Gazovoe davlenie uvelichivaet ekonomika ili politika? 24.11.2008; Chem zakonchitsia gazovaia voïna? 12.01.2009; Kto “ostalsia na trube”? 19.01.2009; “Gazovaia voïna” pereshla v finansovuiu, 26.11.2009.

affiliations.²⁵² Furthermore, the newspapers made public the confidential gas contracts between Russia and Ukraine almost immediately after their signing.²⁵³ The scrutiny that the media applied to the issue regarding gas contributed to the politicization of the issue and was skillfully instrumentalized by politicians.

The new President Viktor Yushchenko guaranteed democratic standards during the parliamentary elections in 2006 and 2007 as well as during the presidential elections in 2010, which stood in contrast to the fraudulent elections of 2002 and 2004. Consequently, the Freedom House rated Ukraine as free throughout the entirety of Yushchenko's presidency in 2005-2009.

On the other hand, the Orange Revolution did not change the existing elite structure, which was divided into two opposing camps (Pleines 2012: 130). After the 2004 presidential elections, the so-called Orange camp united around Viktor Yushchenko and Yulia Tymoshenko defeated the so-called Blue camp led by Viktor Yanukovych. The victory, however, did not last long, as media pluralism and democratic elections facilitated a frequent power change between the two elite camps throughout the period under review. After two Orange-led premierships between 2005 and early 2006, Yanukovych managed to form a government after the 2006 parliamentary elections. However, his attempt to consolidate power through state patronage led to a major political crisis in 2007, which was resolved with the early parliamentary elections later that year. Consequently, Tymoshenko's second government replaced the Blue camp once again – but only for two years. In 2010, Yanukovych was able to secure victory in free and fair presidential elections by a small margin of 3.5%.

The rivalry between the two camps was facilitated by their relatively equal strength. After the 2006 parliamentary elections, the Orange camp received about 36% of the vote, while the Blue camp received 32%.²⁵⁴ A similar pattern was observed after the early parliamentary elections in 2007: the Blue camp received 36% of the vote, slightly higher than the 33% received by the Orange camp.

As neither side could win the majority, the dominant elite camps had to rely on smaller political forces in order to form a coalition.²⁵⁵ However, the involvement of a greater

²⁵² ““RosUkrEnerho” – mat’oshky Firtasha-Fursina”, Ukrainska Pravda, 27.04.2006; “Rozshukuiet’sia novyj poserednyk”, Ukrainska Pravda, 27.04.2006; “Sem’ia RosUkrEnergo. Ta’na otnosheniij Firtasha i Boiko raskryta”, Ukrainska Pravda, 05.07.2006; ““RosUkrEnergo”, kotoroe mozhno potrogat’ rukami”, Ukrainska Pravda, 05.02.2007; “Sprava Firtasha. Chastyna persha. Spravy kolhospni”, Ukrainska Pravda, 24.07.2007; “Sprava Firtasha. Chastyna druga. Spravy simein”, Ukrainska Pravda, 13.08.2007; “Firtashyzatsiia Ianukovycha”, Ukrainska Pravda, 12.10.2007; “Sprava Firtasha. Chastyna tretia. Spravy hazovi”, Ukrainska Pravda, 13.01.2008; “Sprava Firtasha. Chastyna chetverta. Tini Semena Mohylevycha”, Ukrainska Pravda, 31.01.2008.

²⁵³ “Tekst soglasheniia mezhdu “Naftogazom” i “Gazpromom” ”, Ukrainska Pravda, 05.01.2006.

²⁵⁴ The Orange camp includes Our Ukraine (NU, later NUNS) and Bloc Yulia Tymoshenko (BYuT), and the Blue camp includes Party of Regions, according to official results provided by the Central Election Commission of Ukraine. (<http://www.cvk.gov.ua/>).

²⁵⁵ For instance, KPU, SPU or Lytvyn’s People’s Bloc.

number of actors in political decision-making only increased the uncertainty over the final balance of power. For instance, Yanukovych managed to secure a comeback in 2006 by forging a coalition with communists and socialists. The alliance became possible only after the socialists' leader Oleksandr Moroz moved from the Orange camp to the Blue one, where he was rewarded with the speaker's position. The situation repeated two years later, when Volodymyr Lytvyn saved the Orange coalition from collapsing in 2008. In December 2008, parliament approved Lytvyn as the new speaker after his party joined the Orange-led coalition.

Finally, the political uncertainty was multiplied by the pragmatic positions of the opposing camps themselves. Neither Tymoshenko nor Yushchenko ruled out cooperation with Yanukovych, when it was politically expedient. For instance, Yushchenko did not prevent the formation of a Blue coalition after the 2006 parliamentary elections and supported the appointment of his recent political rival Viktor Yanukovych as Prime Minister in August 2006. At the same time, Tymoshenko opted a few times for situational alliances with the Party of Regions – as a joint oppositional move after the gas conflict with Russia in January 2006 (see section 6.2.2) and as an attempt to adopt a package of bills aimed at limiting the president's power in August 2008. Over time, both the Blue and Orange camps suffered from a loss of image, since their supporters viewed the cooperation between camps as illegitimate. However, the Blue camp was less affected by the reputational crisis than the Orange leaders, as it also relied on hierarchical patronage networks as an additional mobilization channel during elections.

Under such conditions, the change in rules in 2006 only contributed to political chaos. According to the new constitution that entered into force that year, the parties were now responsible for building a coalition and forming a government on its basis. Lacking such experience, the parties needed time to coordinate actions in a new environment. Thus, the first period of coalition building took over five months, whereas the second coalition was built only after three months of negotiation. Obviously, decision-making in the country was paralyzed during these periods. With the addition of the political crises of 2007 and 2008, the state was without responsible leadership for at least 23% of the time or for more than a year over a five-year period.²⁵⁶

6.1.2. The Main Actors and Their Positions

RosUkrEnergo

The main benefactor of the gas patronage scheme in the 2000s was the firm RosUkrEnergo (RUE). RUE was founded in July 2004 on a parity basis between two banks – Russian Gazprombank and the Austrian Raiffeisen Investment, which acted as a trustee

²⁵⁶ The political crisis of 2007 lasted for about three months (from April until the end of June 2007). The political crisis of 2008 lasted for the same duration (from September until end of November 2008).

shareholder of undisclosed owners.²⁵⁷ After a scandal in early 2006, Gazprombank sold its share in RUE to Gazprom,²⁵⁸ while Raiffeisen Investment pulled out from its involvement with RUE. Gazprom's stake in the company was represented by a number of high-ranking officials very well connected to Russian power holders.²⁵⁹ RUE's owners from the Ukrainian side were two Ukrainian businessmen, Dmytro Firtash and Ivan Fursin, whose share in RUE corresponded to 45% and 5%, respectively. Precisely because of this private share beyond state control, the leaders of the Orange camp wanted to either substitute RUE with a state-owned company or eliminate it.

RUE presented another type of gas intermediary that had a different source of profits from the gas trader UESU, which is analyzed in Chapter 5. While UESU generated profits in the first place by distorting the domestic gas market, RUE made money by reselling cheap Central Asian gas at a considerable markup in Europe. Thus, its degree of internationalization was higher than that of UESU, as it involved not only Russian and Ukrainian actors but also Central Asian and European actors. The international character of RUE's operation provided the gas trader with some resilience against abrupt political changes in Ukraine. Consequently, RUE's scheme was much more difficult to destroy than that of UESU. Two gas conflicts with Russia and the politicization of gas not only in Ukraine but also in Europe were required.

RUE was not the first intermediary that operated according to this scheme. In the 1990s, a number of other intermediaries made money by reselling cheap Turkmen gas – Ukrainian Intergaz and later Russian Itera. In early 2000s, the profitable business was adopted by the newly created EuralTransGas (ETG), which replaced the disgraced Itera after a change in power in Russian Gazprom. The involvement of these intermediaries was less politicized in Ukraine than that of RUE. However, it should be noted that RUE was created precisely because of ETG's poor publicity as a company connected to the crime boss Semion Mogilevich. As it turned out, RUE's co-owner Dmytro Firtash was also the co-owner of ETG, meaning there was ownership continuity since at least 2003 (Global Witness 2006).²⁶⁰ Moreover, Dmytro Firtash was previously involved in gas politics by paying Turkmenistan in goods for gas shipped to Ukraine in late 1990s.²⁶¹ By the start of RUE's operations in 2005, he was well-connected and well-known in narrow circles in both

²⁵⁷ “50% RosUkrEnergo kontroliruiut ukrainskie biznesmeny Firtash i Fursin – SMI”, UNIAN, 26.04.2006.

²⁵⁸ “Board of Directors agrees on acquisition of 50 per cent stake in Rosukrenergo AG”, Information Directorate OAO Gazprom, 26.02.2006.

²⁵⁹ For instance, RUE's executive directors from the Russian side were Konstantin Chuichenko (2004-2008) and Nikolai Dubyk (since 2008). Konstantin Chuichenko is an old college friend of Dmitry Medvedev, while Dubyk's brother was Medvedev's advisor and later assistant in 2001-2005. See, e.g., “Dubik Sergei Nikolaevich. Lichnoe delo”, Kommersant №13, 27.01.2009; Arkady Ostrovsky “Energy of the state: how Gazprom acts as lever in Putin's power play”, Financial Times, 14.03.2008.

²⁶⁰ In an interview with Ekho Moskvy in January 2009, Firtash acknowledged that he was directly related to ETG. See “Кему приведет газовая война между Россией и Украиной”, Ekho Moskvy, 15.01.2009, <http://echo.msk.ru/programs/dozor/566022-echo/> (last accessed on 30.01.2017).

²⁶¹ “Sprava Firtasha. Chastyna tretia. Spravy hazovi”, Ukrainska Pravda, 31.01.2008.

Russia and Ukraine. Nevertheless, unlike protagonists of the gas patronage scheme of the 1990s, he preferred to stay in the shadows and was not known to the general public until 2006, when a scandal concerning RUE's real owners erupted.

In general, gas trade with Turkmenistan was organized as follows: intermediaries supplied Ukraine with Central Asian gas that transited Russian territory; for their services, they received a certain amount of gas, which was then sold in Europe (Balmaceda 2013; Global Witness 2006). Through this scheme, gas traders received up to 15 bcm of gas annually, while the net income from such an activity reached hundreds of millions of dollars. Because gas mediators were foreign companies registered in offshore centers of finance, they did not pay taxes to either Russia or Ukraine. Moreover, mediators were exempt from paying customs duties, which reached up to 35% in Russia. In 2006-2008, RUE also made additional profits through its subsidiary UkrGazEnergo (UGE), which was a monopoly supplier of gas to Ukrainian industrial customers.

From its very inception, RUE's owners tried to secure the scheme by involving state actors in Ukraine. Unlike Russia, Ukraine as a state had no formal stake in RUE. Nevertheless, the gas intermediary used a number of incentive mechanisms to compel Ukrainian state actors to rely on RUE. What it offered was not only informal profit sharing but also a reduction in gas costs for a Ukrainian economy that was heavily dependent on gas imports.

The first such incentive mechanism was based on the involvement of the state-owned gas company Naftogaz Ukrainy in the scheme of exporting Turkmen gas to Europe. Through this operation, Naftogaz Ukrainy could still make profits even after the deduction of subsidies to the Ukrainian population and budget sphere. The scheme was in place under Viktor Yanukovych's premiership before the Orange Revolution. However, in mid-2005, Tymoshenko suspended the exports by a decree in an attempt to oust RUE.²⁶² As a consequence, Naftogaz Ukrainy was kicked out of the lucrative scheme and deprived of additional profits.

The second incentive mechanism was created by a "debt-for-gas" scheme, which was documented in supplement agreement №4 signed on 9 August 2004.²⁶³ According to this agreement, RUE was integrated in the Ukrainian gas sector via a reduction of gas volumes that Ukraine received from Russia in exchange for its gas transit services. In this way, Ukraine paid off its old gas debts from the 1990s. At the same time, RUE had to supply the missing volumes from Central Asia. The price for Russian gas was fixed at \$50 per 1000 cubic meters for five years, but this referred only to the gas volumes in the gas-for-debt scheme (the rest of Russian gas was still shipped to Ukraine in kind for its transit services). This second incentive mechanism was not successful, however. Although RUE's exclusion

²⁶² "Pro mytne oformlennia reeksportnykh operatsii z pryrodnym gazom", Kabinet Ministriv Ukrayiny, Rozporiadzhennia vid 24.06.2005, №218-r.

²⁶³ "Prem'yer-ministr Ukrayiny Iuriй Ekhanurov: voïna na dva fronta", Zerkalo Nedeli №50, 23.12.2005.

automatically led to a gas shortage in Ukraine, the sheer size of such a deficit – 5 bcm – turned out to be a weak deterrent for the new Ukrainian authorities who came to power after the Orange Revolution. In August 2005, Tymoshenko allegedly revoked supplement №4 by a decree,²⁶⁴ while Naftogaz Ukrayny proposed that Gazprom cancel it during negotiations.²⁶⁵ Apparently, Gazprom agreed to this demand,²⁶⁶ so the new incentive mechanism had to be invented.

After the gas conflict in January 2006, a new gas arrangement was signed, according to which Ukraine received a preferential gas price that was nevertheless higher than that in 2005 but still lower than that in Europe (Balmaceda 2013). A discount was integrated into the new arrangement, according to which Ukraine imported expensive Russian gas mixed with cheaper Central Asian gas through RUE. RUE's removal therefore automatically meant higher gas prices for Ukraine, which gave the gas intermediary a decisive argument in its favor. This third incentive mechanism turned out to be rather effective, as it took three more years of fierce power struggle to break it.

The Blue Camp

The Blue camp was responsible for bringing RUE into Ukrainian gas trade in 2004. A few months before the Orange Revolution, the Presidents of Ukraine and Russia negotiated the new arrangement of gas trade in Eurasia, according to which the countries had to form a single gas balance.²⁶⁷ As part of the new deal, Naftogaz Ukrayny and Gazprom signed several agreements regarding the supply and transit of natural gas that lasted until 2028. Among other things, they agreed that RUE would take over the purchase and transit of Turkmen gas for the Ukrainian market starting in January 2005. Furthermore, Yanukovych's government negotiated the “debt-for-gas” scheme described above, which created a legal basis for RUE's involvement in Ukraine.

To guarantee the smooth functioning of the scheme, several high-level officials from the Blue camp participated in the new arrangement from the very beginning. Thus, Naftogaz CEO Yuriy Boyko and his deputy Ihor Voronin were included into RUE's

²⁶⁴ This fact was mentioned in the findings of the temporary investigative commission that operated under Yanukovych's government in March 2007. See “Poprednii zvit Tymchashovoї slidchoi komisii Verkhovnoi Rady Ukrayny z pytan' perevirkyy sytuatsii iz zabezpechenniam pryrodnym hazom ukrains'kykh spozhyvachiv, rozrakhunkamy za postavlenyi pryrodnyi haz ta mozhlyvymy porushenniamy diiuchoho zakonodavstva na enerhetychnomu rynku Ukrayny”, Zakonoproekt vid 22.03.2007, №3381.

²⁶⁵ This fact was mentioned in the interviews by Yuriy Yekhanurov and Volodymyr Lytvyn. See: “Prem'er-ministr Ukrayny IUrii Ekhanurov: voyna na dva fronta”, Zerkalo Nedeli №50, 23.12.2005; Vladimir Litvin: “IA gotov blokirovat'sia khot's chertom”, Kommersant Ukrayny, 21.12.2005.

²⁶⁶ “Kommentarii na zajavlenie NAK “Naftogaz Ukrayny” ot 7 dekabria 2005 goda”, Upravlenie informatsii OAO “Gazprom”, 07.12.2005.

²⁶⁷ “Podpisany dolgosrochnye soglasheniia o postavkakh i tranzite turkmenskogo gaza v Ukrainu”, Upravlenie informatsii OAO “Gazprom”, 29.07.2004.

coordinating council, even though Naftogaz Ukrainy was not formally a shareholder.²⁶⁸ As became known later, the First Assistant of President Leonid Kuchma – Serhiy Levochkin – was also informally involved in the scheme through RUE’s minor shareholder Ivan Fursin (5%).²⁶⁹ In general, whenever the Orange camp was in power, Boyko and Levochkin did not hold any formal positions and thus could not exert formal influence over the gas patronage scheme.

The gas trade arrangement of 2004 thus created private incentives for the Blue camp to keep RUE in the game. When Yanukovych became Prime Minister for the second time in August 2006, his government cemented RUE’s role in the Ukrainian gas market and contributed to its expansion through its subsidiary UkrGazEnergo (UGE). Moreover, RUE gained personal lobbyists in a new government – while Yuriy Boyko was appointed as the new Minister of Energy, Serhiy Levochkin became the head of Yanukovych’s secretariat. Within two years of being in power, Yanukovych’s government made a number of decisions that were favorable to the gas intermediary. Specifically, it lifted restrictions on the sale of gas by UGE in the domestic gas market.²⁷⁰ It also helped Dmytro Firtash to privatize the regional distribution companies²⁷¹ and to repay Ukraine’s gas debt to RUE with the gas amount from its storage facilities, gas transit revenues and tax exemption.²⁷² After the pre-term parliamentary elections in 2007, RUE’s lobbyists Serhiy Levochkin and Yuriy Boyko finally formalized their influence over the Party of Regions, having been elected to its party list.²⁷³ Only a year earlier, they officially invested in different parties that did not get into parliament after the 2006 elections.²⁷⁴

The Orange Camp

The issue of RUE was one of the main sources of disagreements within the Orange camp. While Yulia Tymoshenko was against the gas intermediary from the very start of their shared governance, Viktor Yushchenko did not oppose RUE’s operation as much as

²⁶⁸ “Proverennyi kadr”, Vedomosti №1302, 08.02.2005.

²⁶⁹ Viktor Chyvokunia ““RosUkrEnerho” – matr’oshky Firtasha-Fursina”, Ukrainska Pravda, 27.04.2006. See also Levochkin’s interview with Ukrainska Pravda on 15.04.2008 as cited in “Ukrainian opposition MP admits link to gas trader owners”, BBC Monitoring Ukraine & Baltics, 21.04.2008 (Ukrayinska Pravda website, Kiev, in Russian 15 Apr 08).

²⁷⁰ “NKRÉ otmenila ogranicenia na prodazhu gaza kompaniē “Ukrgaz-Énergo””, RBK Ukraina, 15.08.2006.

²⁷¹ “6 oblgazov prosiat Prezidenta i sekretaria SNBO vmeshat’sia v situatsiiu s vytessneniem ikh s rynka raspredeleniia gaza”, UNIAN, 27.04.2007.

²⁷² See: “Boiko zaiavliaet, chto 929 mln. doll. iavljaetsya ukrainskim dolgom pered “RosUkrÉnergo” za otpusk gaza”, UNIAN, 10.10.2007; “Ukraina peredala 8 mlrd. kub. m gaza “Gazpromu” v kachestve kompensatsii dolga”, UNIAN, 09.10.2007; “Dolg ukrainskikh kompanii pered “Gazpromom” na nachalo oktiabria sostavil okolo 2 mlrd. doll. – Zubkov”, UNIAN, 09.10.2007.

²⁷³ See, e.g., Serhiy Leshchenko “Firtashyzatsiya Ianukovycha”, Ukrainska Pravda, 12.10.2007.

²⁷⁴ According to official data by the Central Election Commission, Yuriy Boyko ran on the list of an oppositional bloc “Ne Tak”, while Ivan Fursin and Serhiy Levochkin ran on the list of Lytvyn’s People’s Bloc.

Tymoshenko. The President's tactic was to replace the private firm RUE with another company under state control,²⁷⁵ but he did not want to achieve it at all costs. Tymoshenko, by contrast, wanted to eliminate RUE at any cost, even if it meant higher gas prices for Ukraine.²⁷⁶

The leaders of the Orange camp knew RUE's real owners well even before their identity was publicly revealed in April 2006. In fact, Tymoshenko mentioned Firtash's name in an interview with Ukrainska Pravda in February 2006.²⁷⁷ There are also indications that Yushchenko became acquainted with Dmytro Firtash in December 2004 during the Orange Revolution.²⁷⁸ Unlike Tymoshenko, who flatly refused to find a common position with Firtash, Yushchenko was more open to influence. At first, Yushchenko's informal cooperation with RUE's co-owner was an attempt to balance different interests within the Orange camp, especially concerning those who wanted to gain control over RUE.²⁷⁹ However, over time, the patronal relationship turned into a more mutually dependent one and became more public. According to some reports, Firtash paid for a charter flight for the family of Yushchenko's wife to the latter's inauguration as President in January 2005.²⁸⁰ In October 2005, Firtash was present at the reception when Viktor Yushchenko was awarded the Chatham House Prize of the British International Relations Institute.²⁸¹ During the 2006 parliamentary elections, several of Firtash's people were running on the list of the presidential Our Ukraine bloc.²⁸² In January 2008, Yushchenko appointed Dmytro Firtash (together with other oligarchs) to the National Council of Philanthropists, a newly created advisory body under the President of Ukraine.²⁸³ A year later, Yushchenko

²⁷⁵ According to the author's analysis, Yushchenko made such an attempt at least five times - in March 2005, August 2005, December 2006, February 2008 and January 2009.

²⁷⁶ Although unverified, the pro-RUE actors often accused Tymoshenko in an attempt to replace RUE with a more favorable firm close to her. There was a basis for the rumors in that she indeed once tried to create a joint venture called "wholesale gas market" between Naftogaz Ukrainy and Gazprom's affiliated company Itera that had to act as a single distribution company with regional offices. The idea failed, however. See, e.g., "Pravitel'stvo Ukrainy gotovitsia reformirovat' vnutrenniy gazovyj rynok", Neftegazovaia Vertikal' - Novostnaia lenta, 05.06.2000.

²⁷⁷ See Tymoshenko's interview in "Ukraine's ex-premier Tymoshenko set to win election", BBC Monitoring Ukraine & Baltics, 20.02.2006 (Ukrayinska Pravda website, Kiev, in Ukrainian 17 Feb 06).

²⁷⁸ Yushchenko's close friend and the editor-in-chief of the pro-presidential newspaper "Ukraina moloda", Mykhaylo Doroshenko, insisted in an interview with Ukrainska Pravda that he personally introduced Firtash to Yushchenko after the second round of presidential elections in December 2004. See Mykhailo Doroshenko "Iushchenko z Firtashem pid chas pershoi zustrichi hovoryly, iak ne dopustyty deryban", Ukrainska Pravda, 04.07.2006.

²⁷⁹ According to Doroshenko (see the previous footnote), Firtash demanded a meeting with Yushchenko to seek protection from kickback demands from the Orange camp. In response, Yushchenko promised the businessman that if he were elected, he would not change the organizational structure of the gas market.

²⁸⁰ "Zhurnalista Liashko zaiaavljaet, chto charternyj reis dlja materi Ekateriny Chumachenko na inauguratsii Iushchenko byl oplachen kommerscheskoi strukturoi, i vidit v etom priznaki korruptsii", UNIAN, 07.10.2005.

²⁸¹ "Site says gas magnate owns Ukraine's most popular TV channel", BBC Monitoring Ukraine & Baltics, 14.08.2008 (Ukrayinska Pravda website, Kiev, in Ukrainian 29 Jul 08).

²⁸² See Kinakh's interview in "Ukrainian security supremo explains recent gas deal with Russia", BBC Monitoring Ukraine & Baltics, 20.01.2006 (Ukrayina Moloda, Kiev, in Ukrainian 13 Jan 06).

²⁸³ "Pro sklad Natsional'noi rady z pytan' blahodiynytsva "Zihrii liuboviu dytynu", Prezydent Ukrayny, Ukaz, Sklad kolehial'noho orhanu vid 29.01.2008, №61/2008.

awarded Firtash with an Order of Merit for his contribution to the development of the National Historical and Cultural Reserve “Hetman’s Capital” in Baturin.²⁸⁴ Thus, although there is no evidence of Yushchenko’s joint business with the oligarch,²⁸⁵ Firtash nonetheless supported the President’s cultural interests and had constant contact to him. In 2014, Yushchenko acknowledged that he consulted with Firtash during the January 2009 gas conflict with Russia.²⁸⁶ According to Firtash own account, he has been the President’s unofficial advisor ever since the Orange Revolution and had trustworthy relations with him.²⁸⁷

Apart from Yushchenko, other members of Our Ukraine party, predominantly its main financers during the Orange Revolution, were interested in preserving the patronage scheme in the gas market. According to different sources, Petro Poroshenko, Oleksandr Tretyakov and Mykola Martynenko tried to exert informal control over the situation in the gas sphere.²⁸⁸ In 2005-2006, Yuriy Yekhanurov had formalized influence when he served as Prime Minister, as did Oleksiy Ivchenko during his time in office as the CEO of Naftogaz Ukrainy. For instance, Oleksiy Ivchenko opposed Tymoshenko’s attempts to oust RUE in summer 2005. At the same time, Yekhanurov’s government revoked some decisions of Tymoshenko’s government directed against RUE – it renewed gas exports by Naftogaz Ukrainy²⁸⁹ and reinstated RUE’s protégé Ihor Voronin as the deputy chairman of Naftogaz Ukrainy.²⁹⁰ Yekhanurov was also responsible for the outcome of the gas conflict that was favorable to RUE in January 2006.

The disunity within the Orange camp over RUE was one of the major causes for Ukraine’s haphazard politics during the entirety of Yushchenko’s presidency. Throughout the period under review, Tymoshenko’s cooperation within the Orange coalition was

²⁸⁴ “Iushchenko nagrađil Firtasha ordenom”, Korrespondent.net, 22.01.2009.

²⁸⁵ Amidst the scandal on RUE’s ownership, the deputies from KPU and SDPU(o) accused the President of benefiting from the gas deal through his brother Petro Yushchenko, who was allegedly involved into transactions between Naftogaz Ukrainy and RUE through his company Petrogas. See, e.g., “SDPU(o) i KPU prosiat Iushchenko proverit’ informatsii o perechislenii sredstv ot ‘RosUkrEnergo’ priblizhennym k ego okruzheniu strukturam”, UNIAN, 19.01.2006; “Deputaty Shurma i Solomatin prosiat pravookhranitel’nye organy proverit’ prichastnost’ Petra Iushchenko k sdelkam s gazom”, UNIAN, 08.02.2006.

²⁸⁶ “Viktor Iushchenko – hazovi spravy z Firtashem”, Hromads’ke telebachennia, 20.03.2014, <https://www.youtube.com/watch?v=Qjl436q4BBk> (last accessed on 03.05.2016). At the same time, Yushchenko stressed that he met with different people to acquire information, but he ultimately made decisions on his own.

²⁸⁷ See Firtash’s interview with the United States Ambassador in Kyiv in December 2008, revealed by WikiLeaks: “US embassy cables: Gas supplies linked to Russian mafia”, The Guardian, 10.12.2008.

