

BEHIND UKRAINE'S POLITICAL CRISIS (PART 1)

By Taras Kuzio

The removal of Prime Minister Yulia Tymoshenko's government on September 8 came as a surprise in Ukraine, as it had not been accused of corruption until days earlier. On September 5 the outgoing head of the presidential secretariat, Oleksandr Zinchenko, had raised such accusations against close members of President Viktor Yushchenko's circle (EDM, September 7 and 8).

Similar accusations were made a week earlier by Mikhail Brodsky, an adviser to Tymoshenko. Brodsky had been an opponent of Yushchenko's 1999-2001 government and had voted for its dismissal in April 2001 (Times, September 5).

Members of the outgoing government are angry that their reputations have been tarnished due to their association with those accused by Zinchenko. Tymoshenko could not understand how her government, which had fought against corruption, was now being removed (Ukrayinska pravda, September 9).

Few Ukrainian citizens had felt the effects of the Tymoshenko government's battle against corruption. A poll of Kyivites found that 73.1% did not believe that corruption had declined (Zerkalo Tyzhnia/Nedeli, September 10-16). Another poll found that only 31% of Ukrainians believed that the government had successfully battled corruption, with 59% disagreeing (UNIAN, September 9). The poll also found that Ukrainians did not credit the government with positive developments in inflation, job creation, or re-privatization.

Accusations of corruption are common in Ukraine and other CIS states, often with little supporting evidence. But the reasons for the split between Tymoshenko and Yushchenko go far beyond the issue of corruption.

First, Tymoshenko and Yushchenko differ on how to address the legacy of former president Leonid Kuchma.

Ukraine's national-democratic forces have split for a second time. In the early 1990s Rukh divided over whether to cooperate with the national communists, which are today's centrists. Now the national-democratic camp has divided over the issue of how to relate to the past. Tymoshenko seeks to prosecute high-ranking centrists in the former regime implicated in

corruption, abuse of office, the murder of journalist Heorhiy Gongadze, and election fraud.

In contrast, Yushchenko seeks "stability and peace" and turning over a new leaf (Financial Times, September 9, 12). Members of the Gongadze family, in particular, remain pessimistic that Yushchenko has the necessary "political will" to find who ordered the murder (eng.imi.org.ua). Many suspect that Yushchenko promised Kuchma immunity in the December 2004 round-table negotiations.

Acting Prime Minister Yuriy Yekhanurov was head of the State Property Fund in 1994-97 and opposes re-privatization. With this issue resolved, oligarchs may no longer feel threatened by the government and seek to cooperate with Yushchenko.

Yushchenko's People's Union-Our Ukraine party will now fight the 2006 parliamentary elections in alliance with centrists, the former backbone of the Kuchma regime, such as parliamentary speaker Volodymyr Lytvyn's People's Party. Tymoshenko had opposed cooperating with centrists in the 2006 election.

A fundamental difference is that Yushchenko never felt comfortable in opposition, unlike Tymoshenko, and tends to seek compromise. During the Orange Revolution, for example, Yushchenko chose round-table negotiations while Tymoshenko wanted to storm the presidential administration.

In contrast, Tymoshenko has considerable experience working in the opposition. She went into opposition in 1998, four years ahead of Yushchenko and his business allies. After her government was removed last she immediately announced her readiness to go into opposition in the 2006 elections. She also intends to stand against Yushchenko in the 2009 presidential elections (Inter, September, Ukrayinska pravda, September 13).

The Orange Revolution was bankrolled by businessmen who accompanied Yushchenko into opposition in 2001. The continued presence of these businessmen around Yushchenko, such as National Security and Defense Council Secretary Petro Poroshenko, reportedly worth \$350 million, had led Ukrainians to wonder if politics really had changed. Kuchma had his oligarchs, and now Yushchenko has his own.

