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UKRAINE BETWEEN TWO ELECTIONS AND ON THE EVE OF A NEW ERA

By Taras Kuzio

Background

Each of Ukraine's three parliaments since independence (1994-98, 1998-02, 2002-06) has been associated with one aspect of the evolution of the country's multi-party system. But, a certain degree of clarity in the division of Ukraine's political forces has only become evident in recent years, partly as a result of the 'velvet revolution' of early 2000, when the left were removed from control of parliament, and, more importantly, the 'Kuchmagate' crisis in November of that year.

The 1994 parliament was elected through a full majoritarian law. This benefited the unconstituted former 'sovereign (national) communists' who had not yet created their own parties but who still had clientalistic networks that were referred to as the 'party of power'.

Until the Russian SFSR created its own separate Communist Party in 1990 the Communist Party of Ukraine (KPU) had 3.5 million members and was the largest republican party in the USSR. The extent of the disintegration of belief in communism both during the Leonid Brezhnevite 'era of stagnation' and the Mikhail Gorbachev era could be seen in the fact that less than five percent joined the post-Soviet KPU, which has maintained a steady membership of only 150,000.

Besides the amorphous 'party of power', parliament had three main ideological groups. The left included the hard line new KPU which managed to secure 80 seats after being allowed to register as a new party the year before. The other left party was Oleksandr Moroz's Socialists (SPU), created in 1991 to represent the left-wing when the KPU was banned from August 1991-September 1993.

Rukh went into decline after it divided into two wings at its February 1992 congress into pro-Leonid Kravchuk statist (derzhavnyky) and those in 'constructive opposition' to the former 'sovereign (national) communists'. The statist created the Congress of National Democratic Forces which today is represented by the small Christian Republican Party. This division into statist nationalists and reformist national democrats has bedevilled Rukh and its 2002 incarnation – Our Ukraine – ever since. Those in 'constructive opposition' were led by long time dissident Viacheslav Chornovil who was a more vigorous champion of de-communisation and reform, as well as Kravchuk's main challenger in the December 1991 presidential elections.

By the 1998 parliament the election law had been changed to a mixed 50:50 proportional: majoritarian system, something maintained for the 2002 elections. Ukraine's second parliament saw the first evidence of the structuralization of the 'party of power' into what have been defined as 'centrist, pragmatic' parties. Some of these were newly created (Labor Ukraine [TU], Regions of Ukraine, Agrarians, Democratic Union) while others were genuine liberal-social democratic parties captured by the 'party of power' (Social Democratic united [SDPUo], Greens, People's Democrats [NDP]). Ukraine's first president, Kravchuk, joined the Kyiv clan's SDPUo rather than the national democrats.

Why had the Soviet-era 'sovereign communists'/post-Soviet 'party of power' felt a need to enter party politics? Primarily, because by 1998 they had transformed their soviet-era political power into economic power through insider privatisation, corruption, financial speculation and foreign trade (especially, the re-export of Russian energy and arms sales). An alliance had emerged between the executive and centrist oligarchs. The executive turned a blind eye to corruption by centrist oligarchs and obtained a percentage of the illicit proceeds. In return, centrist oligarchs provided political support to the Kuchma regime. This has been described as the 'blackmail state'.

Centrist parties are merely 'krishy' (a criminal word used to explain a political roof) for regional clans and economic activity by oligarchs. They are ideologically amorphous, top-heavy, with members recruited forcibly or through bribery. (Ideologically committed members willing to work for the good of their party cause are only on the left and right).

By the middle of the 1998-02 parliament, it was becoming evident to the oligarchic 'party of power' and the executive that the political system had to be refashioned to defend their gains and their continued dominance of Ukraine. The internationally unrecognised April 2000 referendum aimed to therefore transform Ukraine into a presidential republic, common throughout the CIS (except for Moldova). This strategy only collapsed because of the 'Kuchmagate' crisis later in the year which has isolated the oligarchic 'party of power' and executive ever since.

Prior to 2000 many statist nationalists had been willing to support the centre and executive as long as it remained committed to state building (its commitment to nation building was always tenuous). Until then the twin external Russian and internal communist threats forced many national democrats to cooperate with the executive and centrists, something clearly seen in the second round of the 1999 presidential elections when Kuchma obtained a large number of negative votes aimed against his opponent, communist leader Piotr Symomenko. This anti-left alliance between national democrats and centrists endured until 'Kuchmagate'.

Since 'Kuchmagate' Ukraine's political landscape has divided into three. Pitted against the oligarchic centrists and executive are the ideologically driven and anti-Kuchma/oligarch right and the left. The only bridge between the right/left and the centre is that held out by statist on the centre-right. Maintaining this bridge open had been the hope of former Prime Minister and Our Ukraine leader Viktor Yushchenko. Some centrist groups have been willing to move in that direction (Agrarians, the NDP and TU), either due to popular bases in the same region of west-central Ukraine as Our Ukraine (Agrarians are the 'party of power' in west Ukraine) or because they have a common dislike for the SDPUo (Labour Ukraine, Regions of Ukraine).