²⁸⁸ According to Tymoshenko, then-NSDC Secretary Petro Poroshenko and the former First Assistant to the President Oleksandr Tretyakov controlled gas politics in her own government in 2005 (see Chapter 6.2). According to the Russian newspaper Izvestia, which revealed the identity of RUE’s owners, Tretyakov was Firtash’s friend, while Martynenko was connected to Ivan Fursin. In addition, Oleksandr Zinchenko, who triggered the corruption scandal and indirectly Tymoshenko’s dismissal in September 2005, publicly accused Poroshenko, Tretyakov and Martynenko of corruption.

²⁸⁹ “Pro vydachu dozvoliv na reeksport pryrodnoho hazu”, Kabinet Ministriv Ukrayny, Rozporiadzhennia vid 15.09.2005, №402-r.

²⁹⁰ “Pro ponovlennia Voronina I.P. na posadi zastupnyka holovy pravlinnia Natsional’noi aktsionernoi kompanii ‘Naftohaz Ukrayny’, Kabinet Ministriv Ukrayny, Postanova vid 14.10.2005, №1019.

conditional on the removal of RUE from the gas trade. This was one of Tymoshenko's main demands for the creation of a coalition with the President's Our Ukraine party after the parliamentary elections in March 2006.²⁹¹ The issue was also included in coalition text between the President's bloc NUNS and BYuT in November 2007, when Tymoshenko became Prime Minister for the second time.²⁹² The pro-RUE group in Our Ukraine tried to withstand the unification of the Orange camp in 2006 and lobbied for a coalition between Our Ukraine and the Party of Regions.²⁹³ Ultimately, the Orange camp failed to agree in 2006 and united once again in 2008, although such a cooperation was full of internal disputes.²⁹⁴ Moreover, during the gas conflict in 2009, the pro-RUE deputies from the presidential bloc also lobbied of a vote of no confidence in Tymoshenko's government.²⁹⁵

The dispute over RUE within the Orange camp manifested itself during Tymoshenko's two premierships in 2005 and 2008. Thus, Tymoshenko's moves against RUE were often not coordinated with Yushchenko. In June 2005, for instance, she initiated an investigation into the gas trade with Turkmenistan under the previous government.²⁹⁶ She also exerted pressure on Naftogaz Ukrainy, urging it to create a new agreement without RUE's involvement.²⁹⁷ However, Tymoshenko's attempts to oust RUE from the gas trade met resistance within both Russia and the Orange camp. In this regard, Russia demanded much higher prices for additional gas volumes that Ukraine intended to purchase from it. It also counteracted Tymoshenko's attempts to seize Russian gas in the Ukrainian

²⁹¹ See the coalition agreement here "Pro stvorenia u Verkhovnii Radi Ukrayiny piatoho sklykannia Koalitsii demokratichnykh syl", Verkhovna Rada Ukrayiny, Povidomlennia, Uhoda vid 22.06.2006.

²⁹² See the signed coalition agreement here "Pro stvorenia Koalitsii demokratichnykh syl u Verkhovnii Radi Ukrayiny VI sklykannia", Verkhovna Rada Ukrayiny, Povidomlennia, Uhoda vid 29.11.2007.

²⁹³ "Ukrainian president faces tough choice on premier – website", BBC Monitoring Ukraine & Baltics, 02.04.2006 (Ukrayinska Pravda website, Kiev, in Ukrainian 28 Mar 06).

²⁹⁴ In an interview with the United States Ambassador in Kyiv in December 2008, Firtash also acknowledged that he thwarted the coalition between PoR and BYuT in 2008 and lobbied for a coalition between NUNS and PoR. See: "US embassy cables: Gas supplies linked to Russian mafia", The Guardian, 10.12.2008.

²⁹⁵ On 16 January 2009, Mykola Martynenko took control of Our Ukraine after the faction leader Viacheslav Kyrylenko refused to support the vote of no confidence in Tymoshenko's government. This event sped up the conflict's resolution. A few days afterward, Tymoshenko signed the new gas contract with Russia. See: "NUNS rozdilyla vidstavka Tymoshenko. Kyrylenko nozha ne vstromliatyme", Ukrainska Pravda, 15.01.2009; "Liubi druzi" potemnomu zakhopyly "NU-NS", Ukrainska Pravda, 16.01.2009.

²⁹⁶ See Turchynov's interview in Turchynov's interview in Iuliia Mostovaia "Ot kogo — shchit? Dlia kogo — mech?", Zerkalo Nedeli №23 (551), 18-24.06.2005.

²⁹⁷ On 24 June 2005, Ukraine announced that starting in July 2005, it would pay for Turkmen gas with cash instead of barter, which practically meant that RUE would be excluded from the gas trade with Turkmenistan. The Ukrainian government also suspended the export of gas by Naftogaz Ukrainy, which it had conducted together with RUE and its predecessor ETG since 2003. It also ordered yet another inspection of Naftogaz Ukrainy and fired Ihor Voronin, the deputy of Naftogaz Ukrainy and RUE's protégé, who also represented the Ukrainian side in the talks with Gazprom in June 2005. See, e.g., "Ukraina s 1 iulija budet oplachivat' turkmenskiy gaz valiutor?", UNIAN 24.06.2005; "Pro mytne oformlennia reekspornykh operatsii z pryrodnym hazom", Kabinet Ministriv Ukrayiny, Rozporiadzhennia vid 24.06.2005, №218-r; "Pro provedennia perevirky finansovo-hospodars'koi diial'nosti pidpriiemstv derzhavnoho sektoru ekonomiky za okremymi pytanniamy", Kabinet Ministriv Ukrayiny, Rozporiadzhennia, Perelik vid 25.06.2005, №217-r; "Pro zvil'nennia Voronina I.P. z posady zastupnika holovy pravlinnia Natsional'noi aktsionernoi kompanii "Naftohaz Ukrayiny", Kabinet Ministriv Ukrayiny, Postanova vid 25.06.2005, №509.

underground storage facilities predestined for RUE's use. When the conflict reached a peak in July 2005, President Yushchenko eventually interfered and forbade Tymoshenko from politicizing the issue. The summer dispute was ultimately decided in RUE's favor.²⁹⁸

Equally contentious was the Yushchenko-Tymoshenko tandem a few years later after Tymoshenko became the premier minister for the second time. As in 2005, Tymoshenko repeated her line of conduct in 2008. Having launched a number of inspections against Naftogaz Ukrainy²⁹⁹ and the gas intermediary UGE,³⁰⁰ she demanded that the gas trade conditions with Russia be renegotiated.³⁰¹ The next few months were marked by growing tension between Tymoshenko and Yushchenko on the one hand and between Ukraine and Russia on the other. Thus, President Yushchenko did not want to lose control over the gas talks and intervened in Tymoshenko's negotiation process.³⁰² His plan was to replace UGE and RUE with two joint ventures between state-owned Naftogaz Ukrainy and Gazprom, which ran contrary to Tymoshenko's goal of removing any intermediaries from the gas trade all together. The formulation "transfer to direct relations in the gas relations with Russia" had therefore double meaning and was differently interpreted by the Prime Minister and the President. This then led to parallel negotiations with Gazprom,³⁰³ which used the

²⁹⁸ See Chapter 6.2.1 for more details.

²⁹⁹ Similar to her first premiership, Tymoshenko initiated inspections of Naftogaz Ukrainy's activity under the previous government of Viktor Yanukovych. The government's interagency commission headed by Oleksandr Turchynov had to check the company's financial and economic operations in 2006-2007. See "Pro utvorennia Mizhvidomchoï komisiï z pytan' perevirky finansovo-hospodars'koi diial'nosti NAK "Naftohaz Ukrainy", Kabinet Ministriv Ukrainy, Rozporiadzhennia, Sklad kolehial'noho orhanu vid 09.01.2008, № 49-r.

³⁰⁰ Commissioned by the government, the National Energy Regulation Commission renewed its decision in March 2006 that limited the annual gas volume supplied by UGE to 5 bcm and started UGE's unscheduled inspection. At the same time, Naftogaz Ukrainy initiated the termination of UGE's contracts with gas distribution companies (*oblgaz*). It also asked the government to revoke its decree on UGE's creation from January 2006 on the grounds that the ministries did not agree on its statutory documents and filed a corresponding lawsuit in court. See, e.g., "Kabmin poruchil NKRÉ, Mintopénergo I "Naftogazu" rassmotret' vozmozhnost' otmeny litsenzii "UkrGaz-Énergo" na postavku gaza", UNIAN, 09.01.2008.; "NKRÉ provodit vneplanovui proverku "UkrGaz-Énergo" ", UNIAN, 17.01.2008; "Rukovodstvo "Naftogaza" initisiruet razryv dogоворов po uslugam za tranzit gaza mezhdu "UkrGaz-Énergo", DK "Ukrtransgaz" i oblgazami", UNIAN, 14.01.2008; " " "Naftogaz" prosit Kabmin otmenit' rasporiazhenie o sozdaniï "UkrGaz-Énergo" - predstavitel' ZAO", UNIAN, 06.02.2008; "Otmena Kabminom resheniya o sozdaniï "UkrGaz-Énergo" ne otrazitsia na deiatel'nosti kompanii – Voronin", UNIAN, 11.02.2008.

³⁰¹ "Timoshenko rasschityvaet, chto pravitel'stu udastsia vyiti na priameye soglasheniia s Rossiei o postavkakh gaza v Ukrainu", UNIAN, 12.01.2008; "Timoshenko schitaet neobkhodimym provesti peregovory s Rossiei otnositel'no tranzitnoi stavki na gaz", UNIAN, 23.01.2008.

³⁰² Yushchenko convened two meetings – the NSDC meeting on 1 February 2008, where the negotiation guidelines were discussed, and a presidential meeting with Vladimir Putin on 12 February 2008. See, e.g., "Pro zakhody shchodo stabilizatsii finansovoho stanu Natsional'noi aktsionernoi kompanii "Naftohaz Ukrainy" ta sytuatsii na rynku pryrodnoho hazu RNBO"; Rishennia vid 01.02.2008; "Zaiavleniia dlja pressy i otvety na voprosy zhurnalistov po okonchanii peregovorov s Prezidentom Ukrainy Viktorom Iushchenko i vtorogo zasedaniia Rossijsko-Ukrainskoj mezhgosudarstvennoj komissii", 12.02.2008.

³⁰³ On 11 February 2008, Naftogaz Ukrainy and Gazprom held talks in Moscow, after which the Ukrainian government and Gazprom publicly exchanged their views on a dispute settlement. The government negotiations were interrupted by the long-planned meeting of the Yushchenko-Putin commission on 12 February 2008. After the meeting, the presidents agreed to create two joint ventures between Gazprom and Naftogaz Ukrainy on a parity basis that had to replace RUE and UGE in the import and distribution business, respectively. The presidents' agreement undermined Tymoshenko's negotiation efforts, since it proposed an alternative dispute settlement. See, e.g., " "Gazprom" ne vozrazhaet protiv izmenenii skhemy postavok gaza na Ukrainu", RIA Novosti, 11.02.2008,

disagreement within the Orange camp to its own advantage. After the decision by the Ukrainian government to revoke the agreements on RUE's and UGE's creation,³⁰⁴ Gazprom demanded the repayment of gas debts and threatened to cut off supplies.³⁰⁵ The confrontation ended only in early March 2008, after a cooperation agreement between Naftogaz Ukrayny and Gazprom on Tymoshenko's terms was signed.³⁰⁶ Thus, UGE was replaced with Gazprom's subsidiary in a way that safeguarded Gazprom against financial losses. In contrast to the Putin-Yushchenko agreement from 12 February 2008, the two joint ventures between the national gas companies were thus never formed.

6.1.3. Tymoshenko's Power Position in 2005-2009

As indicated earlier, this chapter elaborates the conditions of negative framing. In particular, I argue that Tymoshenko's anti-corruption campaign was more successful when her power position was stronger and failed when she was less powerful.

Thus, the first premiership of Yulia Tymoshenko in 2005 and the second premiership of Viktor Yanukovych in 2006-2007 are defined here as periods when she had a relatively weak power position and when she was constrained by the need to have good cooperation within the Orange camp. In Chapter 6.2., I show that Tymoshenko's negative framing directed against pro-RUE actors was not successful under such conditions. By contrast, the other two subperiods – the election period between late 2005 and early 2006 and

<http://ria.ru/company/20080211/98932925.html>; “Timoshenko dopuskaet posrednichestvo RosUkrEnergo na period do podpisaniia priamykh kontraktov o postavkakh gaza”, UNIAN, 11.02.2008.

³⁰⁴ On 5 February 2008, the Audit Chamber, headed by Tymoshenko's ally Mykola Syvulskyi, claimed that Boyko exceeded his authority in signing an agreement with RUE in 2004. The next day, the government cancelled its January 2006 decision on UGE's creation, excluded it from the forecast annual balance of gas distribution in 2008 and changed the regulation of gas supplies in the domestic market accordingly. See, e.g., “Sivul'skiy zaivaliaet, chto Boiko v 2004 godu prevysil svoi polnomochiiia, zakliuchiv soglasheniia s ‘RosUkrEnergo’”, UNIAN, 05.02.2008; “Pro skasuvannia rozporiadzhennia Kabinetu Ministriv Ukrayny vid 24 sichnia 2006 r. №27”, Kabinet Ministriv Ukrayny, Rozporiadzhennia vid 06.02.2008, №260-r; “Pro vnesennia zmin do deiakykh aktiv Kabinetu Ministriv Ukrayny”, Kabinet Ministriv Ukrayny, Postanova vid 06.02.2008, №41; “Pro zabezpechennia spozhyvachiv pryrodnym hazom”, Kabinet Ministriv Ukrayny, Postanova, Poriadok vid 27.12.2001 (Redaktsiia vid 06.02.2008), №1729.

³⁰⁵ “‘Gazprom’ mozhet prekratit’ postavki na Ukraynu s 11 fevralia”, RIA Novosti, 07.02.2008, <http://ria.ru/economy/20080207/98664402.html>.

³⁰⁶ The contract was published online by Ekonomichna Pravda on 13.03.2008. The signing of this contract was preceded by Tymoshenko's decree, according to which Naftogaz Ukrayny was granted an exclusive right to sell imported gas, which meant UGE's exclusion in practice. The decree also fixed the gas import price at \$179.5 per tcm, which Naftogaz Ukrayny could pay to either RUE or Gazprom. Moreover, the decree stated that RUE's gas had to be supplied only to Ukrainian consumers, which meant a ban on gas exports to Europe in practice. On 19 March 2008, the Ukrainian government unilaterally amended the March 2008 agreement with another decree, in which RUE was removed from the list of potential gas suppliers. The government also prohibited Naftogaz Ukrayny from providing transit services to RUE, which caused tensions with Poland. See, e.g., “Pro realizatsiu importovanoho pryrodnoho hazu na terytorii Ukrayny”, Kabinet Ministriv Ukrayny, Postanova vid 05.03.2008, №163; “Deiaki pytannia zovnishn’oekonomichnoi diial’nosti Natsional’noi aktsionernoi kompanii ‘Naftohaz Ukrayny’, Kabinet Ministriv Ukrayny, Postanova vid 19.03.2008, № 268; “Zapad ei pomozhet. RosUkrEnergo nadeetsia na pomoshch’ evropeiskikh potrebitelei”, Kommersant-Ukraina №55(640), 31.03.2008; Alla Eremenko “V kazhdoi strochke posle tochki tol’ko bukvyy ‘R’...”, Zerkalo Nedeli №10 (689), 15-21.03.2008.

Tymoshenko's second premiership in 2008-2009 – opened a window of opportunity for successful negative framing because Tymoshenko was both more powerful and more independent during these periods.

In the following, I describe factors based on which Tymoshenko's power position is categorized. On the one hand, I consider the formal distribution of power according to the constitution. On the other hand, I take into account the constellation of main actors in each particular moment and the evolution of their relationships of amity and enmity. Although the main cleavage between the Orange and Blue camps did not change throughout the entire period under review, its depth varied during different subperiods, depending on situational cooperation patterns between the main actors.

Table 6.1 – Effect of Tymoshenko's power position on her negative framing, 2005-2009

		Actor's power position	
		Less independent	More independent
Negative framing	Less successful	5.2005–8.2005 (1) 8.2006–3.2007 (3)	–
	More successful	–	12.2005–3.2006 (2) 1.2008–1.2009 (4)

Source: Own compilation.

1) Tymoshenko's First Premiership Under the Presidentialist Constitution in 2005

In 2005, Tymoshenko was a rather weak Prime Minister under the presidentialist constitution of 1996. The new constitution that was negotiated during the Orange Revolution had to enter into force only in 2006. Consequently, in 2005, President Yushchenko had the same vast amount of power as his predecessor Leonid Kuchma. Most importantly, he had the right to dismiss the Prime Minister by decree. This had a strong disciplining effect on Tymoshenko, who tried to avoid public confrontation with Yushchenko. Nevertheless, when the disagreements within the Orange camp reached a high point in September 2005, Yushchenko dismissed Tymoshenko from her post as Prime Minister.

Another advantage that Yushchenko enjoyed as President in 2005 was control over personnel policy, especially in the energy sector. In particular, Yushchenko appointed his close ally Oleksiy Ivchenko, a member of his own political bloc Our Ukraine, as the new

CEO of Naftogaz Ukrainy.³⁰⁷ In addition, the post of Minister of Energy, to whom Naftogaz Ukrainy was formally subordinate, went to a man from Yushchenko's party.³⁰⁸ As a Prime Minister, Tymoshenko thus had only limited control over energy politics in 2005.

Finally, Tymoshenko's room for maneuvering was narrow in 2005 because of an international warrant for her arrest issued by the Russian Prosecutor General's Office in June 2004 in connection with her past as a gas trader, which was not even rescinded when she became Prime Minister. Consequently, Tymoshenko was effectively excluded from the negotiation process with Russia during this subperiod, and it was instead conducted mainly by Oleksiy Ivchenko from Naftogaz Ukrainy.

2) Tymoshenko's Oppositional Activity During the 2006 Election Campaign

The gas conflict with Russia in January 2006 occurred in the run-up to the March 2006 parliamentary elections. Although political strife always intensifies in Ukraine before elections, the 2006 elections were particularly important because of constitutional changes that were to enter into force in 2006. According to these changes, the right to form a government was transferred from the president to the parliamentary coalition. The outcome of these elections therefore had enormous political significance, which raised the stakes of the election and contributed to the growing polarization by the end of 2005.

Under such conditions, different political parties had already begun to exploit the topic of gas negotiations with Russia in their election campaigns in December 2005. Regardless of their concrete outcome, the political crisis was thus pre-programmed even before the actual gas conflict in January 2006. For Tymoshenko, this crisis offered a good opportunity to promote her anti-corruption frame, even at the expense of good relations with the President, who was expected soon to be much weaker because of the constitutional changes. Consequently, the relations between the two Orange leaders were at their lowest point during this period.

Moreover, Tymoshenko's critical stance was indirectly encouraged by Moscow. In late December 2005, Russia dropped the criminal charges against Tymoshenko,³⁰⁹ which

³⁰⁷ "Pro pryznachennia O. Ivchenka pershym zastupnykom Ministra palyva ta enerhetyky Ukraïny - holovoju pravlinnia Natsional'noї aktsionernoї kompaniї "Naftohaz Ukraïny", Prezydent Ukraïny, Ukaz vid 02.03.2005, №407/2005.

³⁰⁸ "Pro pryznachennia I. Plachkova Ministrom palyva ta enerhetyky Ukraïny", Prezydent Ukraïny, Ukaz vid 04.02.2005, №158/2005.

³⁰⁹ Vladimir Solov'ev, Marina Lepina "Printsesssa perekvalifitsirovalas", Kommersant №244, 27.12.2005.

coincided in time with her active involvement in negative framing regarding the government and was harshly criticized by the pro-presidential Our Ukraine party.³¹⁰

3) Tymoshenko's Oppositional Activity During Yanukovych's Government in 2006-2007

After the collapse of negotiations regarding forming an Orange coalition in summer 2006, the Party of Regions, KPU and SPU formed the Anti-Crisis Coalition and made Viktor Yanukovych the new Prime Minister in August 2006. President Yushchenko did not prevent this development and gave his consent for Yanukovych's appointment. The relations between the Blue camp and part of the Orange camp thus improved, although only for a while.

The new Prime Minister had far greater power than his predecessors because of the constitutional changes. The prerequisite for this enhanced power position, however, was the firm coalition that the deputies were now required to form in order to appoint the government. Yanukovych's coalition matched this criterion – it had 242 deputies, which was more than enough to pass legislation (226 required) and control the parliamentary agenda.³¹¹

Moreover, the threat of defection was minimized for the first time because of the government's enhanced control over personnel politics, both de jure and de facto. De jure, the government now depended not on the president but on the parliamentary coalition, which could appoint and dismiss individual ministers. De facto, Prime Minister Yanukovych relied on patronage networks to consolidate power, which created many personnel conflicts with President Yushchenko (see Malygina 2010).

Under such conditions, Tymoshenko's power position was even weaker during this time than in 2005, and she practically had no levers to influence the decision-making process during this subperiod.

4) Tymoshenko's Second Premiership Under the Divided-Executive Constitution in 2008-2009

During Tymoshenko's second premiership, the difference in power position between her and Yushchenko was less remarkable than in 2005. Because of a constitutional reform, the president no longer had controlling power over the prime minister and the government. Furthermore, Yushchenko's image as President had been damaged by countless scandals during his presidency. His political power base was also undermined owing to perceptions of illegitimate cooperation with Yanukovych, his former political rival in the 2004 presidential elections. At the same time, Yushchenko's political party, the Our Ukraine bloc,

³¹⁰ "Blok ‘Nasha Ukraina’ nazyvaet nekonstruktivnoj pozitsii Timoshenko v gazovom voprose", UNIAN, 26.12.2005.

³¹¹ "Antykryzova koalitsia. Poimennyj sklad", Ukrainska Pravda, 18.07.2006.

internally split in 2008, because of the President's support for the Anti-Crisis Coalition and Viktor Yanukovych. Consequently, part of Our Ukraine lined up with Tymoshenko, while the other part supported Yanukovych.

By contrast, Tymoshenko's political force was stronger than ever before. After the pre-term elections in 2007, BYuT controlled 35% of the seats in parliament compared to 29% in the previous convocation. Even the Party of Regions was not much stronger than BYuT, with 39% of the seats under its control in October 2007 compared to 41% in March 2006. The only incentive for Tymoshenko to cooperate with the President was the need to form a coalition with his party, which was the only feasible option after the 2007 pre-term elections. However, this was a rather fragile foundation, as proven in September 2008 when the Orange coalition collapsed.

Despite increased political weight in the national arena, Tymoshenko's power in gas politics was constrained by the fact that she did not control personnel policy in this sphere. Thus, Yuriy Prodan, who was previously Yushchenko's advisor and deputy head of the NSDC, the structure directly subordinate to the president, became the new Minister of Energy. At the same time, Oleh Dubyna, the new head of Naftogaz Ukrainy, was closely associated with RUE's protégé Yuriy Boyko.³¹²

As already mentioned, I structure the analysis of Tymoshenko's anti-corruption framing in Chapter 6.2.-6.3. along the above-defined subperiods to show how the politicization success varied over time and what impact it had on political outcomes.

6.2. Negative Framing During Periods in Which the Actor Had a Weaker Power Position

In this section, I examine the process of anti-corruption framing during periods when Tymoshenko had a weak power position. In particular, I analyze Tymoshenko's attempts to politicize the issue of RUE's involvement in the gas trade during her first premiership in 2005 and during the second premiership of Viktor Yanukovych in 2006-2007. The different status of Tymoshenko during each subperiod resulted in the use of different strategies – bold anti-RUE moves when she was in government versus issue politicization in parliament when she was in opposition. Both campaigns were accompanied by harsh anti-RUE framing. Irrespective of Tymoshenko's status, however, such framing was not successful, as I argue here, because of her weaker power position at that time.

³¹² According to Boyko, Oleh Dubyna recommended him to the post of Naftogaz Ukrainy CEO in 2003. See Boyko's interview in: Aleksandr Galukh "Lider respublikanskoї partii Ukrainy IUriй Boiko: "Dlia menia v zhizni est' dve vazhnye veshchi – éto rabota i sem'ia", Fakty, 24.06.2005.

6.2.1. Tymoshenko's Premiership Under the Presidentialist Constitution in 2005

After the change in power in Kyiv in 2005, the new power holders were legitimated through the Orange Revolution and the great expectations that it raised. That is why during her first premiership in 2005, Tymoshenko adhered to a myth of a ‘united team’ with the President,³¹³ in an attempt to keep any bickering inside the camp out of the public eye. As a consequence, she never accused Yushchenko in her public statements, even though his position was clearly against the anti-RUE campaign. This was also one of the reasons why the 2005 summer conflict around missing gas volumes in the underground storage facilities was not connected with Tymoshenko’s intention to remove RUE, such that the real causes underlying the conflict remained largely obscure to the public.

Lacking control over energy policy in 2005, Tymoshenko tried to exert pressure on Naftogaz Ukrainy through the Security Service of Ukraine (SBU) and the Supreme Audit Office. Both state bodies were headed by Tymoshenko’s long-term allies – Oleksandr Turchynov and Mykola Syvulskyi, respectively. Consequently, Tymoshenko began her attack on RUE’s position by ordering an audit of Naftogaz Ukrainy’s financial and economic activity in March 2005.³¹⁴ The results were announced on 8 June 2005, when the conflict over gas in the storage facilities began to escalate.³¹⁵ The audit findings gave the SBU ground to start an investigation of Naftogaz Ukrainy’s activity under its previous management. The criminal cases that were opened were directly related to the intermediaries responsible for the gas supply from Turkmenistan to Ukraine.

The government’s actions against RUE were accompanied by an anti-RUE discourse, which was nevertheless rather sporadic in 2005. In June 2005, Turchynov was the first to talk publicly about the desire of the new authorities to gain a share in RUE’s profits. In an interview with the influential newspaper Zerkalo Nedeli, he argued that RUE’s activity was detrimental to Ukraine’s state budget to the amount of more than \$1 billion. According to the SBU head, such serious abuses could not have been carried out without “*approval from the highest level*” in both Ukraine and Russia, and he stated that he did not exclude the possibility that someone from the new authorities wanted “*to revive the schemes for his mercenary purposes*”.³¹⁶

³¹³ See “Timoshenko prosit ne delat’ diversiі otnositel’no ee otstavki”, Ukrainska Pravda, 21.05.2005; “Iuliia Timoshenko: Garantii Rossii nichego ne stoiat”, Den’, 05.07.2005.

³¹⁴ “Pro provedennia perevirky finansovo-hospodars’koї dijal’nosti pidpryiemstv derzhavnoho sektoru ekonomiky”, Kabinet Ministriv Ukrayiny, Rozporiadzhennia, Perelik vid 12.03.2005 №64-r.

