

WILL YUSHCHENKO FOLLOW THE PATTERN OF SERBIA'S KOSTUNICA -- OR DJINDJIC?

By Taras Kuzio

This week has been both good and bad for Ukrainian President Viktor Yushchenko. Good, because his new government headed by Yuriy Yekhanurov is taking shape. The new government is set to be more market-reform minded, a step favored by foreign investors.

But these positives come after a severe political crisis that resulted in Yushchenko having to cut a deal with Regions of Ukraine leader Viktor Yanukovych. Popular support in the Yushchenko and the authorities has plummeted.

The current atmosphere in Ukraine recalls that of Serbia after its 2000 democratic revolution. Yushchenko looks increasingly similar to President Vojislav Kostunica and Yulia Tymoshenko to Prime Minister Zoran Djindjic. The comparison is not favorable.

Full support for Yushchenko has decreased from 49% in April to 20% now. His popularity is even lower now than the 26% level he polled as prime minister in 1999-2001. Yushchenko now has a -8% ratio of trust to distrust (Tymoshenko has -12%).

Petro Poroshenko, outgoing National Security Council secretary, has the lowest rating at -78. Yushchenko's People's Union-Our Ukraine party has also dramatically declined from 24% in the 2002 elections to 13.9% (Ukrayinska pravda, September 28). If Poroshenko is included on the People's Union-Our Ukraine list in the 2006 election, the party will lose far more than it will gain.

The only politician with a positive ratio is parliamentary speaker Volodymyr Lytvyn with +3%. Other centrist politicians have high negative ratings, with Viktor Medvedchuk, leader of the United Social Democrats (SDPUo), as low as -60%.

Currently Ukraine's two most popular parties are Regions of Ukraine (20.7%) and the Tymoshenko bloc (20.5%). After constitutional reforms come into effect in January 2006, the party or bloc with the most seats in the fully proportional 2006 elections will form the government. Thus Yanukovych could return to government if Regions of Ukraine comes first.

Worse still are the polls that deal with public trust in the Yushchenko government, which has plummeted even in its strongholds of western and central Ukraine. Some 47% of Ukrainians believe that their country is not heading in the right direction, with only 19% believing it actually is (Zerkalo Tyzhnia/Nedeli, September 24-30, Ukrayinska pravda, September 28).

These poll numbers, and the actions of Ukraine's leaders since the Orange Revolution, resemble developments in Serbia. Eric Gordy, writing in the May-June 2004 *Problems of Post-Communism*, classifies Kostunica, like Yushchenko, as supporting a "soft transition" while Djindjic, like Tymoshenko, backed a "hard transition." The difference between a "soft" and "hard" transition rests upon attitudes towards dealing with -- and breaking from -- the former regime.

In Serbia the Milosevic regime's complicity in war crimes was far greater than the charges facing former president Leonid Kuchma. Nevertheless, Kuchma has a high negative rating of -71% among Ukrainians, second only to Poroshenko at -78% (Ukrayinska pravda, September 28).

Whether dealing with war crimes (Serbia), or crimes against opposition politicians and journalists (Ukraine), the actions taken are a test of the political will of the president and the ability of law enforcement to prosecute the accused. Law-enforcement agencies have failed the test in both Serbia and Ukraine.

While Kostunica denied such crimes altogether, Yushchenko raised them in the 2004 presidential election and subsequent Orange Revolution only to forget about them once in office. As Yushchenko stated after the vote to confirm Yekhanurov, "It is time to bury the hatchet and forget where it is."

Not a single criminal case against senior former leaders has made any progress in Ukraine, and the new Yushchenko-Yanukovich memorandum proposes an amnesty for election fraud cases.

The individuals accused of running Yanukovich's shadow election campaign and dirty tricks (Andriy Kluyev) and its support structure, the presidential administration (Medvedchuk), have not been indicted. The head of the Central Election Commission (Serhiy Kivalov) is now dean of the Odessa Law Academy, while other senior figures were permitted to emigrate to Russia and Israel.

The Ukrainian authorities, past and present, have expressed little real interest in pursuing the organizers of the murder of journalist Heorhiy Gongadze. Prosecutor Sviatoslav Piskun, with public ratings of 1.2%, bungled the arrest of former Interior Minister Yuriy Kravchenko (who officials claim committed suicide via two gunshots to his head), and the actual murderer, Oleksii Pisku. Piskun has not expressed any desire to work with Mykola

Melnychenko, whose taped recordings of conversations in Kuchma's office uncovered the Kuchma team's involvement in Gongadze's death.

Similarly, investigations into the assassination of Prime Minister Djindjic in March 2003 and the assassination attempts against Yushchenko between September and November 2004 have made little progress. Yushchenko has oddly taken scant interest in pursuing the men who repeatedly tried to murder him.

Yushchenko's deal with Yanukovych resembles Kostunica's preference for working with parties that had supported the Milosevic regime. Kostunica progressively moved away from the multi-party Democratic Opposition of Serbia coalition that brought him to power in 2000. Similarly, Yushchenko has moved away from Tymoshenko and Pora towards a reliance upon former pro-Kuchma parties.

Supporters of a "hard" transition desire a more radical break with the former regime that would include punishment for their crimes (war crimes, murder of journalists, abuse of office, corruption, election fraud). On these issues Yushchenko, like Kostunica, has lacked political will, and both leaders have instead fumbled.

An opportunity was missed immediately after both revolutions to quickly deal with the former regime. In the meantime, new corruption scandals damaged reformers.

Kostunica's Democratic Party of Serbia lost popularity, just as Yushchenko's People's Union-Our Ukraine has. In Serbia and Ukraine this led to the revived popularity of parties led by key figures from the former regime (nationalists in Serbia, Lytvyn and Yanukovych in Ukraine). Ukraine is only different in that the Tymoshenko bloc is set to gain more popularity than Djindjic's Democratic Party.

The Serbian experience shows the danger of adopting a "soft" transition, because it permits the old guard a chance to regroup. This danger was most clear in Serbia, where those who committed war crimes under Milosevic went on to assassinate Djindjic.

In Ukraine those who organized the murder of Gongadze, committed election fraud, and staged three assassination attempts on Yushchenko look set to remain free. While Milosevic is on trial before the UN International Criminal Tribunal for the Former Yugoslavia, Kuchma continues to live comfortably and comment on political developments in Ukraine.

The selection of Yekhanurov may move Ukraine forward economically, but by not dealing adequately with the past, it could undermine democratic progress and instituting the rule of law.