The 2002 elections came as a shock to the authorities. The four main opposition blocs – KPU and SPU on the left and Our Ukraine and the Yulia Tymoshenko bloc on the right – captured nearly 60 percent of the vote on proportional lists

compared to only 18 for the pro-Kuchma For a United Ukraine (ZYU) and SDPUo. Kuchma refused to accept these results, which might have meant an opposition-controlled parliament when he stepped down as president in 2004.

Through bribery, coercion and intimidation of independents elected in majoritarian districts ZYU and SDPUo increased their share of parliament to half of seats (225) and at the end of September 2002 announced the creation of a parliamentary majority based on nine factions (ZYU disintegrated in May). In May Kuchma also forced through the election of Volodymyr Lytvyn as parliamentary speaker. Lytvyn was replaced as presidential administration head with the hard man of Ukrainian politics, presidential hopeful and Russian-backed Viktor Medvedchuk, who is also head of the SDPUo.

Why is Ukraine in Political Crisis?

Two factors explain why Ukraine has entered the most severe political crisis in its history. First, Ukraine is different to the remainder of the CIS. Unlike the other eleven CIS states Ukraine has a large pro-Western, reformist constituency in addition to post-communist oligarchic centrists and the left. This constituency, represented by Our Ukraine and the more populist Tymoshenko bloc, has its stronghold in western-central Ukraine.

The KPU is in decline because of generational factors, an improving economy and the existence of a non-communist alternative to the oligarchs (its 120 seats in the 1998-02 parliament were nearly halved in the 2002 elections). The SPU has moved away from the KPU and is in many ways closer to the moderate right, one reason being because its stronghold is in central Ukraine, it has evolved away from the KPU and has a well respected leader, Moroz.

Of the four opposition groups only one – the KPU – has any widespread popularity in russophone eastern-southern Ukraine. This region is the stronghold of the executive and oligarchic centrists (oligarchs do not exist in western Ukraine). During the 2002 elections ZYU only won one oblast – Donetsk – which, together with the Crimea, is one of two traditional bases of the KPU.

Second, the ramifications of the 'Kuchmagate' crisis. The allegations found on the tapes made in Kuchma's office by his security guard Mykola Melnychenko are sufficient to impeach Kuchma many times over, if he was president of a

state where the rule of law exists. In late September the USA suspended aid to Ukraine after it accused Kuchma of sanctioning the sale of military technology to Iraq in contravention of the UN embargo. In the same week the European Court of Human Rights opened a case against Ukraine (and, in effect, against Kuchma) over his involvement in the murder of opposition journalist Heorhiy Gongadze.

Domestic pressure against Kuchma, which culminated in a 50,000 demonstration on September 16th, is now being backed by international pressure that could isolate Ukraine. The US has openly stated it can no longer work with Kuchma.

Kuchma is therefore backed into a corner. Kuchma and Medvedchuk have hobbled together an unstable 'parliamentary majority' and they still control the government. No candidate from the executive or oligarchs has any popularity that remotely approaches Our Ukraine leader Yushchenko who has remained the most popular politician in Ukraine since 2000, a factor that scares Kuchma as he looks forward to his retirement in 2004. A Russian style planned succession is out of the question. A pro-presidential parliamentary majority has burnt Kuchma's last bridge to the moderate opposition, pushing Our Ukraine into the radical camp.

Any immunity deal struck with Kuchma will be no longer worth the paper it was written on. Domestically, because the next elections in 2006 are likely to be fully proportional, something that would work against non-ideologically driven centrist oligarchs. An opposition-dominated parliament would refuse to abide by any immunity. Internationally, because Kuchma stands accused of a variety of crimes.

National Identity and Civil Society

Ukraine's opposition is only united by its hostility to Kuchma and his oligarchic allies. The left and Tymoshenko make up the radical wing of the opposition while Our Ukraine is divided in half between those who sympathise with the radicals and the remainder who would like to do a deal with some of the oligarchs and possibly give Kuchma a promise of immunity.

Between April-September 2002 the statist wing of Our Ukraine attempted to create a parliamentary majority which

would have been built around Our Ukraine, parliament's largest faction, and some oligarchic centrists, but excluded the SDPUo. The Kuchma variant aimed to create a majority from the SDPUo and the factions that had grown out of ZYU, but excluded Our Ukraine.

With the creation of a pro-Kuchma majority in September 2002, Our Ukraine's position has become untenable. Our Ukraine's offer of a 'dialogue' in return for Kuchma's immunity and Yushchenko appointed prime minister, which would signal his likelihood of becoming the next president, has collapsed. Kuchma's policies, directed by the hard line Medvedchuk, have pushed Yushchenko into the radical camp.

Why did Yushchenko feel a need to try and work with some oligarchs? Besides the aim of again becoming prime minister as a stepping stone to the presidency, the reason lies at the heart of Ukraine's dilemma. Ever since 1991 it has been evident that Ukraine is in many ways two countries from the viewpoint of political culture. National identity plays a central role in Ukraine's politics.