Second, Yushchenko and Tymoshenko embrace different ideologies. The Orange coalition was eclectic, including socialists, populists, and reformers. Yushchenko's "liberal-right" views were opposed by Tymoshenko's "monopolistic left" policies (Zerkalo Nedeli/Tyzhnia, September 10-16).

Although a populist at heart, Tymoshenko has not exhibited firm ideological beliefs in the past. She first entered politics within former prime minister Pavlo Lazarenko's Hromada, the first dissident oligarch party, in the 1998

elections. After he fled abroad, Tymoshenko created her own Fatherland Party. Fatherland has no clear ideological position, and in 2002 it merged with the radical nationalist Conservative Republican Party led by Stepan Khmara. Two years later Fatherland merged with Brodsky's Yabloko party, representing Russophone small and medium businessmen.

In the first year of Yushchenko's presidency Fatherland has attracted parties away from the People's Union-Our Ukraine coalition. These include Reforms and Order (RiP), led by former Economic Minister Viktor Pynzenyk and Yuriy Kostenko's Ukrainian People's Party. Former First Deputy Prime Minister Mykola Tomenko, a leading member of RiP, has become a vocal critic of the Yushchenko administration and a proponent of an alliance between the RiP and Fatherland.

The Ukrainian Republican Party-Sobor and the United Ukraine parties are also expected to align themselves with Tymoshenko. Of the national democratic parties, only outgoing Foreign Minister Borys Tarasyuk's Rukh will support People's Union-Our Ukraine.

Zinchenko may now head the Pora party, created out of the more pro-Western wing of the Pora youth movement, provided the politically ambitious head of Pora and Yushchenko adviser Vladyslav Kaskiv steps aside.

If correct, the 2006 elections could well see Pora, which played a key role in the Orange Revolution, joining Tymoshenko in the anti-Yushchenko camp (see pora.org.ua, September 10 for statement).

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BEHIND UKRAINE'S POLITICAL CRISIS (PART 2)

By Taras Kuzio

The Orange Revolution and subsequent election of President Viktor Yushchenko showed that Ukrainian society wanted "change." But as the Economist (September 8) pointed out, the "Orange Revolution promised much but has so far delivered little."

Indeed, Ukrainians believe that, eight months into Yushchenko's presidency, there has been little genuine change from the prior regime of Leonid Kuchma. Indeed, crimes committed by the Kuchma regime have gone unpunished. As one Razumkov Center analyst commented, "Ukraine gave Yushchenko a giant credit of faith, but now they want results" (AP, September 7).

One reason there have been no charges against high-ranking Kuchma-era officials is that the prosecutor's office is headed by Sviatoslav Piskun. Piskun was prosecutor in 2002-2003, fired, then reinstated on December 10, 2004, only two days after parliament voted on the "compromise package" to permit a repeat presidential runoff on December 26 and constitutional reforms in 2005 or 2006.

Was Piskun brought back to protect high-ranking Kuchma officials? To date, only low-and medium-level Kuchma officials have been charged with abuse of office, corruption, and election fraud.

Serhiy Kivalov, head of the Central Election Commission (CEC) in the 2004 elections, provides a telling example. The Yushchenko camp directly accused the CEC of open falsification in rounds one and two. But after the elections, Kivalov was allowed to return to his position as Dean of the Law Academy in Odessa. "As long as bandits are not punished, they remain examples for criminals of all types," warned Socialist leader Oleksandr Moroz (Ukrayinska pravda, September 5).

A commission is set to investigate the charges of corruption in Yushchenko's entourage leveled by former presidential administration chief Oleksandr Zinchenko (see EDM, September 8, 9). Guilty or not, the commission poses a no-win situation for Yushchenko.

If the commission exonerates the three accused officials, the public disillusionment that the new guard is little different from the old will likely deepen, increasing ousted prime minister Yulia Tymoshenko's popularity in the 2006 elections. Already 51.3% of Kyivites, a city that staunchly backed Yushchenko in the Orange Revolution, believe the accusations made by Zinchenko (Zerkalo Tyzhnia/Nedeli, September 10-16).

