Preface

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Why has Ukraine failed to undertake the reforms necessary to become an economically developed democracy after nearly a quarter-century of independence? An analogous question could be asked of many countries that have spent long decades wallowing in corruption and political fecklessness despite great initial hopes for a brighter future. At the same time, the world does provide some success stories, countries that have managed to do a lot despite challenging starting conditions. What, then, separates the successes from the failures, and what lessons might this hold out for Ukraine and countries like it? The present volume takes up these questions, with its distinctive approach being to combine the advantages of comparative analysis with deep country knowledge by bringing a “dream team” of leading specialists on Ukraine together with leading experts on the comparative experience with reform globally.

This approach begins by identifying six areas of reform on which to focus. While we might have decided to address very specific topics, such as how to reform concrete institutions like the military or a particular ministry, we chose instead to train our attention on more fundamental challenges that Ukraine (and countries like it) must meet in order for reforms of any specific organs to have hope of succeeding.

The first such fundamental challenge is Ukraine’s divided society, which some might label challenges related to political culture. Research has found that persistent political cleavages centered on identity and history have consistently structured not only electoral competition, but also political conflict and even violent insurgency. Opposition from one part of the country has regularly thwarted attempts at reform made by leaders of other parts of the country, with the thwarting coming either by election or by revolution. Ukraine is not alone in facing such problems, as many countries must deal with divides in identity

and collective memory, ranging from Spain to Germany to Bangladesh. But some, notably Spain, have also experienced significant success in overcoming major cleavages en route to successful growth and democracy. Comparative analysis, then, can shed light on the potential and constraints facing Ukraine in handling this issue.

The second major challenge we address is the corruption that is so pervasive in Ukrainian society, both reflecting the weakness of and undermining the rule of law. While its exact origins are disputed, what is clear is that Ukrainian leaders' repeated proclamations of a "war on corruption" have produced little benefit. Perhaps even more disturbing is that during the years when Ukraine has experienced its most democratic forms of government, there is strong evidence that corruption actually *increased* rather than decreased (see Popova's chapter in this volume). Ukraine's problem with corruption, then, does not boil down to authoritarianism or any specific leader. Instead, it represents a deeply embedded social equilibrium that has proven extremely stubborn. And so long as this social equilibrium is not broken, it is hard to see how Ukraine can ever hope to establish a true democracy (where rights cannot be sold off to the highest bidder) or even a developed market economy (which depends on a rule of law capable of lending confidence to investors and those who would make the deals necessary for production). Clearly, Ukraine is not the only corrupt country in the world, being firmly in the company of countries like Russia, Venezuela, and Uganda. But just as clearly, there are some countries that have made real progress in battling it, such as Singapore or (to some extent) Georgia. Comparative analysis can help us analyze the factors conducive for success in fighting corruption, helping explain Ukraine's plight while suggesting a productive pathway for its future.

The third broad reform challenge we identify is the basic formal law on which Ukraine's most important political institutions are founded, the constitution. When a country becomes independent or democratizes for the first time, one of the first choices it must make is for a constitution that will determine what political institutions exist and the specific powers with which each is endowed. Bad choices can lead to bad outcomes. In Ukraine, one problem has been that outside advisors have tended to assume that constitutions will work in the post-Soviet world in essentially the same way they work in Western countries like France or the United States. Another problem has been that Ukrainian leaders themselves have all too well understood that this is not the case, and have manipulated the constitution in ways that look just fine to West-

erners on paper but that in fact have laid the groundwork for authoritarian trends in Ukrainian reality. These, too, are problems not unique to Ukraine, as anyone familiar with cases ranging from postcolonial Nigeria to today's Russia can attest. But just as certainly, some countries that resemble Ukraine in important ways have managed to find constitutions that help them make the best of bad situations, even in the postcommunist world, such as Macedonia or Mongolia. A comparative understanding can assist us in identifying the most promising features of the constitutional success stories that might transfer to Ukraine.

A fourth crucial challenge facing Ukraine is to reform its judicial system, putting in place a system that produces courts and judges capable of impartially and competently adjudicating the disputes that inevitably arise in any complex society, underpinning the rule of law. This has been a major problem for Ukraine. During the Soviet period, courts and judges existed, but they were tightly subordinated to Communist Party authority and had autonomy to rule justly in only a limited realm of cases that were considered politically nonsensitive. The system for educating judges produced cadres who would work well within such a system. When Communist Party rule broke down, new judges did not simply appear to take over from the old. In most cases the old judicial authorities remained in place, or at best were reshuffled somewhat. Again, Ukraine is not unique in facing such a situation. Running a court and knowing the law (not to mention having a body of good law to know!) requires training and experience, and any country emerging from dictatorship cannot hope to develop it overnight. Many countries have thus continued to face problems of judicial nonindependence, as in Romania. But as in the other areas of reform discussed so far, one can also point to relative success stories, such as the Czech Republic. Comparative study makes it possible to highlight factors that have driven success in reforming the judiciary, while identifying some potential lessons for Ukraine.

