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## Looking to 2009 on Ukraine's Second Orange Anniversary

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A year ago, there was still a great deal of optimism in Washington and other Western capitals that following the Orange Revolution, Ukraine would be able to consolidate its democratic gains. On the second anniversary of the Orange Revolution, this optimism has now been replaced by a greater degree of realism and, in some quarters, pessimism.

Was it our optimism that was misplaced or did Ukraine's Orange leaders fail their voters and the one in five Ukrainians who participated in the Orange Revolution? Indeed, has Viktor Yushchenko 'betrayed' the Orange Revolution, as some of his own supporters now claim.

Orange politicians and revolutionaries never had a unified view of what policies they wished to see implemented after Yushchenko came to power. The Yulia Tymoshenko Bloc and youth NGOs, such as Pora (It's Time), strongly backed calls to implement the Orange Revolution campaign promise of "Bandits to Prison."

President Yushchenko and the presidential party, Our Ukraine, have not moved on steps to criminally charge senior officials from the regime of President Leonid Kuchma for election fraud, abuse of office and corruption. Investigations into the two most notorious cases, the murder of journalist Georgiy Gongadze and the poisoning of Yushchenko, have stalled or only led to low-level arrests.

The issue of inaction on 'bandits to prison' in and of itself (coupled with undertaking strategic mistakes that permitted the return of Viktor Yanukovich to government) will most probably cost Yushchenko a second term. Voters in 2009 will focus on these two issues (no 'bandits to prison' and Yanukovich's return) rather than democratic gains during his first term in office.

Besides a fractured policy agenda, the Orange coalition was notoriously broad, ranging from Socialists, free market capitalists to nationalists. This enabled a large coalition to be formed that could protest election fraud. But, after the Orange Revolution it proved unable to remain united and disintegrated after only nine months in office. The Orange coalition is never likely to be re-united.

Yushchenko's election was a victory for democratic forces but never became a knockout blow to the old regime, unlike in Georgia where Mikheil Sakashvili was elected president with 96 percent of the vote (compared to Yushchenko's 8 percent victory over Yanukovich).

Yanukovych and the Party of Regions obtained 44 and 32 percent in 2004 and 2006 respectively, showing that this political force had a popular base.

On the second anniversary of the Orange Revolution, Ukraine is at a crossroads and faces two strategic questions.

First, will the Party of Regions transform itself into a democratic, post-oligarch party. Answers to this question are either pessimistic (as best represented by the Tymoshenko bloc), agnostic ('lets wait and see') or optimistic ('they are already evolving', 'they have already evolved').

Precedents do indeed exist in Eastern Europe for the transition from oligarch to law-abiding businessmen, but those countries had an external stimulant, the offer of EU membership, which Ukraine does not. In addition, one struggles to find an analogy to the Party of Regions in other central-east European countries.

The difference between the Party of Regions' senior oligarchs and other Ukrainian oligarchs lies in what they did to make their money. Other oligarchs used their insider connections in what could be called white collar crime /corrupt activities. Senior Regions' oligarchs, on the other hand, extensively used violence as well as white collar crime activities. This background has produced a schizophrenic, multi-vector Party of Regions with whom you never know if they are seeking to shake your hand, steal your watch or physically harm you.

The question of the Party of Regions' legitimacy is a timely issue coming on the eve of Yanukovych's Washington visit. Scepticism remains widespread in the USA that there is anything deeper than a Potemkin Perestroika from turtleneck to shirt and tie under his jacket. The onus is on Prime Minister Yanukovych and the Party of Regions to prove to the West and Ukrainians that there is substance to the hitherto Potemkin Perestroika.

Second, is the Orange Revolution reversible following the return of Yanukovych to head the government. Here responses are more guardedly optimistic. The Party of Regions, while controlling the largest parliamentary faction and government, is not in a position of exercising monopolize power to be able to return Ukraine to the semi-authoritarian Kuchma era.

As U.S. scholars such as Paul D'Anieri and Lucan Way have shown, Ukraine's regionalism mitigates against the dominance of one ruling party and the imposition of an authoritarian regime, making Ukraine different from Russia. Its 32 percent victory in the 2006 elections will not permit the Party of Regions to monopolize power or reverse the Orange Revolution. At the same time, this relative power and control of government could stagnate Ukraine's reforms into a stable status quo.

