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WILL CONTRADICTIONS UNDERMINE VIKTOR YANUKOVYCH'S ELECTION CAMPAIGN?

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When Viktor Yanukovich was appointed Ukraine's prime minister in November 2002, he immediately became the heir-apparent for the 2004 presidential election. He was duly made the pro-presidential candidate when the campaign season formally opened on July 4. Initially, his inevitability was not considered significant, because presidential advisors believed that the constitutional changes launched by President Leonid Kuchma in August 2003 would be adopted the following year. These changes sought to transfer power from the executive to prime minister, making it irrelevant who would be elected to the now-ceremonial presidency in October 2004.

But this strategy never went off as planned. In April, parliament failed to approve the constitutional changes contained in Bill 3105. The pro-Kuchma camp did not give up, and in June deputies voted in favor of Bill 4180, which is nearly identical to 3105. A second reading, which requires more than 300 votes, will be held in September.

The pending changes would allow Kuchma to continue in power until the 2006 parliamentary elections by becoming prime minister. Alternatively, they would permit Yanukovich to continue as prime minister. In either case, the prime minister would possess greater power than the newly elected president.

These last-ditch efforts to amend the constitution only one month before the elections indicates that the pro-Kuchma camp fears Viktor Yushchenko will win the elections and inherit Kuchma's powers. Panic now overshadows the pro-Kuchma camp's concerns about Ukraine's possible suspension from the Council of Europe, which advised in January and again in June to not make constitutional changes during an election year.

Continued attempts to railroad though constitutional changes also reflect the pro-presidential camp's lukewarm approach to Yanukovich's candidacy. Although on the surface there is unity, underneath there is widespread dismay that Yanukovich was chosen as their "joint candidate." One strike against Yanukovich is his criminal record: he has been sentenced to prison twice: once for robbery and once for violence. Polls indicate that 69% of Ukrainians will not vote for a candidate with a criminal record (*Ukrayinska pravda*, June 3) and 61.8% would back a law prohibiting convicted criminals from standing for president (*Zerkalo nedeli*, June 5-11).

Former Soviet political prisoner Vasyl Ovsienko has called upon his fellow Ukrainians to not allow the election of the "immoral" Yanukovich (*Ukrayinska pravda*, July 6). Ovsienko cited Article 5 of the constitution, which permits Ukrainians to use any means to remove those who take power after having lost the election.

Ovsienko's emotional remarks reflect the brittle election atmosphere, which is the most explosive in Ukraine's post-Soviet history. The potential threat of instability and violence is higher than in 1994, when the U.S. National Intelligence Council released a highly exaggerated report warning of Ukraine's impending collapse. Ten years later, the authorities now have far more to lose. Now they actually fear an opposition victory.

The main opposition to Kuchma and Yanukovich revolves around Viktor Yushchenko. Yushchenko's candidacy was launched on July 4 with a mass rally of 50,000 Ukrainians, one of the largest demonstrations in Kyiv since 1992. The demonstrators ended their vigil at the Central Election Commission. "Our Ukraine" deputy Taras Stetskiv warned that, after voting on election day, Yushchenko supporters would return and stay until the "right result" was announced. Stetskiv's comments were a tacit threat to repeat the Georgian and Serbian revolutions should Yushchenko be declared the winner. However different Ukrainians are from Serbs and Georgians, the authorities nevertheless fear history repeating itself. Parliamentary Speaker Volodymyr Lytvyn suggested that perhaps it would be better to have the opposition win the presidency rather than face an anti-oligarch revolution.

This prevalent mood is a product of two factors. First, Ukrainians fear widespread election fraud. In the April mayoral elections in Mukachiv, the Our Ukraine candidate won, but the Territorial Election Commission declared a pro-Kuchma candidate victorious. Despite the adoption of

two critical parliamentary resolutions, not a single person involved in the Mukachiv fraud has been punished. Not surprisingly, three-quarters of Ukrainians do not believe the presidential elections will be free and fair. To prevent a repeat of Mukachiv, Yushchenko's supporters believe they need to win in the first round and avoid a runoff. If the authorities repeat their Mukachiv tactics, violence between opposition observers and skinheads deployed to disrupt the balloting will be inevitable.

Second, there are at least two reasons to doubt that Yanukovich will win. One reason is that he is the authorities' candidate in a country where the authorities are widely despised. Within Ukraine and abroad it is widely believed that Yanukovich could only win in a rigged election. Lytvyn advised Yanukovich that it would have been better if he was an independent candidate, rather than supported by the authorities.

Another reason is Yanukovich himself. Yanukovich's circle in Kyiv consists of the same cronies he had as governor of Donetsk from 1997 to 2002. These "advisors" were involved in numerous highly unscrupulous activities. The July 2001 murder of Donetsk journalist Ihor Alexandrov, who had uncovered high-level corruption, is still unresolved. Opposition deputies believe the Donetsk state administration, Prosecutor's Office, and Interior Ministry continue to cooperate with organized crime. Alexandrov's murder took place when Yanukovich was Donetsk governor and the current state prosecutor, Hennadiy Vasilyev, was head of the Donetsk Prosecutor's office (*Ukrayina moloda*, July 7). Vasilyev is also involved in covering up the murder of opposition journalist Heorhiy Gongadze in fall 2000.

Yanukovich's claims, and those of his Party of Regions, to support free and fair elections, oppose the use of "administrative resources," battle corruption (which he described as higher than in the "worst African countries"), reduce the shadow economy, ensure that everyone is equal before the law, and support media freedom are met with total disbelief (*Ukrayinska pravda*, July 5). These, "remain, as before, empty words" (*Zerkalo nedeli*, July 3-9).

Yanukovich is also using "administrative resources" by refusing to go on leave as prime minister. He benefits from continued attacks on the opposition, both public (i.e. attempts to indict Yushchenko's ally, Yulia Tymoshenko) and in the form of provocations (i.e. fake leaflets, fascists told to trumpet their support for Yushchenko). A new book launched to coincide with the election campaign includes unfounded

allegations of Yushchenko's corruption (temnik.com.ua, July 7). Despite the illegality of foreigners working for election candidates, Russian "political technologists" are very actively working for the Yanukovich camp.

These fundamental contradictions in Yanukovich's campaign could be his ultimate undoing.

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