Yushchenko has already been criticized for pre-judging the outcome of the investigation. While welcoming the creation of the commission, Yushchenko declared, "I am confident that these facts will not be found" (Zerkalo Tyzhnia/Nedeli, September 10-16). In post-Soviet states, officials may take such presidential comments as hints on the preferred verdict.

If the commission does find evidence of corruption among Yushchenko's close allies, it would irrevocably damage his presidency. He would have to explain why he has tolerated corruption within his inner circle.

Another Yushchenko judgment error was the granting of additional power to the National Security and Defense Council (NRBO), headed by one of the accused, Petro Poroshenko. Not only was the move unconstitutional, it caused a paralysis of decision-making and in-fighting as Poroshenko turned the NRBO into a parallel government.

Disillusionment with Yushchenko is especially acute among young people, without whom the Orange Revolution would have been impossible. Younger generation politicians from the Reforms and Order Party (RiP), and young people more generally, are likely to gravitate towards Tymoshenko in the 2006 elections. RiP was Yushchenko's main political ally in the 1990s, and its defection to Tymoshenko is a potentially damaging outcome of the Zinchenko crisis.

Yushchenko's decision to remove the Tymoshenko government has four main consequences.

First, with constitutional reforms that transfer some of the executive's power to parliament due to go into effect in January 2006, Yushchenko must secure a parliamentary majority after the 2006 elections, as the legislature elects the government.

Yushchenko had intended to ask the Constitutional Court to annul the constitutional reforms this fall. Ironically, his case would have been strengthened had Tymoshenko also opposed their implementation. But now Yushchenko must rely on centrist forces, which are strong supporters of the constitutional reforms.

It would be politically disastrous if constitutional reforms left Yushchenko a figurehead facing a hostile parliamentary majority and government. This scenario would return Ukraine to the executive-parliament conflicts of the 1990s and damage progress on reforms.

Second, Yushchenko's People's Union-Our Ukraine party now polls at only 18%, while Tymoshenko's bloc draws 11.3% (Ukrayinska pravda, September 9). To secure Yuriy Yekhanurov's confirmation as prime minister now and to establish a parliamentary majority and government after the 2006 elections Yushchenko will be forced to align himself with former pro-Kuchma centrists in parliament.

Third, after breaking with Yushchenko, Tymoshenko will now draw votes away from the hard-line opposition currently grouped in Regions of Ukraine (RU), the Social Democratic Party-United (SDPUo), and the Communists (KPU). All three are led by uncharismatic, unpopular leaders. In contrast, Tymoshenko has great media appeal, skill as a fiery orator, and popularity that matches Yushchenko's.

Fourth, Yushchenko and Tymoshenko are now expected to publicly duel over who has the right to claim to represent the "true ideals" of the Orange Revolution. Tymoshenko's bloc will campaign to separate business and politics, one of the main goals of the Revolution (Ukrayinska pravda, September 8).

Yushchenko still surrounds himself with businessmen who supported his Our Ukraine bloc in the 2002 parliamentary elections and his presidential campaign. Their ties will be strengthened further if, as expected, the commission exonerates his close allies of corruption.

As the 2006 ballot approaches, the Tymoshenko camp will campaign on a platform asserting that the Orange Revolution is "unfinished." Ukraine needs to "commence preparations for another stage of the revolution," former deputy prime minister Mykola Tomenko argues, "as he [Yushchenko] has not used the chance that history and the revolution gave to him" (Kommersant, September 9).

The 2004 presidential election was a struggle between the Kuchma regime's last prime minister, Viktor Yanukovich, and the Orange democratic alternative, Yushchenko. This battle sidelined the Communists, which had been the main opposition force in the 1990s. Now both the Communists and the centrists stand to be marginalized in the 2006 elections, which is shaping up to be a contest between two wings of the Orange Revolution -- Yushchenko and Tymoshenko.