³¹⁵ In June 2005, Ukraine and Russia had a disagreement about the amount of Russian gas in the Ukrainian storage facilities. The true reason behind the dispute was apparently Tymoshenko’s refusal to accept the new arrangement negotiated by the previous government of Viktor Yanukovych in 2004. According to this agreement, RUE had to supply 5 bcm of Russian gas to Ukraine that was earlier supplied by Gazprom in exchange for Ukraine’s transit services. The termination of RUE’s role therefore automatically meant a gas shortage for Ukraine. Tymoshenko wanted to buy out these gas volumes in the Ukrainian gas storage facilities that were ostensibly preset for RUE’s use. However, Gazprom was willing to sell it only at much higher European prices, which Ukraine found disadvantageous.

³¹⁶ Iuliia Mostovaia “Ot kogo – shchit? Dlia kogo – mech?”, Zerkalo Nedeli №23(551), 18.06.2005.

In contrast to Turchynov, Tymoshenko initially directed her accusations exclusively against the previous power holders, particularly the former CEO of Naftogaz Ukrayn Yuriy Boyko. The analysis of Tymoshenko's public statements during this period reveals that the Prime Minister made at least ten securitizing moves, in which she accused Naftogaz Ukrayn's previous management of corruption and called for RUE's elimination from the gas trade (see Appendix C for the relevant quotations). In at least two of her statements, Tymoshenko connected ex-President Kuchma with the corruption scheme in the gas market, although she had never mentioned former Prime Minister Yanukovych in this context before December 2005. Most of the statements were made during government press conferences or interviews to mass media, but on several occasions, they were also made on popular prime-time TV programs.³¹⁷

The analysis of the context in which Tymoshenko made her statements suggests that the securitizing moves were made strategically, as they either preceded or followed important events. For instance, Tymoshenko claimed that Naftogaz Ukrayn lost billions in tax revenue under the previous management just a few days before Yushchenko's meeting with Gazprom, at which the issue of RUE was also discussed.³¹⁸ In another case, Tymoshenko declared that she would initiate the opening of the criminal cases against the former leadership of Naftogaz Ukrayn the next day after Naftogaz Ukrayn and Gazprom claimed that they settled the issue of the 'missing' gas in the underground storage facilities.³¹⁹

However, Tymoshenko's attempt to securitize her coalition ally failed, and she ultimately lost the battle against RUE. On 3 July 2005, she publicly warned authorities not to replace Kuchma in RUE's scheme (see Appendix C).³²⁰ The move was made just few days before Naftogaz Ukrayn CEO Oleksiy Ivchenko had to report to the government on the situation in the gas sector. Many expected that the government would subsequently sack Ivchenko. Only a few days later, Yushchenko interfered by forbidding to criticize Naftogaz

³¹⁷ For instance, during a live interview broadcast on the Inter TV channel on Sunday evening, 3 July 2005, or in an interview on the popular program of Radio Free Europe/Radio Liberty "Rush Hour", which was broadcast on the private channel TV 5 on Sunday evening, 7 August 2005.

³¹⁸ "Ukrainian president discusses gas transit with Russia's Gazprom chief", BBC Monitoring Ukraine & Baltics, 27.04.2005 (Interfax-Ukraine news agency, Kiev, in Russian 1100 gmt 27 Apr 05).

³¹⁹ "Tymoshenko khoche porushyty kryminal'ni spravy proty derzhmenedzheriv", Ukrainska Pravda, 08.06.2005.

³²⁰ "Ukrainian PM calls Rosukrenergo criminal tumor", Interfax News Service, 04.07.2005.

Ukrainy, which he stated in a public letter to the government.³²¹ The incident completely changed the dynamics of the conflict,³²² which soon ended with a victory for RUE.³²³

Despite the defeat, Tymoshenko continued the anti-RUE rhetoric and promised to bring investigations against Naftogaz Ukrainy's previous management to their logical conclusion (see Appendix C).³²⁴ However, in early September 2005, Yushchenko fired Tymoshenko after a corruption scandal that concerned the President's entourage and that was indirectly linked to the dispute over RUE.³²⁵ However, even then, Tymoshenko refrained from engaging in negative framing regarding the President and the new Orange government, which was likely due to Yushchenko's attempt to blackmail Tymoshenko with her gas trader past.³²⁶ For instance, in an interview with the Ukrainska Pravda on 20 September 2005, Tymoshenko neither confirmed nor denied Yushchenko's personal interest in keeping RUE in the gas market:

[Journalist] Is it really so that the President has a personal financial stake in the scheme of Turkmen gas to Ukraine through the RosUkrEnergo?

[Tymoshenko] I feel great responsibility for every word. Therefore, without engaging in investigative actions, **I cannot throw accusations, as other politicians do.** I just think that

³²¹ “Ukrainian president raps cabinet for criticizing oil, gas company”, BBC Monitoring Ukraine & Baltics, 06.07.2005 (Interfax-Ukraine news agency, Kiev, in Russian 1413 gmt 6 Jul 05).

³²² The next day after Yushchenko's letter was received, the Russian President Vladimir Putin also intervened by accusing Ukraine of gas theft. After such a strong denunciation at the highest level, Tymoshenko was forced to backtrack. In contrast to her earlier statements, she confirmed the presence of Russian gas in Ukrainian storage facilities and refuted Putin's statement about stealing Russian gas. Concerning Ivchenko's report to the government, it was postponed few times and finally took place only after the parties reached an agreement on the conflict's resolution. Ultimately, Ivchenko was not sacked and continued to work at this post for almost another year. See, e.g., “Russia to do natural gas transmission business with Ukraine if the latter”doesn't pinch” russian gas – Putin”, Interfax Energy News Service, 08.07.2005; “IU.Tymoshenko: Ukraina ne brala i ne voz'met ni odnoj kapli gaza, ne predusmotrennoj kontraktami”, LIGA online, 11.07.2005.

³²³ On 17 July 2005, Gazprom and Naftogaz Ukrainy finally settled the dispute over 7.8 bcm of gas in the Ukrainian gas storage facilities. The gas shortage was covered through purchases of additional gas from RUE. See, e.g., “Gazprom, Naftogaz Ukrayiny reach deal on natural gas”, Interfax Energy News Service, 18.07.2005; “Naftohaz Ukrainy will buy gas from RosUkrEnergo at \$63 per 1,000 cubic meters – Ivchenko”, Interfax Energy News Service, 18.07.2005.

³²⁴ See also “Pro zakhody shchodo zabezpechennia podal'shoho funktsionuvannia derzhavnykh (natsional'nykh) aktsionernykh ta kholdynhovych kompanii”, Kabinet Ministriv Ukrayiny, Rozporiadzhennia, Perelik vid 19.08.2005, №349-r.

³²⁵ One of the reasons for a political crisis was the attempt by NSDC Secretary Petro Poroshenko to reform law enforcement agencies. According to Poroshenko's plan, the SBU and the Prosecutor General's Office had to lose the right to conduct pre-trial investigations, which, among other things, would have negatively affected the investigations opened by SBU against RUE. At a meeting on 6 September 2005, the NSDC approved Poroshenko's reform plan. The action coincided in time with a corruption scandal concerning Poroshenko, Martynenko and Tretyakov (all three of whom composed a pro-RUE faction in the presidential Our Ukraine), which ended with the collapse of Tymoshenko's government on 8 September 2005. See, e.g., “Poroshenko, P.: Reformuvannia pravookhoronnykh orhaniv i spetsluzhb – kliuchove zavdannia novoї vlady”, Uryadovyi Kurier №158, 20.08.2005; “SNBO utverdyl kontseptsiyu reformyrovanyia pravookhranytel'nykh orhanov”, UNIAN, 06.09.2005; “Skandal'na pres-konferentsiya Zinchenka”, Ukrainska Pravda, 05.09.2005.

³²⁶ In an interview to the Associated Press on 13 September 2005, Yushchenko questioned the legitimacy of the gas debt relief to UESU during her time as Prime Minister. See, e.g., “Ukraine president lashes out at ousted PM”, USA Today 13.09.2005, http://usatoday30.usatoday.com/news/world/2005-09-13-ukraine_x.htm (last accessed on 30.01.2017).

Ukraine's system of gas supply has very large risks, and they are connected with the work of RosUkrEnergo.

[Journalist] If there are someone's private interests, then whose?

[Tymoshenko] A lot of private interests. But, I think all the documents are in the Prosecutor General's Office and the SBU. I do not want to prevent the investigation.

[Journalist] If the Head of the SBU is Poroshenko's man, as they say, how can this matter be investigated?

[Tymoshenko] I think that occupation of certain posts is always temporary. And, **I just want to give a friendly advice to the President** to remove such a combination from Naftogaz Ukrayiny. (Tymoshenko's interview with Ukrainska Pravda on 20.09.2005; author's own translation).³²⁷

Unlike Tymoshenko, Oleksandr Turchynov did not show any restraint in his discourse. Having resigned from the post of SBU's head in September 2005, Turchynov gave several sensational interviews to Ukrainska Pravda.³²⁸ In these interviews, he provided a considerable amount of details regarding RUE's operations. In particular, he declared that "*a transnational criminal system*" created during the presidency of Leonid Kuchma continued to operate after the change in power in Kyiv and that it threatened Ukraine's energy security. According to Turchynov, the President's first assistant, Oleksandr Tretyakov, changed Kuchma as RUE's patron in the Turkmen-Ukrainian gas trade.³²⁹ He also asserted that Tymoshenko's government was dismissed because of the SBU's anti-RUE investigations.³³⁰

In sum, Tymoshenko abstained from a powerful anti-corruption discourse during her first premiership in 2005. Having a weaker power position, she did not dare to publicly challenge the President, even though he clearly hampered her attempts to oust RUE from the gas trade. Consequently, both gas conflicts with Russia in 2005-2006 were not associated with her anti-RUE struggle, which had profound consequences for their interpretation in the Western discourse.³³¹

³²⁷ "Tymoshenko: Ia shche z dytynstva znala, shcho budu kerivnykom kraïny. I ia navit' ne zhartuiu", Ukrainska Pravda, 20.09.2005.

³²⁸ "Sensatsiïni zaiavy Turchynova: Skhemy Kuchmy pochav patronuvaty Tret'iakov. Fakt otruiennia Iushchenka dosi ne vstanovleno", Ukrainska Pravda, 15.09.2005; "Oleksandr Turchynov: Iakshcho SBU pochalo b rozsliduvannia shchodo Viktora Iushchenka, ia povidomyv by pro tse prezidentu", Ukrainska Pravda, 31.10.2005.

³²⁹ "Sensatsiïni zaiavy Turchynova: Skhemy Kuchmy pochav patronuvaty Tret'iakov. Fakt otruiennia Iushchenka dosi ne vstanovleno", Ukrainska Pravda 15.09.2005.

³³⁰ "Oleksandr Turchynov: Iakshcho SBU pochalo b rozsliduvannia shchodo Viktora Iushchenka, ia povidomyv by pro tse prezidentu", Ukrainska Pravda, 31.10.2005.

³³¹ Thus, both conflicts were interpreted as an exercise of Russia's energy leverage – an attempt to increase gas prices for Ukraine in order to punish the new leadership for the Orange Revolution.

6.2.2. Tymoshenko's Oppositional Activity During Yanukovych's Second Government

Another period in which Tymoshenko had a weak power position was during Yanukovych's second government (2006-2007). Although Tymoshenko had little prospects for success, she took a leading role in criticizing the government's actions in the gas sphere and initiated a number of 'anti-RUE' bills in parliament.

The first proposal of this kind was one on the creation of a temporary investigation commission (TIC) to check the increase in gas prices for the population.³³² At the parliamentary session on 13 September 2006, Tymoshenko argued that there was no objective reason to raise gas tariffs for the population and that the government did so only to increase RUE's profits.³³³ However, after this commission was established, BYuT failed to gain control over it. Thus, Yanukovych's coalition managed to appoint its own representative as the commission's head. It also expanded the list of the commission's tasks by including the verification of debt relief to UESU in 2005. Consequently, Tymoshenko's attempt to broach the subject of RUE eventually turned against her. Ultimately, the resolution on the commission's creation was not enacted because the speaker Oleksandr Moroz refused to sign it.

In the following months, Tymoshenko tried to raise the RUE issue in parliament, but the ruling coalition tightly controlled the legislative agenda. Her tactics consisted of attempts to win over the pro-presidential bloc NUNS, which neither joined the opposition nor entered the coalition. For instance, in October 2006, Tymoshenko introduced a bill on the creation of another TIC to investigate "*the illegal activities of intermediaries in the gas market of Ukraine and power abuse by high level officials in this area*"³³⁴ exactly at the moment when cooperation between the pro-presidential NUNS and Yanukovych's coalition began to deteriorate.³³⁵ To attract media attention to the issue, Tymoshenko participated in a popular TV program, in which she accused Yuriy Boyko, the Minister of Energy, in having private interests in RUE's creation.³³⁶ The day afterward, NUNS publicly demanded Boyko's

³³² "Proekt Postanovy pro stvorennia Tymchasovoї slidchoї komisiї Verkhovnoї Rady Ukrayny z rozsliduvannia obiektyvnosti vstanovlennia novykh taryfiv na pryrodnyi haz dla naselennia ta poviazanykh z tsym naslidkiv ta zminy taryfiv na komunal'ni posluhy", Zakonoproekt vid 13.09.2006, №2025.

³³³ See the transcript of the parliamentary session on 13.09.2006.

³³⁴ "Proekt Postanovy pro utvorennia Tymchasovoї slidchoї komisiї Verkhovnoї Rady Ukrayny z pytan' rozsliduvannia nezakonnoi dial'nosti poserednykiv na rynku hazu Ukrayny ta prychetnosti vysokoposadovtsiv do zlovzhyan' v tsii sferi", Zakonoproekt vid 30.10.2006, №2430.

³³⁵ For about two months, Our Ukraine had talks regarding joining the coalition and even gained a number of minister posts in Yanukovych's government. However, by the end of October 2006, negotiations failed and the pro-presidential ministers threatened to leave the government.

³³⁶ "Timoshenko razoblahila éroticheskuiu strukturu i Boiko", Ukrainska Pravda, 27.10.2006.

suspension.³³⁷ However, the statement had an effect neither on RUE's position nor on the BYuT-NUNS relationship.

Tymoshenko's last attempt to politicize the RUE issue during this subperiod occurred on 13 March 2007. The opposition leader introduced a bill on “*overcoming the threat to the energy and national security of Ukraine connected to the operation of the company RosUkrEnergo and its affiliated structures*”.³³⁸ This bill also remained unconsidered, but it was proposed exactly at the moment when the relations between President Yushchenko and Prime Minister Yanukovych were at their worst. Only a day before the bill's introduction, NUNS and BYuT adopted a declaration on joint actions and demands to Yanukovych's coalition, one of which was the transfer to direct relations with Russia and Turkmenistan in the gas sector and the revocation of the agreement with RUE.³³⁹

In sum, Tymoshenko did not manage to successfully politicize the RUE issue during Yanukovych's second government. Despite several concerted actions, the reunion within the Orange camp occurred not because of a joint anti-RUE position but rather because of a threat of monopolization of power by Yanukovych.³⁴⁰ Similar to President Yushchenko, Prime Minister Yanukovych tried to intimidate Tymoshenko by instrumentalizing the issue of UESU's past gas debts. On 24 March 2007, parliament approved the final report of the temporary investigation commission, which, among other things, called into question the legality of debt relief to UESU in 2005.³⁴¹ Such a decision practically implied a mandate to prosecute Tymoshenko. However, Yanukovych's position as Prime Minister quickly deteriorated after Yushchenko issued a decree on parliament's dissolution.³⁴² The results of the pre-term parliamentary elections allowed Tymoshenko to come back as Prime Minister in December 2007.

³³⁷ “Nasha Ukraïna” vymahaie vidstorony Boïka cherez Tymoshenko”, Ukrainska Pravda, 27.10.2006.

³³⁸ “Proekt Postanovy pro podolannia zahrozy enerhetychni i natsional'ni bezpetsi Ukraïny, poviazanoi z dijal'nistiu kompanii “RosUkrEnerho” ta afil'ovanykh do neii struktur”, Zakonoproekt vid 13.03.2007, №3304.

³³⁹ “Nasha Ukraina i BIuT priniali zaivlenie o sovmestnykh deïstviakh i trebovaniakh k antikrizisnoi koalitsii”, UNIAN, 12.03.2007; “Tekst zaiavi BIuT ta “Nashoi Ukraïni” ”, Ukrains'ka Pravda, 13.03.2007.

³⁴⁰ By the end of March 2007, Yanukovych's coalition began growing owing to deputies who had defected from other parties and thus was about to obtain the necessary 300 votes to change the Constitution.

³⁴¹ See: “Pro poperedni zvit Tymchasovoї slidchoi komisi Verkhovnoi Rady Ukraïny z pytan' perevirky sytuatsii iz zabezpechenniam pryrodnym hazom ukraïns'kykh spozhyvachiv, rozrakhunkamy za postavleny pryrodnyi haz ta mozhlyvymy porushenniamy diiuchoho zakonodavstva na enerhetychnomu rynku Ukraïny”, Verkhovna Rada Ukraïny, Postanova vid 23.03.2007, №833-V; “Pro vnesennia zmin do Postanovy Verkhovnoi Rady Ukraïny “Pro utvorennia Tymchasovoї slidchoi komisi Verkhovnoi Rady Ukraïny z pytan' perevirky sytuatsii iz zabezpechenniam pryrodnym hazom ukraïns'kykh spozhyvachiv, rozrakhunkamy za postavleny pryrodnyi haz ta mozhlyvymy porushenniamy diiuchoho zakonodavstva na enerhetychnomu rynku Ukraïny”, Verkhovna Rada Ukraïny, Postanova vid 20.02.2007, №674-V.

³⁴² “Pro dostrokove prypynennia povnovazhen' Verkhovnoi Rady Ukraïny”, Prezydent Ukraïny, Ukaz vid 02.04.2007, №264/2007.

6.3. Negative Framing During Periods in Which the Actor Had a Stronger Power Position

In this section, I analyze Tymoshenko's attempts to politicize the RUE issue during periods when her power position was stronger. Because of negotiation crisis with Russia in December 2005 and the subsequent gas conflict, the question of RUE's involvement became the most important issue in Tymoshenko's campaign for the 2006 parliamentary elections. The successful politicization during this subperiod also provided the foundation for Tymoshenko's anti-RUE activity during her second government a few years later.

6.3.1. Tymoshenko's Oppositional Activity During the 2006 Election Campaign

Framing the Gas Dispute with Russia in December 2005

Similar to other political actors, Yulia Tymoshenko used the negotiation crisis in December 2005 to promote her own agenda. On various popular TV programs³⁴³ and during her electoral campaigning in the regions,³⁴⁴ Tymoshenko relentlessly advocated against the gas intermediary. According to Tymoshenko, all gas problems with Russia were due to the '*parasitic*' gas firms that had operated since the former president was in office. Tymoshenko's recommendation for overcoming the energy crisis was to remove the intermediary from the gas trade. Otherwise, as Tymoshenko warned, Ukraine would import gas at much higher prices and would be exposed to a constant payment crisis.³⁴⁵ As previously, she blamed the former power holders Yuriy Boyko, Viktor Yanukovych and Leonid Kuchma for creating the gas scheme with RUE.³⁴⁶

Despite her distinctive line of argument, Tymoshenko borrowed frames from other parties and mixed them with her own framing. For instance, she integrated the anti-Russian rhetoric developed by the pro-presidential Our Ukraine, which exploited the frame of Russian "*blackmail*" and "*pressure*". She also spoke about "*the energy crisis*" in unison with the oppositional Party of Regions and Republican Party headed by Viktor Yanukovych and

³⁴³ For instance, on the program Podrobnosti on the Inter TV channel on 27.12.2005.

³⁴⁴ For instance, in Charkiv on 12.12.2005, Cherkassy on 20.12.2005, Zaporizhia on 23.12.2005.

³⁴⁵ "Timoshenko schitaet, chto reshit "gazovye" problemy Ukrainy mozhno putem otstraneniiia "parazitiruiushchikh" v etoi sfere biznestruktur", UNIAN, 12.12.2005; "BIuT trebuets otstavki pravitel'stva Ekhanoirova, esli ono ne reshit vopros s energooobespecheniem Ukrainy", UNIAN, 15.12.2005; "Gazovaia problema mezhdu Ukrainoi i Rossie' budet reshena posle prekrashcheniiia tenevykh skhem i korruptsii – Timoshenko", UNIAN, 19.12.2005; "Glavnym shagom dlja izbezhaniia energeticheskogo krizisa iavliaetsia ustranenie posrednickeskikh struktur, v pervuiu ochered'", "Rosukrenergo" – Timoshenko", UNIAN, 20.12.2005; "Timoshenko: est' 'ochen' prostoe reshenie' problemy obespecheniya Ukrainy gazom, kotoroe ne realizuetsia po prichine korruptsii", UNIAN, 23.12.2005.

³⁴⁶ "Glavnym shagom dlja izbezhaniia energeticheskogo krizisa iavliaetsia ustranenie posrednickeskikh struktur, v pervuiu ochered'", "Rosukrenergo" – Timoshenko", UNIAN, 20.12.2005; "Gost'ia programmy - Iuliia Timoshenko, lider BIuT, redaktsionnyi material", Inter 27.12.2005 (IA "Kontekst-media" (Kiev): Monitoring ukrainskoj pressy 2005).

Yuriy Boyko, respectively. The following statements released by BYuT on 15 and 26 December 2005 illustrate this mixture of different frames:

The government, the National Security and Defense Council and the national oil and gas company Naftogaz Ukrayny have completely wrecked Ukraine's energy security. As a result, Ukraine has found itself **on the brink of an energy collapse**. The government has made it possible **for political pressure from abroad to be exerted on the president** of the country [Viktor Yushchenko – K.B.]. In this context, government energy saving policy can only be viewed as shameful. (...) We are forced to recall that the issue of Ukraine's energy security was put on the agenda by Prime Minister Yulia Tymoshenko back in spring 2005. But, Tymoshenko was removed from tackling all energy policy related issues. As a result, corruption schemes and inefficient management, which have now **put the national economy on the brink of collapse**, have been retained in the energy sector. (BYuT's statement on 15.12.2005; as cited by BBC Monitoring Ukraine & Baltics; author's own emphasis).³⁴⁷

BYuT demands from RAO Gazprom to strictly follow the intergovernmental agreements and not to play politics, and from the Ukrainian officials, not to sell national interests. BYuT has consistently safeguarded Ukraine's national interests and defended national security from attacks from outside and inside the country. Our position is the position of the patriots. Wherever we were, in power or in opposition, we never allowed and will not allow anybody to bring Ukraine to its knees, **to blackmail and to exert pressure on our state**. Therefore, we are surprised by the position of certain political forces, which speculate about the **energy crisis** and use the difficult situation to discredit political opponents. We are also surprised about the strange pathos and calls for unification and consolidation of political forces around the gas problem. BYuT sees no need for unity and consolidation around a handful of **corrupt officials and oligarchs, who created an energy crisis with their Russian 'colleagues'**. (BYuT's statement on 26.12.2005 in response to an accusatory statement by Our Ukraine; author's own translation and emphasis).³⁴⁸

Negative Framing of the Pro-RUE Group Within the Presidential Our Ukraine Party

Another indispensable part of Tymoshenko's framing before the 2006 gas conflict concerned Tymoshenko's powerlessness in the gas issue at a time when she was Prime Minister. In her public statements, she stressed that she was hindered in her decision to remove RUE from the gas trade and was told not to interfere. Tymoshenko criticized the Ukrainian negotiation team's lack of professionalism, which hindered new Prime Minister Yuriy Yekhanurov, who was personally involved in talks with Russia.³⁴⁹ At the same time, Tymoshenko tried to position herself as a professional negotiator. On 24 December 2005,

³⁴⁷ "Ukrainian ex-premier's bloc wants cabinet to resign over gas", BBC Monitoring Ukraine & Baltics, 15.12.2005 (Interfax-Ukraine news agency, Kiev, in Russian 1253 gmt 15 Dec 05).

³⁴⁸ "BIuT trebuet ot "Gazproma" vypolniat' mezhgosudarstvennye soglasheniia, a ot ukrainskikh chinovnikov "ne prodavat' natsional'nye interesy", UNIAN, 26.12.2005.

³⁴⁹ "Ukrainian ex-PM slams government team in gas dispute with Russia", BBC Monitoring Former Soviet Union, 24.12.2005 (RTR Russia TV, Moscow, in Russian 1700 gmt 24 Dec 05).

she announced the creation of a special expert group to elaborate the concept of energy crisis management.³⁵⁰ Tymoshenko presented the group's findings live on TV and suggested that Yushchenko should either take personal control over the negotiation process or authorize her to negotiate with the Central Asian states.³⁵¹

The major targets of Tymoshenko's negative framing during this subperiod were people in the President's inner circle, principally the pro-RUE deputies in Our Ukraine, as exemplified in the following statements:

Almost from the first day [of the government's work – K.B.] the president's inner circle was placed on all major cash flows in the state – NAK Naftogaz, railway, Ukrtelekom and many other streams. **These flows were covered by certain people.** (...) I repeatedly met with the President on certain issues that were all well documented. For example, on gas. This is such a **powerful geopolitical model of corruption. But, I was banned from addressing the issue of gas**, and I could not do anything there; I couldn't restore order. (Tymoshenko's statement on the Inter TV channel on 09.09.2005 after her dismissal; author's own translation and emphasis)³⁵²

BYuT's leader Yulia Tymoshenko acknowledges the existence of certain political pressure on the eve of the elections, which could lead to an energy crisis, but a major step to avoid such a crisis should be in the first place the elimination of intermediaries such as RosUkrEnergo. (...) Yulia Tymoshenko said that she **as Prime Minister reported thrice to the President Viktor Yushchenko that the activities of RosUkrEnergo could have disastrous consequences** for the energy security of Ukraine. Also, the former chairman of the SBU Oleksandr Turchynov reported to the President, she said, adding that **the issue of energy security of Ukraine was transferred to then-NSDC Secretary Petro Poroshenko, the former first Assistant to President Oleksandr Tretyakov and the chairman of the board NAK Naftogaz Ukrainy Oleksiy Ivchenko**, while the government was completely removed from the decision-making process on the energy issues. (Tymoshenko's statement on 20.12.2005 as cited by UNIAN; author's own translation).³⁵³

Why is this not being done? [revocation of supplement agreement №4 to the 2002 gas contract – K.B.] I think that is because of corruption, which we have fought so hard. **'Dear friends'**³⁵⁴ **that 'encircled' NAK Naftogaz decided to save the scheme** (Tymoshenko's statement on 23.12.2005; author's own translation and emphasis).³⁵⁵

³⁵⁰ "Timoshenko 27 dekabria peredast prezidentu i pravitel'stu kontseptsiiu srochnogo preodoleniya energeticheskogo krizisa v Ukraine", UNIAN, 24.12.2005.

³⁵¹ "Timoshenko gotovaia lichno provesti peregovory s presidentami Turkmenistana, Uzbekistana i Kazakhstana o postavkakh gaza", UNIAN, 27.12.2005.

³⁵² "Timoshenko na Intere: "Menia podstavilo okruzhenie Iushchenko" ", Ukrainska Pravda, 09.09.2005.

