

END NOTE

WILL KUCHMA SEEK A THIRD TERM?

By Taras Kuzio

Since the March 2002 parliamentary elections, the Ukrainian leadership has adopted two successive pre-election strategies. The first strategy ended in December 2002 and involved a wholesale takeover of all state institutions by pro-presidential forces that had lost the elections. The second strategy began in March 2003 and aims to achieve a victory (through an as-yet undetermined hand-picked successor) in the 2004 presidential ballot.

The pro-presidential forces expected to ride the success of their first strategy, but the second phase is not working out as planned. Plan A of the second strategy involved the drafting of four successive political-reform amendments to the constitution, all of which were radically different and rejected by parliament. Parliamentary speaker Volodymyr Lytvyn and Leonid Kravchuk, head of the Social Democratic Party-united (SDPU-o) parliamentary faction, have both admitted that political reform will not take place before the 2004 elections.

Plan B of the second strategy is a fallback position that entails Kuchma running for a third presidential term. That option has already been indirectly proposed through draft political reforms whereby presidential elections would have been postponed until after the parliamentary elections due in March 2006, thereby extending Kuchma's term in office by 18 months. Alternatively, presidents would be henceforth elected by parliament, which might give Kuchma an opportunity to reenter politics as prime minister, parliamentary speaker -- or even again as president.

In March 2003, when political reform was beginning and pro-presidential forces were presumably still confident of its success, Lytvyn said Kuchma would not run for a third term. And during a meeting with NATO Secretary-General Lord George Robertson last month, Kuchma again confirmed his intention of stepping down from office next year.

In addition, Kuchma went on record in September and October to deny speculation in Ukraine and abroad that the 2004 presidential elections will be postponed, affirming that the ballot will take place next year as scheduled. This has, however, not assuaged widespread fears. If elections are indeed to be held in 2004 -- as Kuchma insists - why then did he back political reform drafts that would have precluded this? Pro-presidential forces in parliament do not act independently of the presidential administration.

The possibility of Kuchma running for a third term is not legally out of the question, as is commonly believed. Nor would it necessarily be a sign of authoritarian trends in Ukraine. Romanian

President Ion Iliescu, head of that country's communist-turned-Social Democratic Party (PSD), was first elected in May 1990 and then again in October 1992. Romania adopted a new constitution during his 1992-96 second term. In November 2000, he was re-elected to a third term.

The "third term" problem was obviated in Russia by the transfer of power from President Boris Yeltsin to Prime Minister Vladimir Putin, who was then duly elected president. Yeltsin was to remain uninvolved in politics in return for immunity, while the oligarchs kept their wealth in return for staying out of politics. But in Ukraine a similar arranged succession is proving impossible because no candidate is acceptable to all oligarchs, and because the popularity of Kuchma and the oligarchs has been badly affected by Kuchmagate. Worse still, some pro-presidential forces are hedging their bets by supporting both Kuchma and the most popular presidential candidate, Viktor Yushchenko.

The pro-Kuchma forces are nonetheless aware that their slender majority in parliament could crumble in the run-up to the presidential ballot. They have therefore adduced their inability to agree on any other presidential candidate as an argument in favor of choosing Kuchma as the united candidate. The return to central stage of Ihor Bakay, former head of Naftohaz Ukrayiny, is seen as central to the success of Plan B, as he provided most of the funds required to finance Kuchma's successful 1999 election bid.

A campaign was therefore launched in May in the Donbas and Dnipropetrovsk to collect signatures calling on Kuchma to run for a third term. Russian nationalist organizations in the Crimea similarly began collecting signatures in October. In September-October, the pro-presidential Power of the People faction headed by Bohdan Hubsy collected sufficient signatures to formally request the Constitutional Court to rule on Article 103 of the constitution over whether Kuchma's current term is his second or first. A decision is likely by next month.

Hubsy is a former member of the SDPU-o, the party with most to lose should Kuchma not be re-elected president. SDPU-o head Viktor Medvedchuk is also head of the presidential administration. Washington's Carnegie Endowment expert Anders Aslund believes Medvedchuk plays the same backstage manipulative role in Ukrainian politics as Boris Berezovskii did until his self-imposed exile from Russia in late 2000. In his speech opening parliament in September, Lytvyn complained that some oligarchs still keep their capital in offshore accounts. This was understood to be a reference to Medvedchuk, who is perhaps looking to keep these funds abroad in case his fate after the 2004 elections resembles that of Berezovskii after Putin's victory. In the event of a Yushchenko victory, Medvedchuk would certainly be targeted.

The head of the Union of Jurists, SDPU-o member Valeriy Yevdokimov, supports Kuchma running for a third term, providing the Constitutional Court rules that his current term is only Kuchma's first. But not all pro-presidential forces believe Kuchma will stand for a third term. Kravchuk and National Bank Chairman Serhiy Tyhipko, who heads the Dnipropetrovsk clan's Labor Ukraine party, both think this is unlikely.

Not surprisingly, opposition forces consider the idea ludicrous. Socialist Party leader Oleksandr Moroz said, "I do not want to comment on this, because I possess insufficient delicate words for it." Moroz added that the constitution rules out anyone running for a third presidential term and that "those who don't understand this should go to the doctors and not to lawyers." Yushchenko described the possibility of a third term for the incumbent as morally incompatible with Ukraine's declared "European choice."

Dr. Taras Kuzio is a resident fellow at the Centre for Russian and East European studies, University of Toronto.