The fifth challenge is the fundamental question of how to deal with concentrations of wealth and power that today dominate much of Ukrainian politics. This is the problem of "oligarchs" (super-rich and politically connected business owners), mafias, and informal "clans" that can create *de facto* monopolies in certain sectors of both economy and polity, subverting both market and democratic competition. Some, following the great sociologist Max Weber, would call this the problem of *patrimonialism* (Fisun and Polishuk 2012), a situation in which private wealth accumulation and state management are in-

separably intertwined. This problem is also not unique to Ukraine, as students of countries ranging from Turkey to China will recognize. At the same time, some countries have managed to achieve enduring and dynamic economic growth despite such phenomena (as in China), and of course many countries have greatly tamed the power of such “chieftains,” including the United States with its “robber barons” of old and its infamous patrons of Tammany Hall. Comparative analysis, then, can shed light on what separates the success stories from the failures, helping us understand why Ukraine has been bogged down in the latter category and what escape paths might open up for it in the future.

The final reform challenge on which this volume focuses concerns the economy more generally. Despite receiving a great deal of advice from some of the world’s most prominent economists and successful managers of other countries’ economies, Ukraine’s parliament and government have consistently failed to provide a framework capable of truly kick-starting Ukraine’s floundering economy after the collapse of the 1990s. Indeed, even before the economic problems brought on by the 2014 war, its economy per capita was *still* lower than it had been prior to the USSR’s demise. But here, too, Ukraine is not alone, being far from the only country to have experienced difficulties in economic reform. Moldova, Pakistan, and Haiti are just a few examples from across the globe. At the same time, however, other countries have succeeded in turning the economic corner, generating sustained economic growth after a substantial period of decline. Poland is one such success story. Outside the postcommunist world, the “Asian tigers” stand out. It will by now come as no surprise for the reader that we think comparative analysis can help us understand why some countries succeed while other states fail, with lessons for Ukraine emerging in the process.

Our strategy for addressing these six challenges was to invite some of the best Ukraine experts we could think of and put them in the same room as some of the best comparative specialists on these issues, asking each to consider both the specific and comparative problems with an eye to coming up with solutions. We think that we have found just such a group, and we physically brought them together twice in the process of producing this volume, thanks to George Washington University’s Elliott School of International Affairs (and particularly the SOAR Initiative), its Office of the Vice President for Research, and its Petrach Program on Ukraine in the Institute for European, Russian, and Eurasian Studies (IERES). First, we gathered the authors in Washington in June 2013 for a brainstorming session to hash out a larger agenda and some

common ideas, charging them with producing a draft chapter for a next conference in Kyiv in December 2013, where we would invite a range of leading policy-makers and experts based in Ukraine for their feedback on the project. We did not insist strictly that the “comparativists” avoid discussion of Ukraine, or that the “Ukraine specialists” focus myopically on Ukraine. Indeed, some of our comparativists know a great deal about Ukraine, and some of our Ukraine specialists are themselves outstanding comparativists who know a lot about many other parts of the world. But we did require that the focus of each type of chapter be different; for each reform area, we wanted one chapter that concentrated primarily on evidence from Ukraine and one that concentrated primarily on evidence from other countries.

Of course, back in 2012–13 when the project was first launched, we did not anticipate the dramatic events that would unfold between the June and December 2013 “authors’ summits.” Indeed, in November 2013, the Euromaidan protests erupted onto the globe’s political scene, with tens and even hundreds of thousands of citizens pouring into the streets initially to protest President Viktor Yanukovych’s decision to delay signing an Association Agreement with the European Union. As the mobilization continued, the central demands shifted to calls for deposing Yanukovych himself, especially after his police attempted to disperse the protesters by force, ultimately producing more than a hundred fatalities in the streets of Kyiv.

The authors’ workshop in Kyiv thus turned out to be a remarkable experience. During the morning and daytime we intensively discussed Ukraine’s problems in comparative perspective and what might be done, and in the evenings and whatever other time could be found, we had the chance to visit the protests themselves, including not only the Euromaidan rallies but also the encampments of the “anti-maidan” forces. This field research afforded the authors with the opportunity to talk with protesters themselves to hear what they thought about Ukraine’s reforms, listening to views of both the ordinary citizens who had turned out as well as the leaders of the movement. Indeed, thanks to some well-placed colleagues such as Oleksiy Haran of the Kyiv Mohyla Academy, we were even joined at the workshop itself by many figures who went on to play leading roles both in the revolution and in the postrevolution leadership of the country, some of whom commented directly on some of the papers. This experience, of course, produced no unity of viewpoints. Members of our authorial collective have often had rather heated debates with each other over whether the Euromaidan movement was making the right choices both

before and after the revolution itself. But what it did clearly produce was a depth of insight that we think now reflects a major and unanticipated strength of the book before you.

One of the best decisions we made in preparing the volume was to invite a leading scholar of both Ukraine and reform more generally to join the discussion and, carefully listening to everyone at both meetings, to produce a chapter on the challenges of reform that would help develop some theoretical propositions that resonate both with Ukraine's experience and with what we know from the comparative studies presented here. That scholar is Paul D'Anieri, who presents his argument and introduces the scholars who are part of the team and their contributions in Chapter 1. His chapter situates this volume in the broader comparative literature on reform and the literature on Ukraine, a task we decided not to duplicate in this preface. As the editors of the volume, we return to D'Anieri's ideas and offer up our own set of conclusions and practical recommendations in the book's final chapter. We hope they will be useful not only for scholars who care about Ukraine or the general problem of reform in newly independent or newly democratic countries but also for Ukrainians themselves, now struggling to rebuild a country rent by revolution, invasion, and war.