³⁵³ "Glavnym shagom dlja izbezhaniia energeticheskogo krizisa iavliaetsia ustranenie posrednickikh struktur, v pervuiu ochered "RosUkrEnergo" – Timoshenko, UNIAN, 20.12.2005.

³⁵⁴ "Timoshenko: est' 'ochen' prostoe reshenie' problemy obespecheniya Ukrainy gazom, kotoroe ne realizuetsia po prichine korruptsii", UNIAN, 23.12.2005.

³⁵⁵ 'Lyubi druzh' (eng. 'dear friends') was an appeal commonly used by Viktor Yushchenko. Later, it became a figure of speech to denote corrupt officials in the President's inner circle.

Here is what is much worse. When I became prime minister, all this was shown to President Yushchenko. We showed him this model in its entirety, how a colossal amount of gas is being stolen through Rosukrenergo. I dismissed all those who were founders of Rosukrenergo, and who were in charge of these corrupt schemes. When Yekhanurov became prime minister all these people were restored to their posts. Yesterday, with great effort, I obtained information showing **how much gas Rosukrenergo took from Ukraine this year under the new authorities - when there are Ivchenko, Viktor Andriyovych Yushchenko, Yekhanurov.** Nobody listened to any of our proposals to get rid of Rosukrenergo. We obtained information that Rosukrenergo together with Naftohaz sent 20bn cu.m. of our gas for export and earned 2.5bn dollars in proceeds for Rosukrenergo, whose founders are former managers of Naftohaz. (...) For this to happen, as soon as Yushchenko became president, I became premier, new people came to law enforcement structures, Ivchenko to Naftohaz, **it was necessary immediately to remove Rosukrenergo from its intermediary role. But Rosukrenergo simply agreed among themselves with the president's entourage, the new chief Ivchenko, they are all continuing this model.** The information in front of me confirms that they are all in on the scheme. (...) I have an interesting document where Viktor Andriyovych - I want to show it to him - removed me as prime minister from issues concerned with gas when I began to destroy the Rosukrenergo scheme. (Tymoshenko's speech live at a TV-channel Inter on 27.12.2005; as cited by BBC Monitoring Ukraine & Baltics).³⁵⁶

[Tymoshenko] In my presence, when I was prime minister, **Viktor Yushchenko charged [Naftohaz CEO Oleksiy] Ivchenko and [Oleksandr] Tretyakov with resolving the gas issue. Later, [the then security supremo Petro] Poroshenko and [Our Ukraine parliamentary faction leader Mykola] Martynenko joined in.** That was information the entire cabinet knew.

[Leshchenko] And how did this instruction look?

[Tymoshenko] **The request to not get involved in gas came from the president in personal meetings.** There were also written instructions, which put the government in its place, when it touched upon the topic of gas.

[Leshchenko] Did you ask Yushchenko why he forbade you from getting involved in gas?

[Tymoshenko] I asked, but I did not get an answer from the president. I asked the president many times for permission to go on business trips about gas to Turkmenistan, Kazakhstan and Uzbekistan...[ellipsis as published]

I was told such assignments would not be signed, as completely other people were taking care of it, and the president had taken responsibility on himself for everything connected to gas. He said: "I will personally take care of this problem, and the participation of the prime minister is not needed in this."

[Leshchenko] What did you think at that moment?

[Tymoshenko] (Pause.) I thought that **Rosukrenergo had found new protection.** (Tymoshenko's interview with Ukrainska Pravda on 17.02.2006; as cited by BBC Monitoring Ukraine & Baltics; author's emphasis).³⁵⁷

³⁵⁶ "Former Ukrainian premier blames corruption for gas dispute with Russia", BBC Monitoring Ukraine & Baltics, 27.12.2005 (Inter TV, Kiev, in Ukrainian 1800 gmt 27 Dec 05).

³⁵⁷ "Ukraine's ex-premier Tymoshenko set to win election", BBC Monitoring Ukraine & Baltics, 20.02.2006 (Ukrayinska Pravda website, Kiev, in Ukrainian 17 Feb 06).

Securitization of the January 2006 Gas Agreement

Only few days before the gas conflict with Russia, Tymoshenko argued that Ukraine did not need a new agreement with Russia and that signing a new one would be “*a betrayal of national interests*”.³⁵⁸ In this sense, the agreement reached with Russia on 4 January 2006 was a self-fulfilling prophecy. The new gas contract secured RUE’s monopoly position in the gas import business, making Tymoshenko’s anti-corruption discourse even more plausible.

When the new pro-RUE agreement was signed, Tymoshenko directed all her energy to its revision. The instruments ranged from making the just-signed gas contract public³⁵⁹ to writing open letters to the President³⁶⁰ and calling for a televised debate.³⁶¹ Unlike in 2005, Tymoshenko did not overtly call for RUE’s removal; instead, she placed the critique of the new gas agreement at the center of her anti-corruption discourse. In her numerous public appearances, she framed the new gas agreement as illegitimate, calling it “*disgraceful*”, “*doubtful*”, “*criminal*”, “*pernicious*”, “*corrupt*”, “*onerous*”, “*unfair*”, “*unpatriotic*”, and “*anti-state*”, often using several adjectives at a time.³⁶²

Furthermore, Tymoshenko constructed her framing based on economic and legal arguments. Thus, according to Tymoshenko’s estimates, Ukraine would lose about \$3 billion a year from the new gas contract. She also reasoned that the CEO of Naftogaz Ukrayny, Oleksiy Ivchenko, overstepped his authority when he signed the January agreement with RUE and Gazprom, which for her was a sufficient ground to cancel it.³⁶³ At the same time, she demanded that Ukraine take Russia to the Stockholm Arbitration

³⁵⁸ “Former Ukrainian premier blames corruption for gas dispute with Russia”, BBC Monitoring Ukraine & Baltics, 27.12.2005 (Inter TV, Kiev, in Ukrainian 1800 gmt 27 Dec 05).

³⁵⁹ As a consequence, it was immediately republished on the Internet. See: “Tekst uhody mizh “Naftohazom” i “Hazpromom”, Ukrainska Pravda, 05.01.2006; “UNIAN, publikuet tekst soglasheniia mezhdu “Naftogazom”, “Gazpromom” I “Rosukrenergo” o postavkakh gaza v Ukrainu”, UNIAN, 05.01.2006.

³⁶⁰ “Timoshenko priglashaet Iushchenko i Ekhanurova na teledebaty po “gazovomu” voprosu”, UNIAN, 09.01.2006; “Timoshenko sovetuet Iushchenko obratit’sia v Stokhol’mskiy mezhdunarodnyi arbitrazhnyi sud po povodu gazovykh soglasheniij s Rossiei”, UNIAN, 19.02.2006; “Timoshenko priglashaet Iushchenko i Ekhanurova na teledebaty po “gazovomu” voprosu”, UNIAN, 09.01.2006.

³⁶¹ “Timoshenko planiruet zavtra v priamom éfire provesti debaty s Ekhanurovym otnositel’no énergeticheskoi bezopasnosti Ukrayny”, UNIAN, 19.01.2006; “Timoshenko snova priglashaet Ekhanurova provesti v priamom éfire diskussiiu po “gazovomu” voprosu”, UNIAN, 02.02.2006; “Timoshenko trebuet teledebatov s Ekhanurovym i Ianukovichem”, UNIAN, 16.02.2006.

³⁶² “Timoshenko snova priglashaet Ekhanurova provesti v priamom éfire diskussiiu po “gazovomu” voprosu”, UNIAN, 02.02.2006; “BIuT nameren zavtra obratitsia v GPU o privilechenii k ugolovnoi otvetstvennosti lits podpisavshikh gazovoe soglashenie s RF”, UNIAN, 11.01.2006; “Timoshenko schitaet vpolne logichnoi otstavku pravitel’stva Ekhanurova”, UNIAN, 10.01.2006; “BIuT zaiavlaet, chto mezhdunarodnyi kriminalitet nachal protiv nego “griaznuiu” kampaniiu v SMI”, UNIAN, 23.02.2006.

³⁶³ “Tymoshenko boit’sia tysku i lykhomanki”, Ukrainska Pravda, 12.01.2006.

Court for abrogating a binding contract that fixed the price at \$50 per thousand cubic meters until 2009.³⁶⁴

Negative Framing of Prime Minister Yekhanurov

The securitization of the new gas contract was accompanied by trait-based negative framing of Prime Minister Yekhanurov. In this way, Tymoshenko blamed the Prime Minister for signing the ‘*corrupt*’ agreement with Russia. According to Tymoshenko, the government betrayed national interests because the agreement destroyed Ukraine’s economic and energy security and risked its state sovereignty.³⁶⁵

Despite the harsh critique of the Prime Minister, Tymoshenko did not insist on government resignation, which was the main demand of the Party of Regions. This ran contrary to her earlier calls for government resignation before the gas conflict in January 2006.³⁶⁶ At a press conference on 5 January 2006, Tymoshenko proposed a number of demands, which nevertheless did not include a vote of no confidence. She called for parliament to take control over the gas issue, cancel the agreement, dismiss the negotiators (i.e., the Naftogaz CEO and Minister of Energy) and then prosecute them, create a temporary investigative commission, check Naftogaz Ukrainy’s economic activity and start a probe against RUE.³⁶⁷ Consequently, BYuT’s synchronized voting with the Party of Regions regarding government resignation on 10 January 2006 was more of a tactical maneuver to fulfill its other demands than a consequent act of penalty for inadequate gas politics.

Such a selective and inconsistent framing revealed the tensions in Tymoshenko’s discourse. On the one hand, she blamed Yekhanurov’s government for improving RUE’s position in the Ukrainian gas market. On the other hand, she did not call for government resignation after the gas conflict, because of the need to maintain good relations with the President to secure a post-election alliance.

³⁶⁴ “Timoshenko sovetuet Iushchenko obratit’sia v Stokholmskiy mezhdunarodnyy arbitrazhnyy sud po povodu gazovykh soglashenii s Rossiei”, UNIAN, 19.02.2006.

³⁶⁵ “Timoshenko schitaet vpolne logichnoy otstavku pravitel’stva Ekhanurova”, UNIAN, 10.01.2006; “BIuT trebuets ot pravitel’stva nemedlenno prekratit’ liubye deistviya otnositel’no sozdaniia SP po snabzheniiu gaza na baze kompanii ‘Rosukrenergo’”, UNIAN, 31.01.2006.

³⁶⁶ “Ukrainian ex-premier’s bloc wants cabinet to resign over gas”, BBC Monitoring Ukraine & Baltics, 15.12.2005 (Interfax-Ukraine news agency, Kiev, in Russian 1253 gmt 15 Dec 05).

³⁶⁷ “Timoshenko ubezhdena, chto VR dolzhna vziat’ na sebia vopros obespecheniya Ukrainy gazom i otstranit’ Plachkova i Ivchenko”, UNIAN, 05.01.2006; “Timoshenko poprosit Genprokuraturu vozbudit’ ugolovnoe delo protiv rukovodstva Mintoplivenergo i Naftogaza Ukrainy”, UNIAN, 05.01.2006.

Selective Framing: Discursive Construction of President Yushchenko as Beyond Corruption

Even after the January 2006 gas conflict with Russia, Tymoshenko did not blame President Viktor Yushchenko for corruption in the gas market, even though he was the main proponent of the new pro-RUE agreement with Russia. The following quote illustrates how Tymoshenko's party constructed the President as not involved in the RUE scheme:

As noted in a press release distributed at the press conference, the Bloc of Yulia Tymoshenko also suggests that Ukraine's Prosecutor General's Office should initiate criminal proceedings against the former President Leonid Kuchma; the former Prime Minister and the leader of the Party of Regions, Viktor Yanukovych; the former head of Naftogaz Ukrainy, Yuriy Boyko; the first deputy chairman, Igor Voronin; Prime Minister Yuriy Yekhanurov; the current head of Naftogaz Ukrainy, Oleksiy Ivchenko; and the Minister of Fuel and Energy, Ivan Plachkov for creating and supporting the **criminal schemes in the gas market and betraying the national interests of Ukraine**. (...) In addition, BYuT suggests that the President should have the courage to appeal to the nation, recognize his mistake and call the agreements of January 4 a **betrayal of national interests**. (BYuT's statement on 12.01.2006 as cited by UNIAN; author's own translation).³⁶⁸

Perhaps the most vivid example of Tymoshenko's selective criticism is her unusual silence in the scandal regarding RUE's owners. The situation provided Tymoshenko with a good opportunity for her anti-corruption campaign. Although Tymoshenko knew that Dmytro Firtash was involved into negotiations regarding RUE's creation before RUE's owners were disclosed to the public,³⁶⁹ she decided not to exploit this information. Instead, Tymoshenko addressed the subject of RUE's beneficiaries only once during her press conference on 5 January 2006. According to her version of the facts, RUE was owned by the former Naftogaz CEO Boyko, his deputy Voronin and the crime boss Semion Mogilevich.³⁷⁰ Eventually, the RUE's ownership structure was revealed not by the Ukrainian side but by the Russian newspaper Izvestia, which is affiliated with Gazprom.³⁷¹

Tymoshenko's selective framing is the most salient when it is contrasted with the anti-Yushchenko framing promoted by her close ally Oleksandr Turchynov. After the 2006 gas conflict with Russia, Turchynov interpreted the results differently, openly blaming the President for corruption. The following statement illustrates his anti-presidential rhetoric embedded into a broader discourse on Ukraine's national interests and security:

According to A. Turchynov, "what is happening now in Ukraine is a direct and immediate consequence of the **short-sighted policy of the President of Ukraine, Victor**

³⁶⁸ "BIuT prizyvaet VR denonsirovat' soglashenie o postavke rossiiskogo gaza v Ukrainu", UNIAN, 12.01.2006.

³⁶⁹ "Ukraine's ex-premier Tymoshenko set to win election", BBC Monitoring Ukraine & Baltics 20.02.2006 (Ukrayinska Pravda website, Kiev, in Ukrainian 17 Feb 06).

³⁷⁰ According to Tymoshenko, the former Naftogaz CEO Boiko, his deputy Voronin and the criminal boss Semion Mogilevich stood behind RUE.

³⁷¹ "50% RosUkrEnergo kontroliruiut ukrainskie biznesmeny Firtash i Fursin – SMI", UNIAN, 26.04.2006.

Yushchenko. The crisis did not start today. The crisis arose when the head of state succumbed to the pressure of the old and the new oligarchy, absolutely groundlessly dismissed Tymoshenko's government and **began to protect corrupt and dubious schemes in the energy sector.**" According to Turchynov's opinion, the Cabinet of Yulia Tymoshenko is the only division in the executive branch of power that has successfully resisted corruption and a shadow economy. After her dismissal, the situation got much worse and eventually ended with the **shameful surrender of the national interests** of Ukraine and conspiracy with international criminals in the gas market. Today, according to Turchynov, the situation is detrimental "not only to the reputation of the new government (which it lost long ago) but also to national sovereignty and national security. After all, there are virtually no people in supreme power in Ukraine that are able to adequately respond to the risks and to protect the national interests of Ukraine". That is why, according to him, "we are interested in coming to power after parliamentary elections as soon as possible, because the state is ruined with each new day. It is time to establish order in the country (Turchynov's statement after a vote of no confidence in Yekhanurov's government as cited in UNIAN on 10.01.2006; author's own translation).³⁷²

In an interview with Glavred on 7 February 2006, Turchynov also highlighted Tymoshenko's selective criticism by acknowledging that Tymoshenko's position was to defend the President and to fight his inner circle, while he personally believed that Yushchenko should take full responsibility for the situation in the gas sphere:

[*Turchynov*] You know, I disagree with many my colleagues who say that the president is nice and kind, but naive and unaware of intrigues involving [Swiss-registered gas trader] Rosukrenergo going on behind his back. I think that Yushchenko is not so naive as some people are trying to portray him. He had time to look into all details, into his entourage, into their interests and in policies pursued by the government in favour of the schemes currently in place the same way as they did under Kuchma and Yanukovych.

I am convinced that Viktor Yushchenko bears full responsibility for what is going on in this country. His position obliges him to do so.

I would not like to speak all the time that I have issued warnings. There are words to be said in response to any other words. But there are documents! I signed them as the Security Service of Ukraine chief: they predicted the gas crisis in every detail, they described the structure of Rosukrenergo and the way it operates and its attempts to establish control over our energy market. There are also things to be done to regain our country's positions in direct talks with Kazakhstan, Uzbekistan, Turkmenistan and the Russian Federation without criminals being involved as intermediaries.

I want to ask you: can you imagine 2.5bn dollars of annual revenues?

[*Correspondents*] It is difficult.

[*Turchynov*] It is very much. Even the authorities in powerful civilized countries are often unable to resist the pressure of this corruption resource, not to mention our young and promising country.

³⁷² "Turchinov schitaet, chto politicheskii krizis v Ukraine iavliaetsia priamym sledstviem nedal'novidnoi politiki prezidenta Iushchenko", UNIAN, 10.01.2006.

The nature of ordinary people is weak. This is why it is worth eliminating the scheme and removing the mechanism of systematic bribes reaching hundred of millions dollars which affects our “patriotic” officials the same way a magic pipe affects rats.

Therefore I do not share the opinion of my colleagues who talk about the naive president. However, even Ms Tymoshenko believes that the president should be protected and that it is necessary to fight for him against his entourage. In my opinion, Viktor Yushchenko is already a big boy. He is able to bear responsibility for the actions of his entourage and for the decisions he takes or actively supports. (Turchynov’s interview with Glavred on 07.02.2006; as cited by BBC Monitoring Ukraine & Baltics; author’s emphasis).³⁷³

Subsequently, Turchynov was among the first to criticize the creation of a joint venture, UkrGazEnergo (UGE), between Naftogaz Ukrainy and RUE to supply Russian and Central Asian gas to Ukrainian customers. On 1 February 2006, he accused acting-Prime Minister Yekhanurov and the leader of the Party of Regions, Viktor Yanukovych, of creating the “anti-state” joint venture.³⁷⁴ Turchynov presented the situation as a “Yanukovych-Yushchenko-axis”, which subconsciously evoked an association with the Axis powers during the Second World War and was thus a powerful instance of negative framing.

The approaches of Oleksandr Turchynov and Yulia Tymoshenko are reminiscent of “good cop/bad cop” tactics used in negotiations. Against a background of the radical Turchynov, Tymoshenko looked more cooperative and less negative, which could be useful for minimizing the risk of backfiring. Because of the long history of Tymoshenko’s cooperation with Turchynov since the 1990s, their different discursive approaches to Yushchenko could have been well coordinated in advance. Simultaneously, Turchynov could be viewed as a mouthpiece of Tymoshenko’s real position, which she had to disguise because she needed to have good formal relations with the President for the sake of the Orange coalition.

Selective Framing: Discursive Construction of Russia as Not Responsible for the Gas Conflict

By calling to abrogate the just-signed agreement, Tymoshenko completely set aside Russia’s position and the possible international consequences of such a step for Ukraine. For instance, when stressing the need to appeal to the Stockholm Arbitration Court, she ignored the objections of the pro-presidential forces warning of a protracted trial and complete cease of gas supply to Ukraine.³⁷⁵

However, Tymoshenko’s anti-Russian rhetoric was inconsistent. On the one hand, Tymoshenko framed the 2006 agreement as the mechanism of Russia’s control over

³⁷³ “Ukraine ex-premier’s ally takes dim view of talks with pro-presidential bloc”, BBC Monitoring Ukraine & Baltics, 15.02.2006.

³⁷⁴ The accusation were founded on the fact that the Head of Antimonopoly Committee Olkesiy Kostusev, who gave a consent on UGE’s creation, was running on the party list of Party of Regions in the upcoming parliamentary elections. See “Turchinov zaiavliaet, chto Ianukovich i Ekhanurov budut nesti obshchuiu otvetstvennost’ za sozdanie” antigosudarstvennogo gazovogo SP”, UNIAN, 01.02.2006.

³⁷⁵ “Tekhanurov rozgoviv, iak radyv ne domovliatys’ z Tymoshenko, bo bude bida”, Ukrainska Pravda, 12.01.2006.

Ukraine and called it “*energy terrorism*” that was detrimental to Ukraine’s economic sovereignty.³⁷⁶ On the other hand, she did not blame Russia for starting the gas conflict. Instead, Tymoshenko placed responsibility fully with Naftogaz Ukrayny, which, in her opinion, consciously limited the gas supply to justify RUE’s involvement and sign the new gas deal.³⁷⁷

When juxtaposed, the two frames seem to be contradictory, but their use reveals another tension in Tymoshenko’s discourse. While the first frame is embedded in the anti-Russian macrosecuritization that Tymoshenko employed in December 2005, the second frame comes from the need to criticize her partner in the Orange camp for advancing a project that contradicted Tymoshenko’s goals.

Anti-RUE Framing Through Intra-Institutional Means

In addition to her public speeches, Tymoshenko tried to promote her frame of the gas contract’s illegitimacy through intra-institutional means. In particular, she lobbied through the adoption of a parliamentary resolution that proclaimed the 2006 gas contract to be unlawful.³⁷⁸ This was achieved with the help of a situational alliance with her political opponents – the Party of Regions, KPU and SDPU(o). In exchange for BYuT’s support in a vote no confidence against Yekhanurov’s government, these parties supported BYuT’s bill denouncing the 2006 gas contract. However, this occurred only on the second attempt. Thus, in the first vote on 19 January 2006, deputies adopted a heavily edited version of BYuT’s proposal,³⁷⁹ in which passages that negatively evaluated the gas agreement, including ones condemning RUE’s activities and describing the negative consequences of the agreement for the economy, were deleted.³⁸⁰ However, because the adopted version did not meet BYuT’s objectives, the party introduced another resolution, which restored the

³⁷⁶ “Timoshenko utverzhdaet, chto esli by eščе neskol’ko raz vstretil’sia s Putinym, to Ukraina gaz poluchala by besplatno”, UNIAN, 20.01.2006; “Timoshenko uverena, chto “gazovoe” soglashenie iavliaetsia mekhanizmom upravlenija ukrainskoj vlast’iu iz drugogo gosudarstva”, UNIAN, 01.02.2006; “Timoshenko sovetuet Iushchenko obratit’sia v stokholmskij mezhdunarodnyj arbitrazhnyj sud po povodu gazovykh soglashenij s Rossiei”, UNIAN, 19.02.2006.

³⁷⁷ “Ex-premier says Ukrainian officials pushed for mediator in gas supplies”, BBC Monitoring Ukraine & Baltics, 08.02.2006 (Interfax-Ukraine news agency, Kiev, in Russian 1417 gmt 8 Feb 06); “Ukraine’s ex-premier urges president to reject gas accords with Russia”, BBC Monitoring Ukraine & Baltics, 19.02.2006 (UNIAN news agency, Kiev, in Ukrainian 1014 gmt 19 Feb 06).

³⁷⁸ “Pro robotu Kabinetu Ministriv Ukrayny iz zabezpechennia potreb Ukrayny pryrodnym hazom i u sferi enerhoberezhennia ta pro stan vykonannia Postanovy Verkhovnoї Rady Ukrayny vid 19 sichnia 2006 roku №3387-IV “Pro nekvalifikovani dii orhaniv vykonavchoi vlady iz zabezpechennia spozhyvachiv Ukrayny pryrodnym hazom”, Verkhovna Rada Ukrayny; Postanova vid 14.02.2006, №3439-IV.

³⁷⁹ “Pro nekvalifikovani dii orhaniv vykonavchoi vlady iz zabezpechennia spozhyvachiv Ukrayny pryrodnym hazom”, Verkhovna Rada Ukrayny; Postanova vid 19.01.2006, №3387-IV.

³⁸⁰ See the transcript of the parliamentary session on 19.01.2006 and the original version of BYuT’s resolution in “Proekt Postanovy pro zahrozu natsional’niž bezpetsi Ukrayny u zviazku z diiamy orhaniv vykonavchoi vlady po zabezpechenniu spozhyvachiv Ukrayny pryrodnym hazom”, Verkhovna Rada Ukrayny, Zakonoproekt vid 10.01.2006, №8682.

previously deleted parts evaluating the gas agreement. On 14 February 2006, the temporary coalition between BYuT, PoR and KPU adopted this second resolution without amendment and with 251 votes in favor.³⁸¹

6.3.2. Tymoshenko's Premiership Under the Divided-Executive Constitution in 2008-2009

Tymoshenko's second premiership immediately started with the conflict with Russia over the gas supply. However, unlike in 2005, the winter crisis of 2008 was resolved not only in Tymoshenko's favor but also according to her vision. After ousting UGE from the gas market in March 2008, Tymoshenko immediately initiated negotiations to remove RUE. Eventually, she managed to achieve also this goal but only after another prolonged gas conflict with Russia in January 2009, which had negative repercussions for Ukraine's image abroad.

In this subsection, I show that Tymoshenko's success in reaching her goals was achieved at the expense of her relations with the President. The elimination of both gas intermediaries was accompanied by strong negative framing of Viktor Yushchenko, which ultimately led to the final collapse of the Orange camp.

Negative framing during the 2008 gas conflict with Russia

To win the 2009 gas conflict with Russia, Yulia Tymoshenko instrumentalized the anti-corruption discourse once again. The frame that she and her allies coherently promoted was based on the semantic space of the word transparency, which she borrowed from Yushchenko's discourse. Thus, Tymoshenko's actions were aimed at building a “fair”, “transparent”, and “non-corrupt” gas market,³⁸² which was contrasted with the current one dominated by “dubious”, “shadow”, and “(mega)corrupted” intermediaries.³⁸³ Another

³⁸¹ “Pro robotu Kabinetu Ministriv Ukrayiny iz zabezpechennia potreb Ukrayiny pryrodnym hazom i u sferi enerhoberezhennia ta pro stan vykonannia Postanovy Verkhovnoi Rady Ukrayiny vid 19 sichnia 2006 roku №3387-IV “Pro nekvalifikovani dii orhaniv vykonavchoi vlady iz zabezpechennia spozhyvachiv Ukrayiny pryrodnym hazom”, Verkhovna Rada Ukrayiny; Postanova vid 14.02.2006 №3439-IV.

³⁸² “Turchinov: zaiavlenie “Gazproma” o gazovom dolge Ukrainy . éto lishniaia agitatsii za pozitsiu pravitel’stva ustranit’ gazovykh posrednikov”, UNIAN, 08.02.2008; “Turchinov zaiavliaet, chto likvidatsii “RosUkrEnergo” vopros strategicheskii i mozhet reshit’sia v etom godu”, UNIAN, 13.02.2008; “Timoshenko zaiavliaet, chto otkaz ot posrednikov pri postavkakh gaza v Ukrainu ne povliiaet na tsenu gaza”, UNIAN, 21.02.2008.

