

Right Coalition but Wrong Agenda

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Negotiations are under way between the Party of Regions, led by opposition leader Viktor Yanukovich, and Prime Minister Yulia Tymoshenko's bloc. If the main purpose of a coalition of national unity is to battle the global financial crisis, then it is worth supporting, especially if it succeeds in bringing together the four non-Communist factions in Ukraine's parliament. But the proposed coalition's main aim has little to do with the crisis, and therefore it is the wrong idea put forward at the wrong time.

A coalition of national unity would certainly assist in overcoming the global crisis more quickly and end the perennial political squabbling that has characterized Ukrainian politics during Viktor Yushchenko's presidency. But a coalition of national unity created to deal with the crisis would only survive until the presidential election, at which point it would split because Yanukovich, Tymoshenko and Arseniy Yatsenyuk, former speaker of the Ukrainian parliament, would be competing against one another as the leading candidates.

But the coalition negotiations should not be used as a means to change the Constitution to remove the need for the presidential election. Nor should they be used to deal with the perceived threat from Yatsenyuk's candidacy to Yanukovich and Tymoshenko.

There is little question that the constitutional reforms negotiated in December 2004 by then-opposition candidate Yushchenko amid the Orange Revolution were badly constructed. Everybody agrees on this, but instead of improving the reforms in 2005, all of Ukraine's political forces have left the issue until the election year. As the Council of Europe's Venice Commission rightfully warned, this is the wrong time to change the Constitution. The Venice Commission issued a similar warning in 2004 when President Leonid Kuchma sought to change the Constitution.

Tymoshenko and Yanukovich cannot agree on the most fundamental change that the Party of Regions leaders are insisting on -- namely, how to elect the president.

While electing the president within the parliament is not anti-democratic per se, changing the Constitution in the few months just before a presidential election will be interpreted domestically and internationally as politicians tinkering with the rules.

Constitutional reforms require two votes in two different parliamentary sessions. This means that the second vote would have to take place in the fall session when elections are to be held in January.

The Party of Regions wants to have its cake and eat it. While pushing for the president to be elected by parliament, Yanukovych wishes to accumulate greater powers than Yushchenko currently possesses. For example, Yanukovych wants to control all law enforcement, including the Interior Ministry, which Yushchenko does not control under the 2006 Constitution. Yanukovych accepts that a president elected by parliament will be only vested with symbolic powers, but he wishes to have a 10-year transition period, according to which he will be president with extensive powers over two guaranteed terms.

Tymoshenko should not agree to blatant anti-democratic constitutional reforms that would keep Yanukovych in office until 2020 and parliament in power until 2015. Ukrainian voters are far savvier than Ukraine's elites have ever realized, and any political force agreeing to such reforms would be protested both at Ukrainian election booths and among foreign leaders as well. This includes the European Union, which has supported Kiev in its efforts to become more integrated into European institutions.

A second factor involves Yatsenyuk. Although he has not revealed his financial sponsors, it is known that Ukrainian oligarch Viktor Pinchuk, who is Kuchma's son-in-law, is backing Yatsenyuk in the "Stop Tymoshenko!" campaign. Yatsenyuk has no organized structure outside Kiev and therefore will be reliant on state administrative resources provided by the presidential secretariat.

Finally, as Ukrainian commentators have repeatedly pointed out, Yatsenyuk has never outlined in any detail his domestic and foreign policies. His views on foreign policy are opaque, and he has resisted answering questions on difficult issues such as NATO, where he seems to share Tymoshenko's slow approach, and the Black Sea Fleet. During the election campaign, Yatsenyuk will be unable to dodge questions as to what is his program and key positions.

A coalition of national unity is fully capable of uniting non-Communist parliamentary forces. This could certainly help the country grapple with the serious consequences of the economic crisis. This would be a welcome step and could last until the presidential election in January. But a coalition of national unity should not be used to tinker with constitutional reforms in an election year. This would be a step backward and could derail the democratic achievements from the Orange Revolution.

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