The weakness of Ukrainian national consciousness in eastern and southern Ukraine led to the victory of Kravchuk, not Rukh leader Chornovil, in the December 1991 presidential elections. In return, 'sovereign (national) communists' ensured that russophone eastern and southern Ukraine voted in support of independence in December 1991. The region has remained the base of those political forces who have evolved from Soviet era 'sovereign (national) communists' into oligarchic centrists, as seen in the March 2002 elections.

National democratic parties, such as Rukh, remained confined to the region they were always strong in, western and central Ukraine. In the 1990s their strength has grown in central Ukraine. The creation of the more pragmatic, economically minded Our Ukraine led by the charismatic Yushchenko moved them for the first time into eastern and southern Ukraine in the 2002 elections. To win the 2004 presidential elections Yushchenko's needs to increase his popularity in the more populous russophone eastern and southern Ukrainian regions. With no non-leftist political forces in this region except oligarchs Yushchenko is forced to deal with them.

National identity also plays a role in civic activism. Eastern and southern Ukraine, an area with large cities that are

traditionally home to more civic activity, has remained passive, both in the late Soviet and post-Soviet era's. Miners strikes tend to be sporadic and apolitical. Trade unions have remained co-opted by the state. The Federation of Trade Unions of Ukraine has never been in favour of strike activity, even during the period of acute socio-economic crisis in the 1990s. Its leader is a high ranking member of Our Ukraine. The more radical independent trade unions are members of the Tymoshenko bloc.

Opposition mobilisation has always been linked in Ukraine to national identity, both in the late Soviet era and during the 1990s. It is no coincidence that three of Ukraine's four opposition political parties are based in western and central Ukraine (Our Ukraine, Tymoshenko and the SPU). Of Ukraine's oligarchs parties only the SDPUo has a base outside eastern-southern Ukraine, but its popularity in Kyiv is abysmally low, as seen in the March 2002 parliamentary and local elections.

Rainbow Opposition

By the third Ukrainian parliament the political scene has become clearer: oligarchic centrists allied to the executive against the centre-left and right. For the first time in Ukraine's history the left is allied to the right against the centre. At the 16 September 2002 protests communist flags mingled for the first time with blue and yellow national and black and red nationalist flags.

For many on the right, particularly in the radical Tymoshenko bloc, the KPU are no longer a threat compared to post-communist oligarchic centrists. Tymoshenko though is an enigma. Both former Prime Minister Pavlo Lazarenko, who turned from being pro-Kuchma oligarch to Hromada oppositionist, and Tymoshenko, Lazarenko's former business partner, needed allies once they had gone into opposition to Kuchma. These allies could not be found in eastern or southern Ukraine where there are only oligarchs or the KPU.

Instead, Lazarenko and Tymoshenko, both from Dnipropetrovsk, sought out nationalist allies in western Ukraine. The Conservative Republicans, led by Stepan Khmara who was ejected from the Republican Party in 1992 for his radicalism, joined Tymoshenko's Fatherland party. Nationalist groups who backed the then anti-Kuchma and anti-corruption candidate Yevhen Marchuk in the 1999 elections, moved to Tymoshenko after Marchuk was co-opted by

Kuchma in the second round of the presidential elections. But, the Tymoshenko bloc also includes Russophiles who belonged to Lazarenko's Hromada (e.g. Petro Tolochko, deputy head of the Academy of Sciences).

Our Ukraine is a broader coalition that inherited the 1992 split in Rukh between statist and reformists. The statist wing includes former members of the Soviet Ukrainian cultural and diplomatic elites, the descendants of the Congress of National Democratic Forces, the loyal opposition Reforms and Order party and radical right nationalists. Their common platform stands opposed to joining protests with the KPU (and even with the SPU) while striving at all costs to do deals with Kuchma and oligarchs. The Donetsk Liberals, like Petro Poroshenko's Solidarity, are also inclined to be moderates because of their business dealings which could be destroyed if they act too radically.

The reformist wing of Our Ukraine is closest to Chornovil's long time position which saw the main threat to Ukraine in post-communist oligarchs. This wing is more anti-oligarch, inclined to work with the radical opposition and would oppose any deals with oligarchs or Kuchma. Some of its members, including Taras Chornovil, joined the radical Forum for National Salvation in February 2001.

Conclusion

The 2004 presidential elections are a watershed for Ukraine. The revival of protests in 2002 are not coincidental as the opposition understand that they cannot wait until 2004 to act as Kuchma is already making plans for a transition to a loyal successor who would solidify the authoritarian-corporatist regime.

After a decade of transition Ukraine's paths are three-fold, representing its three main political groups. The first is a return to communism or a revived USSR. This is highly unlikely because the KPU is a declining force as its support base dies off.

The main struggle over Ukraine's future will be between pro-western reformers (Our Ukraine and the Tymoshenko bloc) and the former soviet Ukrainian ruling elite turned post-soviet centrist oligarchs. This is a contest between two visions for Ukraine – one tied to Europe, as in the Baltic states - and the other swaying backwards and forwards between Europe and Eurasia while espousing empty rhetoric over 'reform' and 'returning to Europe'. 2004 will decide

which of the two visions will become Ukraine's destiny.

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