³⁸³ “Izmeneniia sushchestvuiushchikh skhem postavki prirodnogo gaza v Ukrainu budut osushchestvliat’sia vzveshenno – Timoshenko”, UNIAN, 02.01.2008; “Timoshenko uverena, chto otkaz ot posrednikov ne privedet k povysheniiu tseny za rossiiskii gaz”, UNIAN, 26.01.2008; “Timoshenko nastaivaet na neobkhodimosti ustraneniiia posrednikov v gazovykh otnosheniakh mezhdu Ukrainoi i RF (utochnennaia)”, UNIAN, 28.01.2008; “Likvidatsii “RosUkrEnergo” privedet k snizheniiu tseny na gaz dlja Ukrainy – Timoshenko”, UNIAN, 03.02.2008; “Timoshenko schitaet gazovye dogovorennosti vo vremia vizita Iushchenko v Moskvu dostoinoi pobedoи vsej demokraticheskoj komandy”, UNIAN, 13.02.2008; “Timoshenko v Moskve pridetsia nachinat’ peregovory po gazovym voprosam s

important part of the frame was the attribution of the government to the ‘transparent’ side and presentation of the entire issue in the form of a fight. The following quotes demonstrate how this frame was sustained:

“the struggle for a fair and transparent gas supply scheme”³⁸⁴, “to clean the energy market from intermediaries and any other non-transparent schemes”,³⁸⁵ “to build a transparent, honest and completely understandable relations in the system of gas supply without intermediaries”³⁸⁶, “the government will succeed in putting an end to corruption in the gas sector and moving to direct and transparent contracts”³⁸⁷, “the government will continue to pursue a policy of deshadowing the gas market that foresees the elimination of any intermediaries and non-transparent criminal schemes”.³⁸⁸

Parallel to the issue attacks, Tymoshenko returned to trait attacks against Yuriy Boyko and Viktor Yanukovych. Both Prime Minister Tymoshenko and her First Deputy Turchynov openly blamed them for corruption in the gas sector.³⁸⁹ Especially when the issue of gas debt became an obstacle in negotiations with Russia in early February 2008, Tymoshenko blamed the previous government for unpaid gas bills.³⁹⁰ She accused Firtash, Boyko and Voronin of “*energy terrorism*” and initially refused to repay the debt.³⁹¹ When the gas debt was partly settled, Tymoshenko and Turchynov continued to frame the debt as

samogo nachala – Turchinov”, UNIAN, 19.02.2008; “Turchinov zaiaavljaet, chto “RosUkrEnergo” I “UkrGazEnergo” okazyvaiut davlenie na “Naftogaz Ukrayny” s tsel’iu polucheniiia platezhej za gaz bez sootvetstvuiushchikh aktov”, UNIAN, 19.02.2008; “Ukraina reshit problemy s gazom pri uslovii edinoi pozitsii rukovodstva strany, osnovannoj na zashchite natsinteresov – Timoshenko”, UNIAN, 06.03.2008.

³⁸⁴ “Rossiya budet prodolzhat’ vydvigat’ svoi ul’timatamy k Ukraine v voprose snabzhenii gaza – lider fraktsii BIuT”, UNIAN, 03.03.2008.

³⁸⁵ “Ukraina ne planiruet segodnia na peregovorakh v Moskve podnimat’ vopros o povyshenii stavok na tranzit gaza – Turchinov”, UNIAN, 11.03.2008.

³⁸⁶ ““Naftogaz Ukrayny” prodolzhaet peregovory s “Gazpromom” o srokakh i poriadke raschetov za potreblennyj gaz – Timoshenko”, UNIAN, 01.04.2008.

³⁸⁷ “Timoshenko nastaivaet, chto Gazpromu za gaz zadolzhalo RosUkrEnergo i Ukraina k etim dolgam otnoshenia ne imeet”, UNIAN, 21.11.2008.

³⁸⁸ “Turchinov podcherkivaet, chto pravitel’stvo i v dal’neishem budet provodit’ politiku detenizatsii gazovogo rynka”, UNIAN, 26.02.2008.

³⁸⁹ “SNBO poruchil provesti rassledovanie po faktam podpisaniia soglashenii o postavkakh gaza mezhdu “RosUkrEnergo”, “UkrGazEnergo” i NAK “Naftogaz Ukrayny”, UNIAN, 02.02.2008; “Likvidatsiia “RosUkrEnergo” privедет к снижению цен на газ для Украины – Тимошенко”, UNIAN, 03.02.2008; “Zadolzhennost’ Ukrayny za postavki gaza sostavliaet 1,072 mlrd. dollarov – Timoshenko”, UNIAN, 11.02.2008; “Dolg pered “Gazpromom” v 1 mlrd. doll. dolzhen byt’ restrukturizirovan, i etim obiazan zariat’sia Boiko – Timoshenko”, UNIAN, 11.02.2008; “BIuT schitaet, chto blokirovaniye Partei regionov raboty VR proiskhodit i po trebovaniyu”RosUkrEnergo” – zaiavlenie”, UNIAN, 22.02.2008; “Turchinov ne vidit osnovaniy dlia sokrashchenii postavok gaza v Ukrainu”, UNIAN, 29.02.2008; “Ukraina ne poluchala ofitsial’nykh soobshchenii ot “Gazproma” o vozmozhnom sokrashchenii postavok gaza – Timoshenko”, UNIAN, 01.03.2008.

³⁹⁰ “Zadolzhennost’ Ukrayny za postavki gaza sostavliaet 1,072 mlrd. dollarov – Timoshenko”, UNIAN, 11.02.2008; “Turchinov zaiaavljaet, chto “RosUkrEnergo” i “UkrGazEnergo” okazyvaiut давление на “Naftogaz Ukrayny” s tsel’iu polucheniiia platezhej za gaz bez sootvetstvuiushchikh aktov”, UNIAN, 19.02.2008.

³⁹¹ “Timoshenko obviniaet Firtasha, Boiko i Voronina v energeticheskem terrorizme”, UNIAN, 11.02.2008.

“*artificial*”, as a form of “*pressure*” and “*blackmail*” by corrupt officials to save RUE in the gas market:³⁹²

When the new management came to head Naftohaz, **not a single kopeck was left** in the accounts of this company to clear the debts. This means that the money that the population and heating utilities paid to Naftohaz for gas was spent on no-one knows what (...) As of today, the Yanukovych government left the country to us without any agreements and contracts for 2008, not even with RosUkrEnergo. Starting from 1 January, Ukraine has been subject to real **blackmail**. They don't sign with Ukraine any document for gas supplies or any statement on payments for natural gas (...) RosUkrEnergo, which is presented by **Firtash, Boyko and Voronin**, have organized real **energy terror against Ukraine**. The prosecutor's office keeps silent, the SBU (Security Service of Ukraine) keeps silent and all security agencies keep silent (Tymoshenko's statements on 11.02.2008; as cited by BBC Monitoring Newsfile; author's emphasis).³⁹³

I informed the president that the cabinet had provided [the national oil and gas company] Naftohaz [Ukrainy] with a financial resource and that it had managed to pay off last year's debts, those debts which we, in fact, **inherited from our predecessors**. These debts accumulated because both the external market and the domestic market had been given to murky intermediary companies which were parasitizing on the Ukrainian economy, on the Ukrainian budget. **This resulted in artificial debts. When new managers came to Naftohaz, in addition to the debts, they had zero accounts, that is, the money for gas was received [and then] embezzled and stolen. As a result, a problem was created artificially in order to reinforce the dependence of the country on murky intermediaries and criminal schemes.** However, despite blackmail and despite resonant statements, which could be heard in recent days, the cabinet, in quite difficult conditions, found the opportunity to support Naftohaz financially and, as a result, although very few people believed in it, payments were made. (Turchynov's interview with the private news channel TV 5 on 27.02.2008; as cited by BBC Monitoring Ukraine & Baltics; author's emphasis).³⁹⁴

Securitization of the Dispute Settlement in March 2008: the First Anti-Yushchenko Move

When Tymoshenko started the anti-RUE campaign in January 2008, the prospects for ousting RUE were slim. On 12 February 2008, the Russian and Ukrainian presidents agreed to create two joint ventures between Gazprom and Naftogaz Ukrainy on a parity basis to replace RUE and UGE in the import and distribution business, respectively. However, the presidents' agreement undermined Tymoshenko's negotiation efforts, since

³⁹² “Ukraina ne poluchala ofitsial'nykh soobshchenii ot “Gazprom” o vozmozhnom sokrashchenii postavok gaza – Timoshenko”, UNIAN, 01.03.2008; “Turchinov ob'iasniaet vcherashnie spekuliatsii vokrug gazovogo voprosa tem, chto Ukraina aktivizirovala raschety za dolgi”, UNIAN, 27.02.2008.

³⁹³ “Ukrainian premier rejects Russian gas payment proposals as “blackmail” ”, BBC Monitoring Newsfile, 11.02.2008.

³⁹⁴ “Deputy premier demands Russia sign direct gas contract with Ukraine”, BBC Monitoring Ukraine & Baltics, 28.02.2008 (5 Kanal TV, Kiev, in Ukrainian 1900 gmt 27 Feb 08).

it proposed an alternative dispute settlement.³⁹⁵ Such a solution did not change the structure of relations in the gas market, and there were no guarantees that RUE and UGE management would not be simply transferred to the new ventures.

To preclude such a development, Tymoshenko made a decisive securitization move against the President on 6 March 2008. Although Ukraine and Russia reached the preliminary agreement a day beforehand, the final agreement was not yet signed. Therefore, there was a threat that the President might sabotage the informal agreement negotiated by Tymoshenko. To persuade the President agree on her version of the dispute settlement, Tymoshenko wrote an open letter to the President in which she resorted to the anti-corruption framing once again. Ultimately, this strategy was successful, as it gave the President no other option than to back down and fulfill Tymoshenko's demand. Here is Tymoshenko's letter in full length:

Dear Viktor Andriyovych [Yushchenko – K.B.]!

In response to your letter to the Government dated 4 March 2008, in which you demanded to resume immediately negotiations between Naftogaz Ukrainy and the Russian company Gazprom and to normalize the relations in the gas sector, I inform you that such negotiations have not stopped even for a day since the beginning of February 2008.

On 5 March 2008, thanks to the efforts of the Government, gas supplies to Ukraine were completely renewed. At the same time, we did not backtrack from pursuing the national interests of Ukraine.

In addition, it is my duty to inform you that because of the actions of the previous government and its closest business structures, which parasitized the national interests of Ukraine, the country's gas market today is practically destroyed. National Joint Stock Company Naftogaz Ukrainy was consciously and purposefully brought to the verge of bankruptcy. A gas balance is absent. As of the end of 2007, no contract has been signed on gas deliveries to Ukraine. **The entire industry is corrupted by intermediaries that work in the gas market of Ukraine and are now trying to stay there.**

At the same time, today, thanks to the activities of the Government and the new leadership of Naftogaz Ukrainy, we were able to save the National Joint Stock Company from destruction, to normalize control over the industry, and to convince our Russian partners to deshadow the gas market. The Prosecutor General's Office launched an **investigation into large-scale abuses by the former leadership of Naftogaz Ukrainy.**

The Government controls the situation and is responsible for ensuring gas supplies to the population and managing the gas industry of the country and an uninterrupted supply of Russian gas to Europe through Ukraine. I am convinced that in the coming days, we will be able to reach an agreement with Russian partners regarding contracts and mutual settlements, the elimination of dubious intermediaries, the exclusion of incidents and misunderstandings in the future.

I, as the Prime Minister of Ukraine, completely agree with you and support you in your effort to normalize the situation in the gas market of Ukraine and to clear up any misunderstanding. Also, I support and will execute an agreement between the Presidents of Ukraine and the

³⁹⁵ It also involved a number of risks to Ukraine. If it were realized, Gazprom could increase its presence in the Ukrainian gas market by gaining a direct 50% stake in the new joint venture, as opposed to its 25% indirect stake in UGE via RUE. Moreover, there was a threat that in exchange for RUE's exit, Russia would demand control over Ukraine's GTS, about which the Russian side spoke publicly before and after the Yushchenko-Putin meeting.

Russian Federation on February 12, in the part concerning the feasibility of the immediate normalization of relations between the two countries in the gas sector.

However, the Cabinet of Ministers cannot agree with the following the terms of these agreements:

To purchase in the first quarter of 2008 Russian gas at a price of \$315.6 per tcm upon prepayment.

To replace one intermediary with another through the creation of a joint venture (JV-2) for the distribution of all imported and domestic gas in the domestic market of Ukraine.

To exclude Naftogaz Ukrainy from forming a balance and distributing gas in the domestic market of Ukraine through reaching an agreement with and supplying gas to JV-1 (importer of gas) and JV-2.

The implementation of these conditions, by conviction of the Government, the leadership of Naftogaz Ukrainy and independent experts, would not prevent corrupt practices and abuse of power, would lead to the bankruptcy of Naftogaz Ukrainy and would be contrary to national interests.

In view of this, the Government offers a number of additional measures that will allow us to protect the interests of Ukraine, eliminate opportunities for corruption in the gas market and consider the logical, transparent and legitimate interests of the Russian Gazprom.

The Government instructed Naftogaz Ukrainy to hold direct negotiations on agreements on gas supplies with [Gazprom's subsidiary – K.B.] Gazpromexport without creating any additional joint ventures. Naftogaz Ukrainy is ready to distribute their gas in the domestic market of Ukraine on its own, without any intermediaries.

Dear Viktor Andriyovych!

The Government controls the situation in the gas market of Ukraine and is able to fully ensure the energy security of Ukraine and protect its economic sovereignty.

I am confident that we will solve all the problems with the gas supply if the top management of Ukraine comes up internationally with a single consolidated position, based solely on protecting the national interests of our country.

(Tymoshenko's public letter to the President Viktor Yushchenko on 06.03.2008; author's own translation and emphasis)³⁹⁶

In her letter, Tymoshenko transmits a sense of responsibility to the reader by stating that the government had full control over the situation. At the same time, she contrasts her government with the previous one, which is presented as feckless and corrupt. Moreover, by stating that some items allegedly agreed on after the presidential meeting on 12 February 2008 "*would not prevent corrupt practices and abuse of power*", Tymoshenko discredits the President and significantly limits his scope of action. Thus, according to Tymoshenko, the only legitimate way that could help the President save face is to review his decision and agree on Tymoshenko's proposed plan, which she presents in a positive light by stating that it guards "*national interests*".

³⁹⁶ "Premier-ministr Ukraïny Iuliia Tymoshenko napravyla Prezydentu Ukraïny Viktoru Iushchenku lysta shchodo sytuatsii v hazovii sferi", Upravlinnia u zviazkakh iz ZMI Sekretariatu Kabinetu Ministriv, 06.03.2008.

Tymoshenko's letter was a clear departure from her earlier tactics of concealing her disagreements with the President over RUE. For the first time, she publicly stated her genuine opinion about the results of the presidential meeting on 12 February 2008. Less than a month ago, she called the President's informal agreement with Vladimir Putin '*a decent victory for the whole democratic team*'.³⁹⁷ This time, however, she openly challenged Yushchenko and left him with little choice but to agree with her, which he ultimately did.

Negative Framing Before and After the January 2009 Gas Conflict

The gas conflict with Russia in January 2009 marked the change in Tymoshenko's discursive tactics and the final break down of her relations with President Yushchenko.

The confrontation with the President over gas policy continued in late 2008, although it was less public than earlier that year. Being responsible for negotiations with Russia, Tymoshenko was reluctant to politicize them. Moreover, the collapse of the Orange coalition in September 2008 increased the chances of her resignation, which reduced incentives to politicize the RUE issue. Consequently, Tymoshenko did not make any securitization moves and only replied to Yushchenko's critique of the government, accusing "*some politicians at the highest level*" of corruption, though without offering concrete names:

At present Ukraine, having reached an understanding with Gazprom on getting rid of such opaque, corrupt and absolutely unacceptable for Ukraine intermediaries as RosUkrEnergo, is trying to find ways to settle all these debt claims. (...) **Political storms stirred over Naftohaz's work show that now all interested Ukrainian politicians at the highest level are making the last attempt to retain RosUkrEnergo.** This is what all this hype is about. I want to make it very clear to all these high-ranking officials that it makes no sense to make a fuss. They will not succeed in preserving corruption in the gas sector. And we will put an end to this despite this information hysterics stirred by these high-ranking officials across the country. We will do our job and we will do this honestly. I can tell you firmly that after our cabinet came to power corruption, which had reigned in the system of natural gas supplies to Ukraine for all those years, ceased to exist (Tymoshenko's statement at a news conference broadcast live by the state-run UT1 TV channel and the private news TV5 on 26.11.2008; as cited by BBC Monitoring Newsfile; author's emphasis)³⁹⁸

"We don't want to have any corrupt intermediaries between Ukraine and Russia in the form of RusUkrEnergo. We don't want corruption at such a high level on the gas market. That is why all discussions today are around removing RosUkrEnergo as a corrupt intermediary between Ukraine and Russia in gas supplies. I can say that resistance against removing the corrupt intermediary is very strong, extremely strong. Unfortunately, **top politicians in our country are fully engaged in order to preserve corruption on the Ukrainian gas market.** That is why talks are so difficult. This is the only reason of delays in signing a contract."

³⁹⁷ "Timoshenko schitaet gazovye dogovorennosti vo vremia vizita Iushchenko v Moskvu dostoиной победои vsej demokraticeskoi komandy", UNIAN, 13.02.2008.

³⁹⁸ "Ukrainian premier says direct ties with Russian Gazprom to help fight corruption", BBC Monitoring Newsfile, 26.11.2008 (5 Kanal TV, Kiev, in Ukrainian 1315 gmt 26 Nov 08).

Asked about who the top officials were, Tymoshenko explained that they were working at the presidential secretariat. “You know very well that all this is happening in Bankova (Street),” she said. However, she refused to name specific people, saying that only the Prosecutor-General’s Office could accuse them of any wrongdoing. (Tymoshenko’s statement at a news conference broadcast live by the state-run UT1 TV channel and the private news TV5 on 12.12.2008; as cited by BBC Monitoring Newsfile; author’s emphasis)³⁹⁹

A turning point in relations between the Prime Minister and President occurred during the gas conflict with Russia in January 2009. While Tymoshenko aligned herself with Yushchenko by signing a joint declaration on gas supply and transit when the conflict began⁴⁰⁰, she openly blamed the President for disrupting negotiations when the conflict ended.

The transformation occurred on the same day as the pro-RUE deputies took control over the presidential party and threatened to adopt a vote of no confidence in Tymoshenko’s government.⁴⁰¹ In a public statement on 16 January 2009, she accused the President’s staff of destroying the agreement before the new year and proclaimed the government line in negotiations that contradicted the President’s decree⁴⁰²:

Once again, I would argue that by 30 December 2008, mutually beneficial conditions of gas supplies to Ukraine and transit of Russian gas to Europe were agreed at the level of the Prime Ministers of Ukraine and Russia, but **all the political forces of Ukraine, which are connected to the corrupt shadow intermediary “RosUkrEnergo”, interfered in the last two days of the year** and thwarted the signing of all contracts and destroyed the negotiation process, which was so hard to establish. Ukrainian politics is also being destroyed today. I will put this to an end in the coming days.

In order to operate effectively and responsibly, **there will be only one government line** in gas diplomacy, which will be strictly implemented. I will not let anyone in parallel manage the negotiation process and to control Naftogaz for its [negotiation process – K.B.] breakdown. Simply put, I need two things: that nobody puts a spoke in wheel and strikes a knife in the back. In this context, the recent statements of **some employees of the Presidential Secretariat** directed against me do not improve the Ukrainian Government’s position in talks with Russia; they do not promote the image of Ukraine in Europe. I will never address them; I only appeal to **the President that he deprives his irresponsible clerks the freedom of**

³⁹⁹ “Ukrainian premier says president’s staff hampering gas talks”, BBC Monitoring Newsfile, 12.12.2008 (UT1, Kiev, in Ukrainian 1621 gmt 12 Dec 08).

⁴⁰⁰ “Zaialenie Iushchenko i Timoshenko otnositel’no postavok i tranzita rossiiskogo gaza”, Ukrainska Pravda, 01.01.2009.

⁴⁰¹ “NUNS rozdilyla vidstavka Tymoshenko. Kyrylenko nozha ne vstromliatyme”, Ukrainska Pravda, 15.01.2009; ““Liubi druzi” po-temnomu zakhopyly”NU-NS” ”, Ukrainska Pravda, 16.01.2009.

⁴⁰² In March 2007, Yushchenko issued a decree, according to which the negotiation process in the energy sector had to be conducted only in accordance with president’s directives. See Art. 3 in “Pytannia enerhetychnoi bezpeky Ukrayny”, Prezydent Ukrayny; Ukaz, Sklad kolehial’noho orhanu vid 14.03.2007 №204/2007.

unfair speech for at least a few days. (Tymoshenko's statement on 16.01.2009; as cited by the Ukrainian Government Web-Portal; author's own translation and emphasis)⁴⁰³

Already after the conflict's resolution, Tymoshenko fully succumbed to the "it's-all-Yushchenko's-fault" frame that was initially suggested by Russian actors.⁴⁰⁴ Tymoshenko needed this frame to counterattack accusations of signing an economically disadvantageous contract. In her public statements, she stressed that Ukraine missed its chance to sign a more favorable contract before the new year because of Yushchenko's desire to preserve RUE as a gas intermediary:

If removing [Swiss-registered gas trade intermediary] **RosUkrEnergo, a company close to the president [from the gas market], is the surrender of national interests, the president has a wrong understanding of Ukraine's national interests** (...) I think that the chairman of Naftohaz would not have left Moscow without a reason. I did not instruct him to do so. And I think that the talks could have been completed by the New Year and the gas crisis should not have erupted. Unfortunately, political leaders, leaders of the country, were trying to preserve RosUkrEnergo at any price" (Tymoshenko's press conference broadcast live by the state-run UT1 TV channel on 21.01.2009; as cited by BBC Monitoring Ukraine & Baltics).⁴⁰⁵

The disruption of negotiations in late 2008 was for one reason – the desire to save RosUkrEnergo in the scheme. To this end, the negotiation process was manipulated, and conditions were put forward that were a priori unacceptable either for Ukraine or for Russia. At the same time, RUE offered unreasonably high prices for gas. They did everything they could to disrupt the talks, and eventually, Oleh Dubyna [Naftogaz CEO – K.B.] was withdrawn from the negotiations. The Chairman of Naftogaz Ukrayny has become a hostage to **the two "control centers", the president and the government of Ukraine, with diametrically different views on RUE's mediation.** (Tymoshenko's interview with Zerkalo Nedeli on 21.01.2009; author's own translation and emphasis)⁴⁰⁶

⁴⁰³ "Zaiava Premier-ministra Ukrayny naperedodni vizytu do Moskvy", Upravlinnia u zviazkakh zi ZMI Sekretariatu KMU, 16.01.2009.

⁴⁰⁴ The Russian news agency RIA-Novosti was the first to report that Yushchenko derailed talks on 31 December 2008 by preventing Tymoshenko's visit to Moscow. Subsequently, Gazprom also repeatedly insisted that Yushchenko was responsible for halting the gas negotiations. Finally, on 8 January 2009 in an interview with foreign media, Russia's Prime Minister, Vladimir Putin, repeated the same story and openly blamed both Yushchenko and "mediators" for corruption. See, e.g., "Poezdke Timoshenko v Moskvu pomeshala pozitsiya Iushchenko – istochnik", RIA Novosti 31.12.2008; "Iushchenko dal ukazanie Dubine prervat' peregovory s "Gazpromom" ", RIA Novosti 31.12.2008; "Iushchenko zapretil Dubine podpisivat' kontrakt na postavku gaza – Gazprom", RIA Novosti, 12.01.2009; "V.V.Putin provel rabochuiu vstrechu s Predsedatelem Pravleniya OAO "Gazprom" A.B.Millerom", Pravitel'stvo Rossii, 05.01.2009.

⁴⁰⁵ "Ukrainian premier defends gas accords with Russia as "victory" ", BBC Monitoring Ukraine & Baltics, 21.01.2009 (UT1, Kiev, in Ukrainian 1244 gmt 21 Jan 09).

⁴⁰⁶ Iuliia Mostovaia "Kompromiss. I zhizn' posle nego", Zerkalo Nedeli №2, 23.01.2009.

Over time, Tymoshenko turned Yushchenko's collusion with RUE into an established fact. For instance, during the famous trial over the gas deal in 2011, she asserted the following:

Then, there was a fierce struggle of RosUkrEnergo's shady owners and senior officials, who received bribes from them to keep RosUkrEnergo. (...) President Yushchenko did not support my work on removing corruption from the gas market. (...) Yushchenko chose to reach an agreement with the oligarchy and to use old methods of cooperation (Tymoshenko's testimony on 03.07.2011; as cited by Ukrainska Pravda; author's own translation)⁴⁰⁷

Despite the victory over RUE, Tymoshenko failed to successfully use the "gas trump" in her presidential campaign. Now, when the opaque intermediary was defeated, her anti-corruption discourse was automatically transformed from negative to positive framing. However, positive framing is not effective when there are other negative frames on the same issue, which are sufficiently sensitive to influence the power relations in a state. Indeed, Tymoshenko initially tried to convince the public that "Ukraine had finally destroyed a large "feeding trough" for corrupt politicians", as put by the U.S. ambassador to Ukraine William Taylor.⁴⁰⁸ However, she soon had to switch to the topic of gas prices, which she nevertheless did not "own". After the anti-corruption frame no longer competed with the "cheap gas" frame of the pro-RUE actors, the latter naturally gained an advantage. Moreover, the issue was very sensitive because of the very unprofitable contract with Russia.⁴⁰⁹ The effect from Tymoshenko's "victory" thus began to dwindle against a background of economic crisis, which her opponents effectively instrumentalized against her.

6.4. Case-Specific Effects of Negative Framing

6.4.1. Negative Framing as a Strategy

Tymoshenko's anti-corruption discourse allowed her party, BYuT, to become not only a relatively popular political force but also easily recognizable. According to an opinion poll conducted in 2008, the fight against corruption has become the label that the population associates with BYuT. Although most people at the time believed that none of the political parties actively fought against corruption (40%), BYuT was perceived as an active anti-corruption fighter (15%) relative to other parties (see Table 6.2), even though they viewed BYuT and Party of Regions as equally prone to corruption (respectively 13%

⁴⁰⁷ Serhiï Leshchenko "Sprava proty Tymoshenko. Nevidomi podrobysci", Ukrainska Pravda, 03.07.2011.

⁴⁰⁸ "Ukraine: Details and Questions on Gas Deal Still Flowing", WikiLeaks, 21.01.2009, https://wikileaks.org/plusd/cables/09KYIV117_a.html (last accessed on 30.01.2017).

⁴⁰⁹ For a thorough analysis of the 2009 gas contract, see Malygina (2009), Pirani et al. (2009), Balmaceda (2013: 134ff).

and 14%). Consequently, BYuT was perceived as more credible along the anti-corruption issue, which it “owned”.