Ukraine's post-Soviet transition was marked by frequently changed governments which lasted on average only 12 months. The last government to be dismissed in such a manner was the Tymoshenko government in September 2005, the first of many strategic mistakes committed by President Yushchenko. Any military officer would tell you that dividing your forces on the eve of a major battle (the parliamentary elections) is a major mistake.

Following constitutional reforms in 2006, the president no longer has the right to dismiss the government, which is now responsible to the parliamentary coalition. The Yanukovych government could therefore remain in place until the October 2009 elections.

The 2009 presidential elections will be fought by three well-known candidates, Yanukovych, Tymoshenko and incumbent Yushchenko. Current polls point to the second round contest being fought by Tymoshenko and Yanukovych, Ukraine's two most popular politicians. As of today, it is difficult to see how Yushchenko can reach the second round. Indeed, sadly, the aftereffects of his poisoning could well impair him from doing so.

In 2009, Ukraine may therefore face a repeat of the 2004 elections between Orange and Blue forces in two ways.

First, Yanukovych will again launch his candidacy from a position of prime minister. But, on this occasion, Yanukovych will have a stronger launching pad, since the position of prime minister has been enhanced following constitutional reforms.

Second, the 2009 elections could again be a contest between Blue and Orange forces. As prime minister for three years and with a popular base of support, Yanukovych will be guaranteed to enter the second round. The difference would be that Yanukovych's second attempt to gain the presidency would pit him against Tymoshenko. The former Orange Revolution coalition, which will enter the 2009 elections divided between Yushchenko and Tymoshenko, only one of whom will go through to round two.

Only two years into his presidency, Yushchenko increasingly looks isolated. He seemingly rarely listens to advice (or at least does not take heed of it), allows personal conflicts to unduly influence his views, has adopted a disastrous personnel policy and has not shown leadership or strategic vision.

Yushchenko's greatest weaknesses have been his weak charisma, concomitant inability to stay in touch with core Orange voters, and an inability to exercise power. On going discussions over revising constitutional reforms, ignore the fact that Yushchenko has neither exercised power under the former constitution last year or the revised parliamentary constitution this year.

It is Yushchenko's overarching perception of being weak, coupled with his inability to implement key Orange Revolution policies, that has drained support away from him to Tymoshenko. Yushchenko's Our Ukraine ignores the demands of its honorary chairman at its recent congress, oligarchs no longer fear him, while former 'bandits' return home no longer afraid of prosecution.

One enduring legacy of the Orange Revolution could well be that Ukraine holds free and fair presidential elections in 2009, as it did in March to parliament. The Party of Regions won this year's elections and Yanukovych could well go on to win the presidency. The lure of this prize may force Yanukovych to modify his image to reach out beyond his Donetsk home base, even if it is only in a Potemkin Perestroika.

Tymoshenko, the head of the opposition, has the ability to block Yanukovich's election in 2009. She will though have a formidable task of combining two positions, one of an aggressive opposition leader with another, that of a centrist presidential candidate. Tymoshenko needs to reach out beyond her core Orange voters in western-central Ukraine. One reason Yushchenko won in 2004 was that one section of the ruling elites was more afraid of Yanukovich than of him. Some of Ukraine's elites may fear Tymoshenko, even though this fear may be misplaced.

The 2006 elections showed the Tymoshenko bloc as the only political force that possessed all-national support, as it came second to the Party of Regions throughout most of eastern and southern Ukraine. Yanukovich, on the other hand, will find it difficult to compete with Tymoshenko in central Ukraine while finding it impossible to penetrate western Ukraine. Tymoshenko will absorb the Socialist Party's voter base in central Ukraine.

The narrowing of Ukraine's political landscape to the Party of Regions and Tymoshenko bloc would also seem to be taking place inside parliament. Three of the five parliamentary forces are in deep crisis, although only the democratic force (Our Ukraine) admits to this. The Socialists and Communists are unlikely to enter the next parliament. Our Ukraine could be eclipsed by a new center-right political force led by Yuriy Lutsenko, Taras Stetskiv and Mykola Katerynchuk.

To sum up, the presidency is in crisis in its second year, a feature normally only associated with the latter stages of a president's second term in office (not the first stages of his first term). In parliament's first year in power, of the five political forces in parliament, three are in crisis and have little support outside.

On Ukraine's second Orange anniversary, Ukraine is in danger of stagnation in its reforms and therefore an inability to pursue Euro-Atlantic integration. Status quo re-stabilization of the political system, punctuated by ongoing conflicts, in the domestic and foreign policy fields could again lead to Ukraine fatigue, both domestically and externally.

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