Table 6.2 – Corruption-related perceptions of parties among the population in 2008, %

Party	“Corruption fighter”	“Most corrupt”
BYuT	14.9	13
Party of Regions	5.1	14.3
KPU	4.6	1.1
All parties	4.3	43.5
Our Ukraine bloc (NUNS)	3	4.6
Lytvyn’s Bloc	1.7	1
None	39.4	1.5
Difficult to answer	27	21

Source: Representative opinion poll by Razumkov Center, cited in National Security and Defense №7/2009 (http://razumkov.org.ua/eng/files/category_journal/NSD111_eng_4.pdf).

Furthermore, Tymoshenko’s campaigning based on the anti-corruption frame turned out to be an effective strategy in terms of maximizing the vote. Following the 2006 parliamentary elections, BYuT received 22.3% of the vote and became the second largest party in parliament, after the Party of Regions (see Table 6.3/Table 6.3). Neither of the polls conducted a few months before elections could have predicted such a high result. According to these polls, Tymoshenko’s party should have been supported by 16% of voters at most. By contrast, a pro-presidential Our Ukraine bloc received only 14% of the vote, which was down from 23.6% during the previous elections in 2002. The unpredictability of BYuT’s result is the best evidence of the influence of the party’s strategic communication during the campaign. The election results speak in favor of framing effects – Tymoshenko’s negative framing determined the electoral outcome.

However, despite tactical wins, Tymoshenko suffered a strategic defeat. The relations between BYuT and Our Ukraine were spoiled after the intense election campaign, which worsened the prospects of the Orange coalition. Tymoshenko’s negative framing alienated her most plausible partner, which ultimately preferred to cooperate with the former contender, the Party of Regions. Although the polls revealed the opposition’s success in securitizing the new gas contract,⁴¹⁰ the ultimate result of such a move was negative for Tymoshenko, since it postponed the realization of her plans for a few more years.

⁴¹⁰ According to an opinion poll conducted by the Ilko Kucheriv Democratic Initiatives Foundation (DIF) on 19-31 January 2006, 47% of the population considered the gas deal to be unfavorable to Ukraine, whereas 30% believed the

Table 6.3 – BYuT, Our Ukraine bloc and PoR in the 2006 parliamentary elections, %

Results			
	BYuT	Our Ukraine bloc	Party of Regions
2002*	7.3	23.6	(11.77)**
2006	22.3	14.0	32.1
Opinion Polls			
12/2005	16.2	14.2	26.6
01/2006	10.4	18.5	29.9
02/2006	11.7	14.4	26.0

* according to the proportional representation vote solely

** results here are for the pro-presidential bloc “For United Ukraine”, which included the Party of Regions

Source: Election results according to official data by the Central Election Commission of Ukraine (<http://www.cvk.gov.ua/>); opinion polls – based on data by the Kyiv International Institute of Sociology (KIIS) (<http://www.kiis.com.ua/?lang=rus&cat=reports&id=452&page=14&t=2>).

In addition to the quick rise of BYuT, another interesting effect of Tymoshenko’s anti-corruption discourse is her more favorable public standing than that of Viktor Yushchenko and the resilience of her image to political and economic crises. In fact, the population voted Tymoshenko “The Politician of the Year” four out of five times during the period under review.⁴¹¹ Yushchenko never received this honor after the Orange Revolution, while Yanukovych received it once in 2006 and was close to receiving it again in 2009.⁴¹² Moreover, when Tymoshenko’s and Yushchenko’s approval ratings were decoupled from each other for the first time after the Orange Revolution following the global economic crisis and political crisis in October 2008 (see Figure 6.1),⁴¹³ Tymoshenko’s approval rating did not fall lower than 30%, while Yushchenko’s level of support quickly deteriorated to about 20%. This suggests that despite the dominating negative attitudes toward Yulia Tymoshenko (which is also true for other politicians in Ukraine), part of the population developed unlimited confidence in her. Her consequent positioning as an anti-corruption fighter could have contributed to this result.

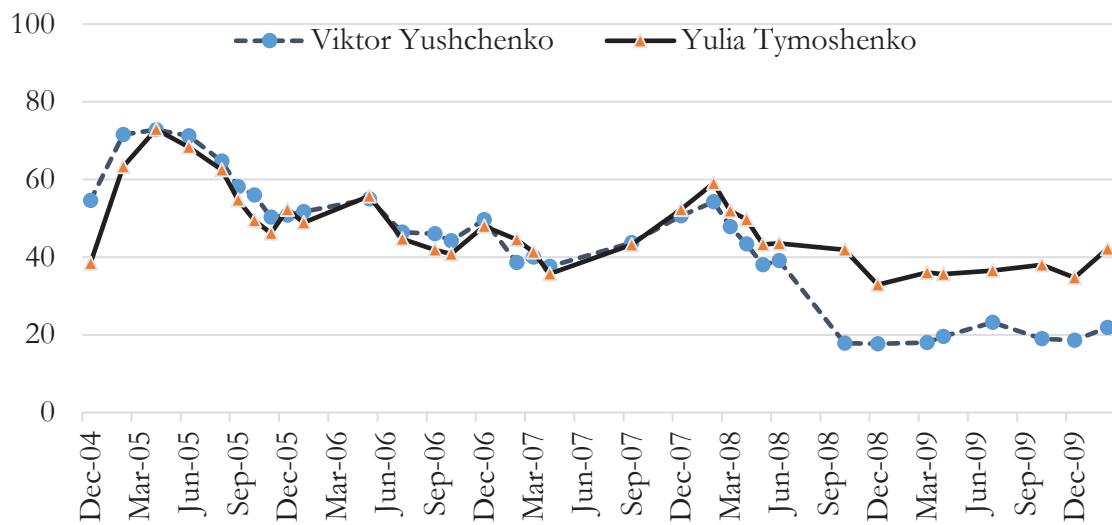
contract to be either beneficial or an acceptable compromise (<http://dif.org.ua/article/gromadska-dumka-naselenna-ukraini-sichen-2006-roku>).

⁴¹¹ Representative opinion polls conducted by the Ilko Kucheriv Democratic Initiatives Foundation (DIF) together with Razumkov Center (http://www.razumkov.org.ua/ukr/poll.php?poll_id=180).

⁴¹² In 2009, 20.9% of the respondents voted Tymoshenko “The Politician of the Year”, while 19% voted for Yanukovych.

⁴¹³ Before October 2008, the population apparently perceived both leaders of the Orange camp as one team despite their constant quarrels in public.

Figure 6.1 – Approval ratings for Y. Tymoshenko and V. Yushchenko in 2004-2009, %



Notes: the values here are the sum of the answers “fully support” and “support certain actions”.

Source: Representative opinion polls by Razumkov Center (http://razumkov.org.ua/ukr/poll.php?poll_id=88; http://razumkov.org.ua/ukr/poll.php?poll_id=89).

6.4.2. Effects of Negative Framing on the Political System

The Ukrainian population generally views corruption as very common and a serious impediment to the country’s democratic development.⁴¹⁴ Because of the sensitivity of the issue, it is difficult to determine whether Tymoshenko’s anti-corruption discourse has significantly influenced the public’s perception in this respect. Nonetheless, some indicators suggest that intolerance toward corruption has increased over time and that people have begun to perceive corruption as one of the pressing issues that can and must be tackled. For instance, with the majority of the population accepting official corruption as a fact of life, the percentage of those who do not agree with this statement has increased from 13% in 1999 to 34% in 2010.⁴¹⁵ Furthermore, in the five years of Yushchenko’s rule, the number of those who viewed corruption as one of the most serious problems almost doubled – from 20% in April 2005 to 37% in 2010.⁴¹⁶ The percentage of those who supported the view that “when dealing with authorities, one had to bribe them” decreased from 73% in 2003 to 54% in 2009, while the number of opponents of this view tripled in the same period

⁴¹⁴ According to IFES surveys in different years (funded by USAID).

⁴¹⁵ See IFES surveys in June 1999 (http://www.ifes.org/sites/default/files/ukr_99_po_2.pdf) and September 2010 (http://www.ifes.org/sites/default/files/20110207_ukraine_key_findings_final_2.pdf).

⁴¹⁶ See IFES surveys in April 2005 (http://www.ifes.org/sites/default/files/2004_survey_final_report_english_2.pdf) and September 2010 (http://www.ifes.org/sites/default/files/20110207_ukraine_key_findings_final_2.pdf).

– from 11% to 30%.⁴¹⁷ The intolerance toward official corruption has also manifested in support of more severe punishments (79% in 2009 compared to 70% in 2003).

Overall, one could conclude that the public perception of corruption in Ukraine has slowly changed toward less acceptance. Given that the general level of corruption has hardly changed, such an outcome could be explained by the general politicization of corruption as an issue in the political power struggles, to which Tymoshenko's anti-RUE discourse also contributed. More importantly, priming the Ukrainian population on corruption issues during Yushchenko's presidency could also be viewed as a factor contributing to more stringent standards of judgement of Yanukovych's rule compared to Kuchma's rule. The instances of misconduct that would likely have been ignored a decade ago are now less tolerated and more willingly denounced by investigative journalists. In this sense, Euromaidan protests and the Revolution of Dignity were preconditioned years before they actually started.

In general, however, anti-corruption framing instrumentalized by certain actors in an attempt to make political gains and weaken political rivals does not strengthen democratic accountability. Thus, the growing lack of acceptance of corruption and the inability of political elites to deliver anti-corruption promises has also contributed to the erosion of support for democracy in Ukraine. By the end of Yushchenko's presidency in December 2009, the uncertainty regarding the political order in Ukraine was the highest in the five-year period. Thus, the number of proponents of a democratic regime (37%) only slightly outweighed the number of its opponents (30%) (see Table 6.4). Yet, in October 2006, the difference was much higher, at made almost 33%. Similar to the results presented in the previous chapter, the extreme negativity during Yushchenko's era provided fertile ground for the authoritarian shift in Ukraine's politics that occurred under Viktor Yanukovych a few years later.

⁴¹⁷ According to the opinion polls conducted by the Ilko Kucheriv Democratic Initiatives Foundation (DIF) in March 2009 (<http://dif.org.ua/article/koruptsiya-v-ukraini-2009-rezulata-sotsiologichnogo-ta-analitchnogo-doslidzhennya-koruptsiyakh-rizikiv-v-publichniy-administratsii>). DIF also cites the results for 2003.

Table 6.4 – Support level for democracy and autocracy in Ukraine, 2004-2012

	May 2004	Oct 2006	June 2007	Dec 2008	Dec 2009	Oct 2010	Apr 2012
Democracy is the most desirable type of political system for Ukraine	41	53.5	42.8	37.9	36.6	46.9	50.9
Under certain circumstances, an authoritarian regime can be better than a democratic one	23	20.8	21.5	23.7	30	19.1	19.6
For a person like me, it does not matter whether the country has a democratic regime or not	18	10.9	17.7	18.6	17	15.7	18.3
Difficult to answer	18	14	18	19.8	16.4	18.3	11.2

Source: Representative opinion polls conducted by Razumkov Center together with the Ilko Kucheriv Democratic Initiatives Foundation (DIF) (http://www.razumkov.org.ua/ukr/poll.php?poll_id=612; <http://dif.org.ua/article/gromadska-dumka-naselenna-ukraini-17-28-grudnya-2008>).

6.5. Conclusion

This chapter examines conditions for negative framing. In particular, it examines when framing agents can and cannot successfully engage in negative framing. In line with the theoretical propositions (see Chapter 3), the empirical analysis shows that the major constraining factor is the degree of political elites' interdependence. Thus, the higher the interdependence of elites, the more they have to consider the costs of negative framing for future collaboration, and hence, the less incentives they have to rely on negative framing.

For Tymoshenko, the anti-RUE discourse was a deliberate strategy that she maintained throughout the five years under review. One of the factors that facilitated her discourse was her own image as a passionate anti-corruption fighter that she cultivated over many years. In addition, her past as a gas trader promoted the perception that she was a true expert who knew how the gas market worked and how to change it in order to eliminate corruption. The struggle against gas traders in the 1990s made the issue sensitive, which also promoted public interest in the topic. Moreover, a number of independent media outlets that specialized in investigative reporting (Zerkalo Nedeli, Ukrainska Pravda, etc.) covered the issue extensively and provided valuable details on RUE's operation and its connections to other elite members, making Tymoshenko's anti-corruption discourse even more credible. The secret leaks of damaging information to the media, such as the just-signed gas contract of 2006, were a way not only to increase the discourse's credibility but also to avoid a backlash and allegations of forgery.

Despite these favorable conditions, Tymoshenko could not succeed in achieving her main goal – ousting RUE – for almost four years. As this chapter shows, the success and

content of Tymoshenko's anti-corruption discourse varied in accordance with her position in the power hierarchy. Thus, the most fruitful periods for her anti-RUE campaign were the election period of 2006 and Tymoshenko's second premiership in 2008-2009. In both cases, Tymoshenko was less dependent on other actors, while her coalition partner – President Viktor Yushchenko – was perceived by other elite members as having less influence. Tymoshenko's politicization of RUE's involvement in the gas trade during these periods influenced the distribution of power in the country. For instance, the anti-corruption framing during the 2006 parliamentary elections helped Tymoshenko's party become the second largest political force after the Party of Regions. Having become the Prime Minister for the second time, she finally managed to dismantle the patronage scheme of the rival political camp by ousting intermediaries from the gas market. In both cases, negative framing well explains the political outcomes.

By contrast, the anti-RUE discourse had little success during the periods when Tymoshenko had a weak power position. Both periods – her first premiership under the presidentialist constitution in 2005 and her oppositional activity during Yanukovych's government under the divided-executive constitution in 2006-2007 – ended with attempts of pro-RUE actors to intimidate Tymoshenko with her past as a gas trader, threatening with prosecution for allegedly “illegal” debt relief to UESU during her premiership in 2005. Nonetheless, Tymoshenko managed to turn her state of “powerlessness” during these periods into a strategic advantage. By stressing the fact that she was impeded in removing the corrupt gas intermediary, she simultaneously delegitimized the incumbents, adding yet another argument in favor of her anti-corruption discourse.

The analysis also shows that the *content* of Tymoshenko's negative framing (see Table 6.5 for summary) was very much conditioned by the actor's dependence on other actors, particularly her relationship with President Viktor Yushchenko.

Relationship with Orange Camp Allies and President Viktor Yushchenko

On the one hand, Tymoshenko avoided negative framing of President Yushchenko when she needed his support in coalition building. This was the case during the March 2006 parliamentary elections. Despite offering a harsh critique of the new pro-RUE gas contract immediately after the gas conflict with Russia in January 2006, Tymoshenko did not blame President Yushchenko, attributing the full responsibility solely to Yekhanurov's government.

In a similar manner, Tymoshenko attempted to win over the pro-presidential party to form a joint “front” against Yanukovych's government in 2006-2007. The framing during this period was also void of any discursive moves against the President. Moreover, Tymoshenko did not instrumentalize the RUE issue during the early parliamentary elections in 2007, in order to avoid the mistake of the 2006 parliamentary campaign when she

conditioned the creation of the Orange coalition on RUE's removal even before the distribution of power was known.

On the other hand, Tymoshenko did not shy away from bolder anti-presidential moves during her two premierships in 2005 and 2008-2009, when the coalition with President Yushchenko was formally secured. Both periods were characterized by numerous anti-RUE investigations initiated by the government and gas conflicts with Russia. Because the president's entourage resisted Tymoshenko's attempts to remove gas intermediaries from the gas trade, she began to securitize her coalition ally, which nevertheless backfired against her.

In July 2005, Tymoshenko failed in her attempt to question the power of Yushchenko's protégé – the head of Naftogaz Ukraine, Oleksiy Ivchenko, who was responsible for gas negotiations and was thus also the key figure in the RUE issue. After this incident, the RUE issue was decided in RUE's favor. A few months later, Yushchenko fired Tymoshenko from the post of Prime Minister and intimidated her with her past as a gas trader.

In 2008, after a long period of latent confrontation with Yushchenko over the role of gas traders, Tymoshenko finally decided to make a public securitization move against the President. In an open letter, she accused Yushchenko of promoting "*corrupt practices and abuse of power*" in the gas market, which significantly limited the President's scope of actions. Consequently, the President agreed to a new deal with Russia on Tymoshenko's conditions. However, the achievement of her end goal – ousting UGE and RUE – cost Tymoshenko a good relationship with the President. Her anti-RUE discourse ultimately led to the collapse of the Orange camp in 2009.

Relationship with the Blue Camp Leader Viktor Yanukovych

In general, Tymoshenko also directed her hostile anti-RUE discourse toward members of Blue camp, as the major pro-RUE force. However, when it was tactically advantageous to cooperate with the rival elite network, she subtly changed her discursive practices to avoid tensions with the situational partner. For instance, after the 2006 gas conflict with Russia, Tymoshenko opted for cooperation with the Party of Regions, in an attempt to denounce the new gas contract with Russia. Discursively, she decided not to place RUE at the center of critique, as she have done earlier, but to concentrate on delegitimizing the just-signed gas agreement. She also spoke about the increase in gas prices that resulted from the new gas deal in unison with the Party of Regions, thus discursively aligning herself with this force. The content of her negative framing during this brief period of situative cooperation with the Party of Regions (January-February 2006) was therefore qualitatively different from all other periods, which were characterized by audacious anti-RUE moves.

Table 6.5 – Summary of Tymoshenko's anti-RUE framing, 2005-2009

Period	Summer 2005	Dec 2005-Mar 2006	Aug 2006-Mar 2007	Jan 2008-Jan 2009
Position	Prime Minister	Opposition	Opposition	Prime Minister
Framing	RUE – “a big criminal tumor”	The January 2006 gas deal – “criminal”, “corrupt”, “unpatriotic”, “anti-state”, etc.	Draft bills on “illegal activities of intermediaries”	Building a “fair”, “transparent”, “non-corrupt” gas market
Blame attribution	-Former government (Blue camp) -Ex-President Leonid Kuchma	-President’s entourage (pro-RUE group in Our Ukraine party); -Prime Minister Yekhanurov	- Blue camp	-Former government (Blue camp) -“High level officials” -President Yushchenko (indirect accusation in Mar 2008; direct accusation in Jan 2009)
Discursive selectivity	no negative framing against Russia			
	no negative framing against President Yushchenko			

Source: Own compilation.

CHAPTER 7. Conclusion

Political science is essentially devoted to the study of political institutions. With the professionalization of the field in the fully democratic polities, institutions have become a shortcut for democratic institutions such as party systems, elections, legislatures, courts, etc. However, many institutional theories are of little use in the context of developing countries, where democratic institutions are either non-existent or function differently.

The problem of conceptual stretching can be solved if comparative political scientists start referring to institutions as regularized expectations and consider theorizing the recurrent patterns of interaction in each particular country. This thesis looked into one such *mode of behavior* in partial democracies – negative framing. It argued that politicians in partial democracies have to act under conditions of high contextual uncertainty, which drives them to rely on negativity as a strategy. This has a profound effect on the mode of functioning of partial democracies because negativity reproduces contextual uncertainty by lowering the legitimacy of decision-makers and decreases the quality of public debates by heightening political polarization.

To advance this argument, I developed an original analytical framework that linked diverse strands of literature from different subdisciplines of social science that are not usually combined under one conceptual umbrella. The insights from cognitive psychology helped to establish a link between comparative research on political regimes and framing research. For the purposes of this thesis, the usual application of such established theories as prospect theory and securitization theory was modified to open new perspectives on the modes of functioning of partial democracies. The literature on negative campaigning in full democracies, developed in electoral studies, was supplemented with ideas from political communication studies, public policy studies, social movement studies and international relations. As a result, a comprehensive theory of negative framing was advanced that considers the psychological aspects of negative framing (focus of framing effects literature in political communication studies), negative framing as a type of strategy (focus of electoral studies) and the contextual embeddedness of framing (focus of public policy studies, social movement studies and international relations). To the author's knowledge, this is the first attempt to develop a theory of negative framing and apply it in the context of hybrid regimes.

In general, this thesis aimed to advance the literature on comparative political regimes in general and on hybrid regimes in particular. In the remainder of this concluding chapter, I will therefore discuss the theoretical contribution of this thesis to our understanding of the logic of partial democracies and the effects of negativity in different regimes. Then, I systematically review the findings of the empirical chapters through the lens of the proposed analytical framework and, finally, I specify the case-related findings relevant to

the area studies. I end this chapter with general recommendations for further democratization.

7.1. Discussion of the Main Concepts and Theoretical Contribution

7.1.1. Conceptualization of Partial Democracies

Uncertainty Types in Different Regimes

As argued in this thesis, different societal systems cope with the complexity challenge differently. Fully democratic regimes reduce procedural uncertainty, while autocratic regimes limit outcome uncertainty. Prominent scholars such as Przeworski (1991) and Schedler (2013) conceptualized uncertainty as an important factor that helps to explain how different political regimes function. This thesis advanced another understanding of uncertainty as it is prevalent in partial democracies – *the contextual uncertainty* that combines both the outcome uncertainty of democratic regimes and the procedural uncertainty of authoritarian regimes. This double uncertainty changes the logic of action in partial democracies and thus their dynamics. Thus, partial democracies exhibit much higher levels of uncertainty than democracies because they experience power struggles not only during elections (as in democracies) but also between electoral cycles. At the same time, leaders in partial democracies fail to institutionalize any type of durable rule because of their heavy reliance on negative framing as a strategy in power struggles. However, whereas earlier such regimes would have collapsed more easily and more quickly, the hybridization in the modern era seems to be a more resilient phenomenon. While some partially democratic regimes disintegrate into failed states, others find a dysfunctional equilibrium and go through a slow process of erosion rather than a break down.⁴¹⁸

I also argued that democratization scholars should finally acknowledge that contextual uncertainty in partial democracies is the dominant expectation of political actors. Because elites are socialized in highly uncertain environments, they expect the stability of instability. This could have disastrous consequences for political rule. With this “short-term horizons” mindset, politicians may thus prefer to engage in unrestrained rent-seeking or to rely on negative framing as a way to undermine the power of political rivals. Under conditions of contextual uncertainty, the long-term costs of such behavior are overshadowed by the short-term benefits.

⁴¹⁸ Inquiring into the sources of durability of such regimes is, however, beyond the scope of this thesis.

Perils of Political Competition in Partial Democracies

A major source of contextual uncertainty in partial democracies is unrestrained political competition, the level of which is even higher than in fully democratic regimes. The extreme competitiveness, however, drives political actors to rely on negative framing as a strategy, which decreases the quality of public debates and, through successful securitization of valence issues, could result in reform blockades.

The argument of this thesis is thus in line with emerging work on the perils of political competition in partial democracies (Frye 2010; Skach 2005; Popova 2012; Hale 2015). Despite different conceptualizations of explanatory variables (polarization, divided minority government, strategic pressure theory, patronal politics), a number of scholars argue that political competition under certain conditions could have disastrous effects on democratic regimes and push the executive to pressure the judicial branch (Popova 2012), promote inconsistent reforms (Frye 2010), rule by decree (Skach 2005) or monopolize patronage channels (Hale 2015). This new literature supports other findings concerning the nonlinear effects of democracy on administrative performance and corruption (see, e.g., Bäck and Hadenius 2008; Montinola and Jackman 2002), according to which semidemocratic regimes have the lowest level of administrative performance and the highest corruption rates.

In line with this new evidence, the role of political competition in partial democracies must be reconsidered. Particularly, the policy recommendations of the 1990s seem to have produced unintended consequences that have not yet been fully recognized. Thus, a number of international financial institutions as well as political observers advocated swift liberalization of the political sphere in post-communist states to instigate the necessary reforms. With regard to Ukraine, some researchers promoted the idea that the move to a premier-presidential constitution would promote political competition and protect the state from creeping authoritarianism. However, when this policy was finally implemented, the increased political competition came with previously unanticipated costs. Hence, the result was far from the desired outcome. The theoretical framework developed in this thesis could help explain the perils of extreme competition.

Looking Beyond the Role of Elections: Normal Policy Making in Partial Democracies

I also argued in this thesis that the role of elections in partial democracies is overstressed, which often results in the normal policy-making process escaping scholarly attention. In democratic regimes, elections are the only time periods during which the contestation of power is encouraged. As many researchers note, elections are a focal point upon which political actors anchor their hopes and strategically coordinate their actions. Without downgrading the role of elections in partial democracies, it should be acknowledged that they are not the only time periods when access to power is questioned in this type of regime. Although normally forbidden or minimized in democracies and

autocracies, the power struggles in between electoral cycles are a common phenomenon in partial democracies. The successful securitization of moments of biased ruling by the opposition could change the power balance and lead to a power change. That is why it is crucially important not to confine our analysis to the election period but also to look at the normal policy-making process. Policy changes and reform blockades might have lasting effects on political regime trajectories, especially when they go through a process of successful securitization.

Ambiguous Role of Opposition and Incumbency in Partial Democracies

Institutionalizing contextual uncertainty also means that no actor can dominate the system; to borrow Way's term, there is "pluralism by default" (Way 2015). The diffusion of political authority implies not only the fluidity of formal institutions and rules but also the ambiguity of what is normally understood under the notions of "opposition" and "incumbent". There is a power imbalance between the two types of actors, with incumbents usually having more resources than the opposition. While democratic regimes usually correct this imbalance by granting the opposition certain rights, autocratic regimes marginalize opposition groups through autocratic governance techniques (legitimization, cooptation, repression). The problem of partial democracies is that there is no clear-cut distinction between opposition and incumbent due to the diffusion of power. The balance of power does not follow formal institutions, leading to situations when truly authoritative actors could be acting outside formal institutions (e.g., oligarchs). The reliance on negative framing further undermines the legitimacy of "incumbents", creating opportunities for "oppositional" groups to sneak in and grasp power, only to discover that they have the same difficulties as their predecessors in legitimating their rule.

Under such conditions, researchers' concentration on the resources and organizational capacity of the incumbents is far from satisfactory. It is the interaction of equally strong actors – opposition and incumbents – that actually matters in partial democracies. The focus on just one type of these actors is therefore not justified.⁴¹⁹ The very definition of competitive authoritarian regimes implies that incumbents keep winning elections through the instrumentalization of formal rules, but they do so with small margins of victory, meaning that there are potentially dangerous challengers that could topple these regimes. However, there are no failed autocrats in isolation from the rest of the elite. It is the entourage – the clients who no longer believe in the power of their patrons – who refuse to obey autocrats. Once the opposition manages to successfully securitize this power, autocratic incumbents are doomed. Therefore, it is equally important to understand how

⁴¹⁹ For instance, Levitsky and Way stress the role of incumbents in competitive authoritarian regimes, whereas the opposition qua definitione is in an unfavorable position. The reason for concentrating on the incumbent's organizational power is explained by the fact that "in much of post-Cold War Africa, Asia, and post-communist Eurasia, civil societies and opposition parties were weak and fragmented; as a result, the societal push for democratization was meager" (Levitsky and Way 2010: 25, but also p. 54 and pp. 68-70).

delegitimization processes occur if we are to fully grasp the logic of hybrid regimes. In addition to the organizational perspective – or the “new institutionalism” – in the study of authoritarian regimes, we need new constructivist approaches to the study of partial democracies and other related concepts such as “post-truth” societies, with their fluidity of interpretations and ambiguous meanings. This thesis took the first step towards this new perspective, and more research has to follow.

Partial Democracies Versus Competitive Authoritarian Regimes

The conceptualization of partial democracies in this thesis is similar to the conceptualization of competitive authoritarian regimes. Thus, both are subtypes of hybrid regimes in which incumbents use administrative resources to create an uneven playing field – in other words, to enforce rules in a biased way. Autocratic governance is therefore the defining feature of both partial democracies and competitive authoritarian regimes. What is different, however, is the ability of the opposition to securitize biased rulings to preclude the monopolization of power. While rulers in both regimes invest in organizational capacity by building repressive apparatuses and parties of power, the opposition attempts to delegitimize these efforts by means of negative framing and the instrumentalization of such democratic institutions as freedom of speech and elections. Biased ruling, I argue, presents in hybrid regimes a resource for both the incumbents and the opposition. The different motivations of these types of actors produce different effects on political systems: stabilizing effects if the incumbent prevails and destabilizing effects if the opposition succeeds.

Furthermore, the relevance of public debates in partial democracies promotes other forms of policy making not common in more autocratic regimes. As argued in Chapter 2.1.3, opposition in partial democracies prefers to rely on intra-institutional means of power contestation by establishing parliamentary investigative committees or adopting critical resolutions. This increases the role of policy making but also substitutes its logic – instead of searching for viable solutions to pressing problems, policy making in partial democracies is often reduced to attempts to securitize the biased ruling. This is different in competitive authoritarian regimes. Because leaders in competitive authoritarian regimes usually succeed in controlling the political agenda (even with small margins), they are in a position to avert the intra-institutional forms of protest at an early stage, before they reach the public sphere.

7.1.2. Conceptualization of Negative Framing

Negative Framing and Its Conceptual Covariates: Securitization and Populism

The conceptualization of negative framing in this thesis is rather broad. This was done intentionally, with the goal of bridging different literatures and showing the link between

the contextual environment and the quality of public debates. The concept of negativity thus subsumes many other concepts, such as securitization and populism.

The original securitization framework advanced by Buzan and Weaver defines securitization rather narrowly, limiting it primarily to issue attacks. The security language, however, could also be used to delegitimize certain persons, thus damaging their image. This thesis thus advanced a different view of the securitization process to also account for other instances of its usage. Moreover, it was argued that the logic of securitization could be different from rule bending. Depending on the securitizing actors, the process could lead not only to a policy change, as the Copenhagen school posits, but also to reform blockades.

I also argued that the securitization of valence issues could be an effective strategy in power struggles. Because valence issues are normative issues equally valued by a large number of people, their securitization could be viewed as an act usually associated with populist politics. Populism is, however, a very fuzzy concept in political science. In this thesis, I therefore intentionally avoided the conceptual baggage of populism, which confuses more than clarifies. Nevertheless, specifying the conditions of negative framing and explaining its functioning from the cognitive perspective helps us better understand populism as a phenomenon. The insights from this research, I believe, could be useful in explaining the recent rise and effects of populists around the world.

Negativity in Different Regime Types

As argued in this thesis, negative framing is not something special that is confined solely to partial democracies. Negativity is a cognitive bias that is pertinent to all human beings. It is a feature of human information processing that proved to be useful in the evolutionary process and helped us to survive.

Negativity, therefore, is not bad per se. It is a potent tool that can be used for different purposes. At the same time, I argued that reliance on negative framing could have different causes in different environments and, in interaction with other contextual variables, produce different effects. The overarching reason for the rise of negativity is the increased level of uncertainty. But, as stated above, different contexts exhibit different types of uncertainty. In democratic regimes, contextual uncertainty is particularly high during elections and referendums. Hence, actors would prefer to rely on negativity during these periods far more heavily than, for instance, during the normal policy-making process. The predefined settings in which negativity flourishes in democratic regimes – elections and referendums – thus work as filtering mechanisms that limit the range of possible issues that can be securitized and exert bounded effects on the political system.

Furthermore, the usual policy-making process is normally accompanied by milder forms of negative framing in democratic regimes. Indeed, critical reflection without questioning the social order as such is an indispensable part of democratic systems that

informs their leaders about possible systemic failures and provides the opportunity to correct them. In this sense, politicization that necessarily includes negative elements is a mechanism of crisis management that allows reconsidering old issues, altering the perspective in response to changed circumstances and finding new solutions, which, after all, increases the resilience of democratic systems. At the same time, democratic regimes have certain limitations on their rhetorical strategies. These mechanisms work either informally (e.g., political correctness or diversity and tolerance as civic values) or formally (prosecution for “hate-speech” crimes or defamation laws). Their primary goal is to discourage potentially dangerous forms of negativity. These restrictions provide an important trade-off between the freedom of speech and the stability of the social order in democratic societies.

Another crucial moderator of extreme negativity in democratic regimes is the level of discursive institutionalization. Thus, most policy issues in democratic societies have already undergone a process of deliberation. The discursive fields here are structured, and the patterns of interactions are institutionalized, so that the process of communication is half-automated. Under such conditions, only new issues, upon which there was no prior or only weak deliberation, would go through the securitization process in democratic regimes. Buzan and Weaver, for instance, developed their securitization theory with regard to new threats in the economic, societal and environmental sectors that required the introduction of extraordinary measures beyond the scope of everyday politics. With the advent of greater interconnectedness due to new social media, we now experience challenges that societies around the world have never encountered before. The erosion of class-based politics and a general trend towards networked governance in established democracies heightens contextual uncertainty. Authority problems are even further exacerbated by the mediatization of politics. From this point of view, it is not surprising that today we are seeing the rise of both negativity and populism.

Despite their many commonalities due to globalization, authoritarian regimes and democratic regimes have challenges that are principally different. This is why negativity has a different function in these two different contexts. Thus, many closed regimes do not have public arenas for deliberation. Those regimes that do allow limited public spheres structure communication using predefined, managed dynamics. This is realized either through direct media control by means of ownership or through general control over information flows by means of state induced censorship or journalists’ self-censorship. Under such conditions, there are practically no framing agents outside of state control. As a result, negativity in the authoritarian context usually serves the interests of the dominant actors and helps legitimize their rule, often by creating images of enemies, either internal or external.⁴²⁰

⁴²⁰ Such a (semi-)ideological justification of authoritarian rule may have different consequences for communication processes in the successive semidemocratic regime, once the authoritarian regime collapses, thus featuring a different kind of autocratic legacy.

Negativity in partial democracies is a mixture derived from both “worlds”. There are some parallels between the conduct of politics in full and partial democracies, one of which is vulnerability to negative framing under conditions of increased contextual uncertainty. The mediatization of politics is also a common problem in all democratic societies. Nevertheless, the degree of negativity is much higher in partial democracies than in full democracies, partly due to the generally higher stakes of losing power. The high level of competition in these regimes also leads to the predominance of valence over issue politics. Moreover, the securitization of biased rulings results in extremely low support for decision-makers.

Finally, the valence character of public discourses in partial democracies precludes deliberation over the merits of the available alternatives, leaving the quality of such debates at a low level. Politicians and media fail to provide critical and informed debate about public policy problems, focusing instead on sleaze and mudslinging. They toss around accusations that no one ever disproves. Public debates thus revolve around treason, slander and offence. These one-sided frames based on negativity under conditions of freedom of speech are no better than one-sided frames based on propaganda under conditions of tight control over the media. Although they produce different effects on political regimes, they both have a manipulative character, so that political elites cannot fully qualify as legitimately representing public interests.

7.2. Theory-Related Summary of the Findings

7.2.1. Elements of Negative Framing

The proposed theory of negative framing posits that to be powerful, negative framing has to be based on securitization of the valence issues. The framing analysis conducted in the first case study revealed that President Kuchma stressed tax evasion by the new opposition leaders, while the opposition tried to publicly securitize President Kuchma’s biased ruling, stressing his undemocratic practices. The two frames had different levels of sensitivity during the period under review.

Because of the severe budget crisis in the late 1990s, tax evasion was a very sensitive issue. Connecting it to the operation of specific gas intermediaries allowed the incumbent to recast the roots of the budget crisis and deflect the blame. The reference points of this frame were built around such valence issues as wages and pensions. Their arrears were explained by the tax evasion of gas traders. The power of this frame was, however, undermined when Tymoshenko managed to reframe the budget crisis in terms of social cuts authorized by the president, in violation of parliamentary procedure.

Regarding the second “anti-dictatorial” frame, it was not as powerful as the first one because democracy in the 1990s was not a valence issue for the majority of the Ukrainian

population, who had to cope with severe economic problems. However, it had an effect on Kuchma's reputation in the West, especially after the dubious newspaper ban during the 1998 election campaign.

The major topic of the second case study was Tymoshenko's anti-corruption framing. Unlike during the previous decade, the biased ruling became one of the prevailing master frames in public discourse after the Orange Revolution. Accusations of corruption were widespread, as were corruption scandals. Through Tymoshenko's active framing, corruption was also given concrete "faces" – the former President Leonid Kuchma, his entourage, oligarchs and representatives of the Blue camp who were involved in establishing a gas patronage scheme. Although not analyzed here, the counterweight to the anti-corruption frame was the "cheap gas" frame promoted by both the Blue camp and the gas intermediary itself. Thus, RUE was presented as a guarantor of relatively low prices during the transition period to "world" gas prices. Taking into account a long history of subsidization during Soviet times, the "cheap gas" frame was as strong as the anti-corruption frame promoted by Tymoshenko, which also contributed to the prolongation of the strife around the gas intermediary.

7.2.2. Forms of Negative Framing

Another theoretical proposition regarding the strength of negative framing is that person-related attacks, also called trait or image attacks, are more powerful than mere issue attacks or indirect comparisons. The analysis showed that public discourses were full of trait attacks during the 1990s and the 2000s, and not only during election campaigns.

Although President Leonid Kuchma initially preferred a milder form of negativity – indirect comparison – his accusations became more personalized with time. This was primarily a response to the image attacks by the opposition. Also, Tymoshenko's negative framing in the 2000s was, during certain periods, highly selective, especially when it was preferable to cooperate. In general, Tymoshenko avoided blaming Russia for anything related to gas intermediary, placing the full blame solely on the Ukrainian officials. In other aspects, she did not shy away from naming names, although such accusations usually had no consequences in legal terms. This extreme negativity, with heavy reliance on personalized image attacks, indicates that valence politics dominate over issue politics in Ukraine.

7.2.3. Negative Framing as a Strategy

The theory of negative framing predicts that negativity is usually a risky strategy, but once one is attacked, it is preferable to counterattack rather than to refute or ignore. It also

predicts that negativity will be a preferred strategy of the opposition and that incumbents would rather refrain from attacking, but not in a highly competitive environment.

The first case study explored exactly these propositions in more detail. It traced the genesis of the spiral of negativity and showed how key actors modified their strategies after discovering that refuting and positive framing did not work. The general rule of thumb was that whoever ignored the accusations would eventually lose. Thus, Prime Minister Lazarenko ignored the rumors about his corrupt practices for a long time. His image restoration strategy came too late, when even the American PR firm hired for this purpose could not help.

In the second case study, President Yushchenko chose not to politicize the question of the gas intermediary. He also repeatedly underlined this position in public. As long as Tymoshenko needed Yushchenko as a coalition partner, she avoided negative framing against him. However, when his power position was seriously weakened, she dared to challenge the President, at first by means of indirect comparison and later by direct accusations.

Corruption scandals, especially those that involve the incumbent's entourage, thus pose a serious threat to incumbents in partial democracies. Neither ignoring nor politicizing such scandals is an optimal strategy that can guarantee a hold on power in the future. Kuchma, who decided to politicize, set off a spiral of negativity that posed a serious threat to his power position. Yushchenko, who decided to ignore, managed to slow down the time bomb. However, eventually it detonated as well.

Furthermore, the initial sponsors of negative framing might fall victim to negativity in the future. This happened, for instance, to the NDP party. While in opposition, it heavily criticized the Prime Minister Lazarenko, especially after a corruption scandal erupted around him. However, having switched to opposition, Lazarenko avenged himself by undermining the legitimacy of the NDP that became the party of power. The same happened to Tymoshenko, who sponsored the anti-corruption framing. After she removed RUE from the gas trade, she was heavily criticized for signing a highly disadvantageous gas contract with Russia amidst the economic crisis.

7.2.4. Institutional Moderators of Negative Framing

Party System:

Part of the theoretical model derived from the findings on negative campaigning in established democracies predicted that the type of system could moderate the level of negativity in a state, with election campaigns being more negative in general in two-party systems than in multiparty systems. Due to weak institutionalization, the party system does not produce as consistent effects in partial democracies as in established democracies.

Three parliamentary elections took place during the analyzed period. Although the parliamentary elections in 1998 and 2006 were conducted under different rules, both elections had extremely negative campaigns. Even the switch to a purely proportional electoral system in 2006 had no constraining effect on Tymoshenko's negative framing. Only during the pre-term elections in 2007 did Tymoshenko not campaign on anti-RUE statements, instead preferring other topics that were popular that year.⁴²¹

The elections in Ukraine thus seem to be extremely negative, regardless of the electoral system in place. The logic behind this could be the same as that of two-party systems, i.e., the high stakes of losing power. When all parties engage in negative campaigning, their reputations are ruined anyway, so the effect of a backlash is limited. The parties have incentives to discredit their competitors rather than to improve their own images. As a result, competition among the parties is mostly valence-based.

Media:

The theory of negative framing predicted that the structure of media markets would play the role of moderator in transmitting negative frames sponsored by certain actors. Thus, commercial media – and especially the investigative media – would magnify negativity, whereas the concentration of media ownership in one actor's hands could either moderate or increase the amount of negativity if it was in the owner's interests.

The findings from the first case study support this second proposition. Due to an unfinished process of restructuring, the Ukrainian media market in the 1990s remained an oligopoly. While most TV broadcasting was still under state ownership, the print media market was already partially liberalized. The private media, however, represented the interests of its sponsors or new owners, who used it for political rather than commercial purposes. As a result, the protagonists of the first case study instrumentalized their influence over mass media for mutually destructive *kompromat* wars that ultimately led to the spiral of negativity.

The findings from the second case study, in contrast, support the first hypothesis about the role of commercial media. By the mid-2000s, the mass media in Ukraine was predominantly in private hands. Due to increased professionalization and media freedom, media logic began to dominate media content during Yushchenko's presidency, and compared to the 1990s, slant-reporting (*dzhynsa*) was less obvious. Consequently, the privately owned channels Inter and TV 5 regularly invited Tymoshenko to take part in their live broadcasting programs, during which she made her most resonant anti-RUE

⁴²¹ Such as, for instance, the issue of GTS ownership. A month before the pre-term elections, there was a scandal around Naftogaz Ukrayny, which secretly negotiated with Russia over the exchange of assets in the gas sector. Earlier that year, the opposition led by Yulia Tymoshenko blocked these plans by adopting yet another law that forbade any change in GTS status.

statements.⁴²² Gas issues were also a frequent topic on various popular political talk shows, and leaking the newly signed gas contracts online became standard practice. Just as in the 1990s, investigative journalism exposed misconduct in the gas market, but its power grew substantially due to the progress of the Internet. As a result, such influential investigative platforms as Ukrainska Pravda and Zerkalo Nedeli helped promote Tymoshenko's anti-corruption framing and became her most important allies, willingly or unwillingly, in her power struggle against the Blue camp.

7.2.5. Effects of Negative Framing on the Political System and Policy Making

Mobilization seems to be the only positive effect for actors in partial democracies who rely on negative framing. For instance, Tymoshenko's party – BYuT – gained substantial votes in the 2006 parliamentary elections, having received 22%. This was a result that neither opinion poll could have predicted. Any mobilization effects are particularly important under conditions of uncertainty, when even small changes can make a difference. However, mobilization based on negative appeals is also the major source of the reproduction of uncertainty. The parties built on negative framing are short-lived, the alliances are situational and short-term. Thus, neither Hromada nor NDP survived more than two convocations. Hromada disappeared as a political force almost immediately after Lazarenko's arrest. The influence of NDP also diminished dramatically after its patron lost the post of prime minister. The shifting alliances analyzed in the second case study also proved to be short-lived. Tymoshenko, for instance, ventured to cooperate with her rivals – the Party of Regions and the KPU – in exchange for promoting her anti-RUE agenda. A consensus was reached in that the Party of Regions and the KPU supported the resolution condemning the 2006 gas contract that improved RUE's position, while BYuT supported the vote of no confidence demanded by the Party of Regions. The other example of cooperation based on negative incentives was Tymoshenko's informal non-prosecution agreement with President Kuchma in exchange for stopping her anti-presidential campaign. Such "cooperation" was also temporary. The parties violated their "non-aggression pact" after two years.

The individual short-term advantages of negative framing, however, translate into long-term risks, the costs of which society as a whole must bear. Negative framing significantly limits executives' capacity to govern. As I have argued elsewhere, successful securitization by the opposition could even lead to reform blockades (see Malygina 2014). However, most importantly, extreme negativity in public debates alienates the population. People tend to view politics and politicians as corrupt. Neither political forces nor

⁴²² It was Tymoshenko's regular appearance on the Inter TV channel that probably prompted RUE's co-owner Dmytro Firtash to buy the channel's shares. Firtash received full control over Inter in 2013. However, as early as December 2008, just before the gas conflict with Russia, the oligarch tried to influence public opinion by taking part in a political talk show for the first time in his life on the Inter TV channel, which he partially controlled.

politicians can boast substantive levels of support, while mistrust permeates the state. This low legitimacy poses a threat to democratic support. Disillusioned people are easier to convince about the need for “imposing order” that precedes re-authoritarianization.

7.3. Case-Specific Summary of the Findings

Another aim of this thesis was to contribute to the development of Ukrainian studies. The case studies of gas politics in the 1990s and the 2000s provide important details on both power politics and policy making in Ukraine, which have so far been overlooked by other researchers. The next two sections summarize the case-specific findings of this thesis.

7.3.1. The Study of Gas Politics in the 1990s

The findings of the first case study on the delegitimization of the gas patronage system in the 1990s help refine the common research narrative around Pavlo Lazarenko and Yulia Tymoshenko. The usual storyline is constructed around President Kuchma and his power position: fearing competition from Prime Minister Pavlo Lazarenko, whose economic power grew thanks to his support of the gas trader UESU, Kuchma decided to replace his potential rival with another figure before he became too strong (see, e.g., Way 2015). Although true in principle, such a depiction is oversimplified and does not capture the inter-elite dynamics. The analysis in this thesis adds important details to our understanding of this power struggle, as described below.

President Kuchma decided to fire Pavlo Lazarenko from his Prime Minister post involuntarily. This was his reaction to both external (Western investors’ complains about corruption) and internal (calls for Lazarenko’s dismissal from the pro-presidential faction) pressure. Only after informal negotiation with all the parties involved, including Lazarenko himself, did Kuchma choose to take this step. Moreover, his informal agreement with the President (granting a state dacha, appointment as governor of the Dnipropetrovsk region) had to guarantee Lazarenko a relatively calm exit from power and allowed him to save face. This cooptation, however, was not ultimately successful; its failure was due to the start of Tymoshenko’s anti-presidential campaign as a reaction to Kuchma’s pressuring of UESU in the gas market. Having first proclaimed a constructive approach to the incumbent, Lazarenko subsequently joined Tymoshenko’s hardline position against Kuchma. The approaching parliamentary elections apparently had a decisive effect on his choice, but they were not the only driving force.

Lazarenko’s tragedy is that he miscalculated his own chances of winning this power game. This was not because of his opposition to a seemingly powerful incumbent but rather because of his overall wrong approach to challenging power. Tymoshenko’s

delegitimization techniques, in this respect, were more effective. By constantly tailoring her messages, she learned quickly that positive framing and pure image attacks do not work well and that the most effective strategy is a combination of image and issue attacks, especially when such a framing provides an alternative interpretation of the dominant discourse. Such a strategy was qualitatively different from Lazarenko's tit-for-tat accusations, which only increased the level of repression against him. Tymoshenko's successful reframing of the budget crisis – against President Kuchma – gave her an advantage that she could later trade against non-prosecution. Thus, having reached an informal agreement with Kuchma, Tymoshenko abruptly stopped her anti-presidential campaign. President Kuchma, at the same time, did not put into effect the threat of indictment for tax evasion and misappropriation of public funds. In the end, Tymoshenko's negative framing helped her influence the incumbent and shift his strategy against her from repression to cooptation. The ultimate result for Pavlo Lazarenko, however, was much worse. His talentless negative framing only served to ruin his reputation and made Kuchma shift from initial cooptation to repression. After all, Lazarenko's first detention abroad was facilitated by the Ukrainian authorities, who insisted on cooperation with the Swiss police in a money-laundering affair against Lazarenko. After this incident, which had international repercussions, lifting Lazarenko's parliamentary immunity was just a matter of time.

So why should we care about having a more nuanced picture of Lazarenko's epic failure? Because the oversimplification of this case disregards the actors' heavy reliance on negative framing, which influenced the outcome of this power struggle. A more balanced account of the events, however, can help us to better understand the functioning of partial democracies. In light of this new evidence, we could conclude, for instance, that Kuchma's power was still constrained in the late 1990s and that he seriously cared for his public image. Kuchma's attempt to disassociate himself from the corruption scandal around Prime Minister Lazarenko and the spiral of negativity that unfolded after Lazarenko's dismissal support this conclusion. Moreover, despite a general view of Kuchma as a powerful incumbent, his power position was seriously challenged in 1997-1998, meaning that the outcome of this battle was initially very uncertain. It was a combination of Kuchma's clever tactics and the miscalculations of his opponent that led to a favorable outcome for Kuchma. Finally, the case study showed the paramount importance of a learning process under conditions of contextual uncertainty – while Lazarenko was less successful in adapting his behavior to changed circumstances and his counteractions usually came too late, Kuchma learned quickly the “Gos” and “No-Gos” of negative framing and effectively modified his strategies.

7.3.2. The Study of Gas Politics in the 2000s

The thorough reconstruction of the events and actors' positions involved in a power struggle over the second gas patronage scheme that operated in the 2000s revealed a pattern

that necessitates reinterpreting the events surrounding gas conflicts with Russia in 2006 and 2009. Thus, interpretations of the conflicts in the Western media were biased either in Ukraine's (as in 2006) or in Russia's favor (as in 2009). While Russia was blamed in 2006 for exercising its energy leverage against the Western-oriented government after the Orange Revolution, Ukraine was accused of stealing the volumes of gas bound for Europe in 2009. Both stories, however, show only half of the picture. An important factor that significantly influenced the dynamics of both conflicts was the internal struggle around the role of the gas intermediary in Ukraine. Thus, Tymoshenko's attempts to remove RUE from the gas trade sparked a gas conflict with Russia in summer 2005. After the conflict's resolution in RUE's favor, Tymoshenko began to securitize legal agreements signed by the previous government to integrate the new gas intermediary into Ukraine's gas market. The coercive diplomacy practiced by both sides exploded into a more serious conflict in January 2006, which had international repercussions. The same behavioral pattern was repeated in 2009, when the struggle to keep the gas intermediary in the game delayed the conflict's resolution for more than two weeks.

Another important finding of this case study is the manipulative character of Tymoshenko's anti-corruption framing. Despite her anti-corruption rhetoric, Yulia Tymoshenko was as much a "democratic" leader as Leonid Kuchma. In pursuing her goals, she applied the same methods that she relentlessly criticized when they were directed against her company in the 1990s. During both of her premierships, Tymoshenko conducted ad hoc audits of Naftogaz Ukrayny, the findings of which were predetermined even before they started. She also unilaterally revoked international agreements by government decrees.⁴²³ So, the question is whether politicians who disregard rules and selectively apply them to pressure their opponents can be considered democratic if they are in active opposition to equally biased incumbents. A biased ruling by means of administrative resources is another word for corruption because it is the misappropriation of power for private purposes, whatever those purposes are.

However, there was also a positive externality of Tymoshenko's anti-corruption discourse. Kuchma's tax evasion discourse was directed exclusively against UESU. He never securitized corruption in the gas sector. Even Lazarenko's long list of misconduct, for which he was deprived of his parliamentary immunity, did not include gas questions.⁴²⁴ State patronage as such was therefore not discredited and remained a "permitted" behavior, which ultimately led to the creation of the second gas patronage scheme in the 2000s. Tymoshenko's framing was, in this respect, different. She attacked intermediaries as a class, while their activity was presented as evil and corrupt. The securitization of gas mediation had limited the incumbent's room to maneuver because engaging with the gas intermediary was then connected to a loss of public image. This gradually made a policy change possible.

⁴²³ As in August 2005 in supplement №4 to the 2002 gas contract, or in March 2008, when the government unilaterally amended the just-signed agreement with Russia by removing RUE from the list of potential gas suppliers.

⁴²⁴ See the transcript of the parliamentary session on 17.02.1999.

7.4. Policy Recommendations for Promoting Democracy

Throughout the last two decades, Ukrainians have acquired a stable characteristic – mistrust of politicians and political institutions. The topics that Ukrainian elites have put on their agendas, such as anti-corruption or democracy promotion, although morally desirable, have led to disillusionment with officeholders due to the actors' violations of the very logic that such discourses entail, i.e., less corruption, more democracy. Political elites are incapable of meeting rising public demands because of the biased ruling and autocratic governance practices that pervade the state. Recent political developments, including the Euromaidan protests and the Donbass conflict, did not change this. Ukraine remains a partial democracy with slim prospects of becoming a full-scale democracy.

Attention to just a few dominant topics means that many other issues either do not reach the political agenda or there is little time for genuine deliberation. As a result, Ukrainians do not have informed opinions on a number of other issues, such as social policy, environmental questions or health care, and therefore they cannot hold elites accountable for these issues. The backlog of reforms in Ukraine may be caused not only by their blockade by vested interests but also by the absence of meaningful public debates on specific issues, debates that could generate requests for relevant reforms.

How can the findings of this dissertation help change the vicious circle of negativity and contextual uncertainty? There are no easy answers to this question. In the author's view, the first step towards combating the problem is to recognize it. As this thesis has argued, critique is an important part of a vibrant democratic society. Yet extreme negativity has poisonous effects on the political system. Thus, partial democracies need institutions that limit dangerous forms of person-related negativity but foster critical thinking and problem solving. Instead of the cynical political culture that partial democracies cultivate, these societies need a *civic culture* that promotes the values of diversity, tolerance and mutual respect. Pluralism is an important building block of all successful democracies; it should be fostered not by promoting even more competition at the political level but by changing the educational system and by nurturing critical thinking and deliberation at schools and universities. Unfortunately, in the “post-truth” age we live in today, when populist forces are on the rise in many old democracies and propaganda by new authoritarian regimes hijacks decision-making at the global level, this seems to be an insurmountable task. However, and especially now, it is worth trying.

Appendices

Appendix A – Tax Evasion Discourse of Prime Minister Valeriy Pustovoytenko in 1997-1998

“For example, Ukrgazprom’s debt to the [state – K.B.] budget now stands at 692 million hryvnia. **Several money laundering schemes were established in the gas market. That is the shadow economy.** Therefore, I signed a corresponding letter to the Prosecutor General. I have all accounts of how it was done and who did not pay the debt. **We are now seeking funds, attracting international loans to pay salaries and pensions, while we have to find them in our own country and make these people pay what they owe to the state budget.** These are not public funds; these are the funds of our people, our pensioners, teachers, and so on. It will be one of the main directions [of our work – K.B.] – to restore order in the energy market. This is the economic security of our state.” (Pustovoytenko’s speech at his first press conference as Prime Minister on 13.08.1997; as cited by Uryadovyi Kurier; author’s own translation and emphasis) ⁴²⁵

At the same time, V. Pustovoitenko emphasized that “there is a process taking place to form and strengthen a **criminalized economic elite seeking power**”. Speaking of numerous offenses related to tax evasion, the Prime Minister said that **“the budget arrears have become almost the main source of the enrichment of some well-organized and wealthy economic entities.** These are organized groups that undermine national economic security” (Pustovoytenko’s speech at the board-meeting of the State Tax Administration on 27.09.1997 as cited by Uryadovyi Kurier; author’s own translation and emphasis) ⁴²⁶

“At the Cabinet meeting we talked about the results of the audit of financial and economic activity of JSC Ukrzazprom and the state joint-stock holding company Ukrzaz. We also considered the system of payments for natural gas supplied by wholesale importers. **[The inspections – K.B.] revealed glaring weaknesses and law violations by gas traders, the largest of which was the United Energy Systems of Ukraine. (...) Money went abroad past the budget.** The damage to the state is enormous. There is a shortfall of more than \$2 billion. We would have long forgotten about wage arrears, if there were not such frank and shameless stealing.” (Pustovoytenko’s interview with the Russian newspaper Obshchaya Gazeta on 29.01.1998; as cited by Uryadovyi Kurier; author’s own translation and emphasis) ⁴²⁷

⁴²⁵ “Valerij Pustovořenko: Nastav chas spil’nykh diř, bo ižh tsina – dolia Ukraїny”, Uryadovyi Kurier №150-151, 16.08.1997.

⁴²⁶ “Masshtaby nesplaty podatkov zahrozhiut’ ekonomichni bezpetsi Ukraїny”, Uryadovyi Kurier №181, 30.09.1997

⁴²⁷ “Chas use stavyt’ na svoi mistsia”, Uryadovyi Kurier №25-26, 07.02.1998.

“Let us consider the situation of the gas market in 1996-1997. In fact, it was **monopolized by several businesses** that have been using the barter system of payments, especially with companies that produce highly liquid products. **Because of their actions, the budget lost a lot of money, which would be enough to repay the arrears of wages and social benefits.**” (Pustovoytenko’s speech at the All-Ukrainian meeting of entrepreneurs on 10.02.1998; as cited by Uryadovyi Kurier; author’s own translation and emphasis) ⁴²⁸

The charges around the Ukraina Palace emerged at a time when the government considered the questions of gas debt and misconduct of Ukrugaz and Ukrugazprom at its meeting, which caused losses in the amount of 4.2 billion hryvnia. Valeriy Pustovoytenko believes that the investigative commission of the Verkhovna Rada simply shifted the blame. **“Gas billions” were indeed stolen**, he said, **and therefore the government cannot pay people wages and social benefits.** I think, the Premier said, the Prosecutor’s Office shall consider the issue within its competence. (Pustovoytenko’s interview on the STB TV channel on 24.02.1998; as cited by Uryadovyi Kurier; author’s own translation and emphasis) ⁴²⁹

“We hoped that by the end of the year we would be able to return state debts owed to people. Why did it not work out? Now many say that Ukraine’s financial situation deteriorated steeply due to the crisis that unfolded in the world. And this is true, but only half true. I’m sorry to say it, but a big reason is that **the previous government tried to solve current issues by jeopardizing the state’s future.** (...) **Let alone the gas debt hole into which we drove, when money went bypassing the state treasury to individual accounts abroad.** And now this money flows back in order to bring to power those who have already “run the show”. (Pustovoytenko’s interview with Uryadovyi Kurier on 24.03.1998; as cited by Uryadovyi Kurier; author’s own translation and emphasis) ⁴³⁰

According to the Prime Minister, the problem of the lack of funds to pay social debts is caused, in particular, by economic crimes. He said that today in Ukraine all spheres are criminalized, **criminals want to take control of all branches of the economy.** According to him, this is particularly visible in the energy sector. He believes that **it is necessary to prosecute certain entities that have caused significant damage to the state.** Among these entities, Pustovoytenko cited the corporation United Energy Systems of Ukraine, whose activity, in his words, caused Ukraine losses amounting to about \$1 billion. The Prime Minister stressed that the government, despite the discrediting campaign against it, will continue **the fight against crime and corruption and restore order at the gas**

⁴²⁸ “Uspikh ekonomichnykh reform znachnoiu miroiu zalezhyt’ vid rozvytku pidpriemnytstva”, Uryadovyi Kurier №30-31, 14.02.1998.

⁴²⁹ “Zvynuvachennia na adresu uriadu i bezpidstavnii”, Uryadovyi Kurier №37, 24.02.1998.

⁴³⁰ “Holovne dlia uriadu, shchob zapratsuvala ekonomika”, Uryadovyi Kurier №56, 24.03.1998.

market.” (Pustovoytenko’s statement at the II Extraordinary Congress of Coal Miners on 24.03.1998; as cited by UNIAN news agency; author’s own translation and emphasis)⁴³¹

“Today in my speech I said that the state budget deficit increased to 8 billion hryvnia. The **UESU’s share in this budget deficit** (this was calculated by the Tax Administration and the Head of the Tax Administration reported at the meeting of the Cabinet of Ministers) accounts to 1 billion 460 million hryvnia. Now the arbitration court hears the case. What decision will it make? If in favor of UESU, then nothing will be paid. If in favor of the Tax Administration or the state, then [we will – K.B.] receive these 1 billion 460 million, and **we will be able to significantly improve the payments for social benefits**” (Pustovoytenko’s report on the socio-economic situation at the parliament on 02.09.1998; as cited in the transcript of the parliamentary session; author’s own translation and emphasis)⁴³²

“There is a decision by the arbitration court of 1 billion 440 million hryvnia. And I can assure [deputy – K.B.] Yelyashkevych that I will provide the Verkhovna Rada with a schedule of **full repayment of all wage arrears by budget organizations, if individual members of Hromada would pay off 1 billion 400 million hryvnia** (and we have arrears to state employees in the amount of 1 billion hryvnia). We will immediately solve all the issues” (Pustovoytenko’s speech at the parliament on 20.10.1998; as cited in transcript of the parliamentary session; author’s own translation and emphasis)⁴³³

“In particular, it concerns **certain foreign trade operators** who have taken foreign loans under the government guarantee and do not pay them back on time, which results in payments from the funds of the state budget. (...) The total amount of revenue that Ukraine did not receive on time as of October 1, 1998 is 2 billion 860 million hryvnia. It is clear that, alone, **the return of these funds would allow eliminating almost all budget arrears of wages, pensions and other social benefits.**” (Pustovoytenko’s letter to the Prosecutor General of Ukraine; as cited by Uryadovyi Kurier; author’s own translation and emphasis)⁴³⁴

“So I suggest specific measures to increase the budget revenue, and I ask you to support me. I will read the letter: ‘Dear Oleksandr Mykolayovych [Tkachenko, the speaker – K.B.]! Given the extremely acute situation with adoption of the state budget for 1999, I ask you to raise the question of ensuring that the Head of the Budget Committee at Verkhovna Rada of Ukraine, **deputy Tymoshenko, pays off the debt of the financial-industrial corporation United Energy System to the state budget** in the amount of 1 billion 447 million hryvnia to comply with the decision of the arbitration court and **with**

⁴³¹ “V.Pustovoitenko - gosudarstvo segodnia ne mozhet pogasit’ vse dolgi po zarplatam i sotsial’nym vyplatam”, UNIAN 24.03.1998.

⁴³² See the transcript of the parliamentary session on 02.09.1998.

⁴³³ See the transcript of the parliamentary session on 20.10.1998 (evening session).

⁴³⁴ “Zvernennia Kabinetu Ministrov Ukrayny do Heneral’noi prokuratury Ukrayny”, Uryadovyi Kurier №215, 10.11.1998.

the aim to direct all funds to pay pensions. The debt arose at a time when Tymoshenko headed this corporation. Please find attached the repayment schedules proposed by the State Tax Administration. Prime Minister Pustovoytenko.' (Pustovoytenko's speech at the parliament on 29.12.1998; as cited in the transcript of the parliamentary session; author's own translation and emphasis) ⁴³⁵

Appendix B – President Kuchma's Reconciliation Discourse in the Third Round of Negativity in 1998

"In his presidential address to deputies on the occasion of the opening of the second session of the Supreme Council, the president stressed that the financial collapse in Russia cannot but influence the Ukrainian economy. At the same time, the president stressed that by means of presidential decrees and actions by the government and the National Bank of Ukraine, the country had "succeeded in minimizing" the consequences of this crisis. Kuchma stressed that "further development of the situation will depend on the **capacity for political consolidation, consensus and cooperation** – indications of this have appeared lately between the president, the parliament and the government" (Kuchma's speech at the parliament opening the session on 01.09.1998; as cited by BBC Monitoring Service: Former USSR; author's emphasis).⁴³⁶

"I said yesterday that there is no serious economic basis for a similar situation in Ukraine, it is purely psychological. And this is right. It is difficult to assure people that things are all right in our country. So I say that, if the executive authorities do not take tough, unpopular measures that are agreed with parliament, rather than **the measures proposed by certain political forces, which put in question all that has been done before, this tenth wave will really hit us.**" (Kuchma's interview to mass media on 05.09.1998; as cited by BBC Monitoring Service: Former USSR; author's emphasis)⁴³⁷

"The current situation is not easy. There is serious economic tension as well as sociopolitical - [changes tack] Today it is imperative that **all branches of power join forces**, and first and foremost the government, parliament and the president. The role of the press and media in this situation is of crucial importance - what we [media] report to our people and from what angle we present this or that issue. The people's mood - and God forbid if this mood turns into panic - can sweep away all positive achievements we have in Ukraine today. For the moment we are managing to control the economic situation

⁴³⁵ See the transcript of the parliamentary session on 29.12.1998.

⁴³⁶ "President Kuchma addresses opening session, urges MPs to consolidate", BBC Monitoring Service: Former USSR 03.09.1998 (UNIAN news agency, Kiev, in Ukrainian 1610 gmt 1 Sep 98)

⁴³⁷ "President Kuchma says action needed to avoid fallout from Russian crisis", BBC Monitoring Service: Former USSR, 05.09.1998 (Ukrainian Television First Programme, Kiev, in Ukrainian 1800 gmt)

despite all negative consequences associated with the world financial crisis and especially the events in Russia. We have taken a number of serious anticrisis measures. Today for all those who gather objective economic information, it is quite clear that if the president and government had not taken these measures earlier this year we would have had a far worse situation than in Russia. I think we will manage to control the situation this year and prevent it from collapsing. The main thing is that there should be **coordinated action by the government and the parliament**. This issue is of paramount importance today. You know that **some forces in the parliament have tried to destabilize the situation by questioning some of the president's decrees. As a result of this, the budget has lost revenue.**" (Kuchma's address on the state-owned radio on 23.09.1998; as cited by BBC Monitoring Service: Former USSR; author's emphasis)⁴³⁸

"I am strongly opposed to any changes in the government at the present moment. Evaluating performances of governments in the preceding several years, I must say that the present one is the most professional of them, pursuing the interests of Ukraine and Ukrainians rather than the personal interests of government members," President Leonid Kuchma told regional newspaper editors today. "**The threat of a financial collapse was never so grave in all the seven years of Ukraine's independence,**" said Kuchma, "and we are aware that there are **forces in parliament that want to gain power by capitalizing on this situation.**" Although the presidential administration has succeeded in establishing **positive cooperation with parliament** speaker Oleksandr Tkachenko, **the bulk of lawmakers continue to brake economic stabilization**, Kuchma maintained." (Kuchma's talk at the meeting with regional newspaper editors on 23.09.1998; as cited by BBC Monitoring Service: Former USSR; author's emphasis)⁴³⁹

Ukrainian President Leonid Kuchma believes that in the present situation "**joint coordinated actions by the branches of power and political forces are needed as never before**" in order to overcome the economic crisis in the country. Otherwise, Ukraine could be faced with "a more severe variant than the one affecting Bulgaria", he said. (Kuchma's talk at the youth forum on 30.09.1998; as cited by BBC Monitoring Service: Former USSR; author's emphasis).⁴⁴⁰

President Leonid Kuchma asked the Ukrainian parliament on Monday not to launch a vote of no-confidence against his struggling government. Such a step would only "aggravate the situation in the country" and could negatively affect Ukraine's already battered economy, Kuchma said at a Cabinet meeting. "**Nobody would win, no political**

⁴³⁸ "President Kuchma calls for political consensus in face of financial crisis", BBC Monitoring Service: Former USSR, 25.09.1998 (Ukrainian Radio First Programme, Kiev, in Ukrainian 1200 gmt 23 Sep 98).

⁴³⁹ "President Kuchma 'strongly opposed' to any cabinet reshuffle", BBC Monitoring Service: Former USSR, 26.09.1998 (Infobank news agency, Lviv, in English 1845 gmt 23 Sep 98).

⁴⁴⁰ "Ukrainian president urges cooperation by state bodies to overcome crisis", BBC Monitoring Former Soviet Union – Political, 01.10.1998 (UNIAN news agency, Kiev, in Ukrainian 0630 gmt 01 Oct 98)

force would benefit from that, and ordinary people would suffer, as usual,” the president said. (Kuchma’s speech at the government meeting on 12.10.1998; as cited by BBC Monitoring Service: Former USSR; author’s emphasis)⁴⁴¹

“Most factions and deputies are inclined to cooperate constructively with the executive. We must do everything to achieve that end. However, meanwhile such plans are blocked, neutralized by the aggressively oriented faction of the irreconcilable deputies, by [their – K.B.] divergent interests, inability and unwillingness to make a reasonable compromise. (...) It is unpleasant to admit, but I have to: the current situation in the parliament walls begins to resemble the state of the Verkhovna Rada of the previous convocation. (...) More and more people are raising the question: if Parliament cannot form a majority in the current constellation and work efficiently, it must either be dissolved or convey legislative rights to the President or the Cabinet. I consider it necessary to stress once again that society cannot live a normal life and the economy cannot develop in **an environment of disagreement, discord and confrontation**. Regretfully, I have to admit that a large part of those who consider themselves in the political establishment often act as a catalyst of ideological antagonisms and social tensions and even incite them. Nobody drew necessary conclusions after the parliamentary elections. The parties that lost or were close to losing the elections did not turn the failure into motivation to restructure. Instead consolidating, building alliances, and drawing closer to people, there is another round of internal strife, confrontation with other political forces and authorities, and a search for perpetrators and enemies. The political mimicry has already reached the point where some people continue to deliver statist slogans, but they essentially **work to counter statehood**. (Kuchma’s speech on the occasion of the 80th anniversary of the proclamation of the West Ukrainian People’s Republic on 03.11.1998; as cited by Uryadovy Kurier; author’s own translation and emphasis).⁴⁴²

“Peoples’ deputies. In order to lead the country out of its time of trouble, to change the economic situation for the better and to implement the tasks outlined, a number of conditions have to be met. The first and the most important is highly efficient and responsible activity on the part of **all branches and bodies of power, and coordination of their efforts**. **The repetition of conflicts and tensions, which have already caused so much trouble, should not be allowed**. At this critical stage, the price will be a hundred times higher. In this connection, I would ask parliament not to create extra tension over the possible resignation of the government. Such a step would not only be untimely and pointless, but also dangerous for the country. (...) This is my attitude towards this issue, as I am confident of the government’s ability, with the support of parliament - which I am counting on - not to allow the economic situation to explode, but to improve it

⁴⁴¹ “Ukraine Pres Urges Parliament Against No-Confidence Vote”, Dow Jones International News, 12.10.1998

⁴⁴² “Budivlia derzhavnosti mozhlyva lyshe na fundamenti zlahody ta porozuminnia”, Uryadovy Kurier №212, 03.11.1998.

significantly.” (Kuchma’s extraordinary address to parliament on 19.11.1998; as cited by BBC Monitoring Service: Former USSR; author’s emphasis)⁴⁴³

Appendix C – Tymoshenko’s Negative Framing Against RUE During Her First Premiership in 2005

“These huge amounts of money were simply laundered, they [went to – K.B.] certain pockets in the NAK [Naftogaz Ukrainy – K.B.]. This is only the first step. We have not gotten to the exports of gas purchased in Turkmenistan. (...) **The dismissed head of NAK [Naftogaz Ukrainy – K.B.] Yuriy Boyko** now writhes in hysterics at press conferences. I want to say that it is not for nothing that he writhes in hysterics, because he feels that someone definitely will have to be responsible for the fact that **the state lost in 2004 and 2003 every year six and a half billion hryvnia**. I think that Boyko takes not the last place in this. I understand that he started ahead of time to hold press conferences. I want to say that this will not help him or the team that allowed such a **leakage of state funds**” (Tymoshenko’s press conference after the government’s approval of the new financial budget for NAK Naftogaz Ukrainy on 23.04.2005; as cited by UNIAN news agency; author’s own translation and emphasis) ⁴⁴⁴

“The legacy that we have received from the **previous management of Naftogaz**, in my opinion, – that’s my feeling as prime minister, – this legacy is absolutely **criminal**.” She said they discussed the results of the company operation this year. “There are definitely positive tendencies in how Naftogaz is now managed”, she said. Tymoshenko said that the budget revenues from Naftogaz increased 2.3 times. “These billions of hryvnia were practically exempt as a result of **decriminalization**”, she said. Tymoshenko also expressed dissatisfaction that Naftogaz exported gas at prices below world levels. “The government was not satisfied [with this situation – K.B.] and sent Naftogaz specific commercial offers from powerful European companies that are willing to buy gas exported by NAK [Naftogaz Ukrainy – K.B.] at a much higher price. The government ordered Naftogaz to conclude new agreements”. (Tymoshenko’s press conference on 08.06.2005; as cited by Ukrainska Pravda; author’s own translation and emphasis) ⁴⁴⁵

“I do not think that there is any kind of political confrontation between Ukraine and Russia. I would not like anything to be interpreted this way. I wish that we were partners with Russia. **The previous Ukrainian leadership has simply betrayed both the economic and national interests of Ukraine**. As a consequence, [we have problems with

⁴⁴³ “President Kuchma delivers annual message to parliament”, BBC Monitoring Service: Former USSR, 24.11.1998 (Ukrainian Radio First Programme, Kiev, in Ukrainian 0800 gmt 19 Nov 98).

⁴⁴⁴ “Pravitel’svo utverdilo finansovyj plan NAK Neftegaz Ukrainy na 2005 god”, UNIAN, 23.04.2005.

⁴⁴⁵ „Tymoshenko zvynuvachui Boika u kryminal’ni spadshchyni?”, Ukrainska Pravda, 08.06.2005.

– K.B.] gas supply balance in Ukraine in 2005. Such a legacy of gas balance we have received from the previous government, and we will have a pretty long time settling this issue” (Tymoshenko’s interview with journalists in Poland on 10.06.2005; as cited by Ukrainska Pravda; author’s own translation and emphasis) ⁴⁴⁶

Prime Minister Yulia Tymoshenko plans to listen to the report of the head of Naftogaz regarding the statements of the President of Turkmenistan, Saparmurat Niyazov, about Ukraine’s fraudulent payments for gas. “Tomorrow or the day after tomorrow, we will schedule an appointment and invite the head of Naftogaz to examine all the documents and analyze the situation”, Tymoshenko said, commenting on Niyazov’s harsh statement. She also said that “Ukraine makes no direct payments to Turkmenistan.” “For a number of years, there has been **a middleman created by the previous government**. It (RosUkrEnergo) made payments for Turkmen gas, and Turkmen gas was delivered via RosUkrEnergo to Ukraine”, Tymoshenko said. She added that **“the legacy the previous government left behind is very difficult”**. At the same time, Tymoshenko said that “Naftogaz guarantees an uninterrupted supply of gas in Ukraine”. Answering the question of whether the Russian company Itera returns to the Ukrainian market as a middleman, Tymoshenko said that she would answer all these “in one or two days”, when [the government – K.B.] would listen to the report of a special commission studying the situation of the purchase and payments for gas, in addition to the report of the head of Naftogaz.” (Tymoshenko’s press conference on 22.06.2005; as cited by Ukrainska Pravda; author’s own translation and emphasis) ⁴⁴⁷

“I personally work consistently to [remove – K.B.] any mediators between Ukraine and Turkmenistan. If we need cooperation between Ukraine and Russia in the supply of Turkmen gas, such cooperation is possible, because we transport Turkmen gas through Russia. But, Ukraine will be represented by only one organization – Naftogaz Ukrayny. And **no more intermediaries. We do not need any additional structures to protect the interests of Ukraine** in cooperation with Russia and Turkmenistan.” (Tymoshenko’s comment on the publication by Zerkalo Nedeli regarding corruption charges against RUE at a press conference on 02.07.2005; as cited by Ukrainska Pravda; author’s own translation and emphasis) ⁴⁴⁸

„It happened so that Naftohaz was removed from under [sic] government control and influence and developed into a separate system which neither the Fuel and Energy Ministry, nor the Cabinet control or manage. Today we have an autonomous model of Naftohaz (...) It troubles me as the head of the Cabinet that **the old authorities developed a big criminal tumor called Rosukrenergo on the body of Naftohaz. Virtually all gas markups were channeled through offshore zones where certain persons in power**

⁴⁴⁶ “Kuchma podstavil Timoshenko”, Ukrainska Pravda, 10.06.2005.

⁴⁴⁷ “Timoshenko zaiavliaet o neprichastnosti v otvet na ‘naezdy’ Niiazova”, Ukrainska Pravda, 22.06.2005.

⁴⁴⁸ “Tymoshenko vystupaie za likvidatsii posrednika, pidozriuvanoho u koruptsiy”, Ukrainska Pravda, 02.07.2005.

divided these windfall profits (...) I can say that I have personally addressed the law enforcement agencies several times so that they would not be developing new front companies for old criminal patterns. I want to warn all officials who want to replace [former President Leonid] Kuchma in these schemes. I can say that as prime minister I won't have it.” (Tymoshenko's live speech on the Inter TV channel during prime time on 03.07.2005; as cited by Interfax News Service; author's emphasis) ⁴⁴⁹

Prime Minister Yulia Tymoshenko said that there were many violations in the activity of the gas intermediary between Ukraine and Turkmenistan RosUkrEnergo. “**What we have on the RosUkrEnergo shows that there were violations, more than enough**”, Tymoshenko said after a government session on Wednesday. Tymoshenko stressed that “**I have never said that the government supports the cooperation with RosUkrEnergo**”. “We would like Naftogaz to be directly engaged in the gas trade with Turkmenistan.” “Of course, we need cooperation between Ukraine, Russia and Turkmenistan to deliver gas, but Naftogaz should address all these problems from Ukraine's side”, Tymoshenko said. (...) “And who will be authorized in other countries – from Russia, Uzbekistan and Turkmenistan, through which the gas flows – that is their business.” (Tymoshenko's press conference on 13.07.2005; as cited by Ukrainska Pravda; author's own translation and emphasis) ⁴⁵⁰

“Over the last two or three years, the system of gas supply to Ukraine, the system of communication with Russia ... [changes tack] **Ukrainian leaders, including former President of the country, I am referring to Kuchma, including the head of Naftogaz Boyko, simply grossly violated the national interests of Ukraine**”, Tymoshenko said. “And Ukraine today is reaping the fruits of this. These fruits are huge amounts of gas that have been paid for the debts of Ukraine, for a song, where a different procedure was foreseen. As a result, there are some problems with the gas supply during critical periods”, she said. However, speaking about relations with Russia in the gas sector, the Prime Minister observed: “Russia defends its national interests, and we must pay tribute to it”. (Tymoshenko's speech during her participation in the radio program Freedom Rush Hour, aired on private news channel TV 5 on 07.08.2005; as cited by UNIAN news agency; author's own translation and emphasis) ⁴⁵¹

“I respect Vladimir Vladimirovich Putin, Russia and I would like it to be mutual. Since all friendly relations can be built only on reciprocity. One-sided love usually leads to frustration and heartache. I would not want our people to have heartache. In fact, I am sure that Ukraine behaves more than correctly in all gas matters. Ukraine duly pays for its debts and duly pays for the incoming gas. **It is not our fault that the previous government**

⁴⁴⁹“Ukrainian PM calls Rosukrenergo criminal tumor”, Interfax News Service, 04.07.2005.

⁴⁵⁰“Timoshenko khochet izbavit'sia ot vozmozhnykh druzej Mogilevicha”, Ukrainska Pravda, 13.07.2005.

⁴⁵¹“Na budushchej nedele ukrainskaia delegatsiia v Moskve naladit vse problemy v gazovoj sfere mezhdu dvумя stranami – Timoshenko”, UNIAN, 07.08.2005

repeatedly sold the country's interests, including retention of the natural gas balance. I believe that these "ex" will bear responsibility for this before the law" (Tymoshenko's interview with the Russian newspaper Kommersant-Ukraina on 10.08.2005; as cited by Kommersant-Ukraina; author's own translation and emphasis) ⁴⁵²

"As to Naftogaz Ukrainy, it goes through a normal procedure. The past activities of NAK [Naftogaz – K.B.] are being checked, all the losses that the company suffered are being analyzed", Tymoshenko said. "**This is absolutely normal – to analyze, who parasitized the major financial flows of the country. The inspections will continue**", added Tymoshenko. According to her, "after inspections end, legal conclusions will be drawn." (Tymoshenko's press conference on 18.08.2005, commenting on searches of Naftogaz Ukrainy by the Security Service of Ukraine; as cited by Ukrainska Pravda; author's own translation and emphasis) ⁴⁵³

⁴⁵² „Èto monopol'naia vlast' v rukakh trekh-chetyrekh chelovek“, Kommersant-Ukraina №18, 10.08.2005.

⁴⁵³ „Tymoshenko obitsiaie i dali triasty 'Naftohaz'", Ukrainska Pravda, 18.08.2005.

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Declaration

I, Katerina Bosko (born Malygina), hereby declare that this PhD thesis is the result of my own work, unless stated otherwise. I have used only such sources that I have clearly mentioned in the references. All sources of information, including examples of frames, graphs and data sets, have been specifically acknowledged.

Third party editorial assistance was provided in preparation of the thesis by American Journal Experts (<http://www.aje.com/>).

This thesis has not been previously submitted, in part or whole, to any university or institution for any degree, diploma, or other qualification.

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http://www.seer.nomos.de/fileadmin/seer/doc/Aufsatz_SEER_10_01.pdf.

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<https://ecpr.eu/Filestore/PaperProposal/1370c79b-13ac-4974-9a41-ad8616eaa525.pdf>.

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