



# The Ukrainian Observer

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History is a set of lies agreed upon.

- Napoleon Bonaparte



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Downfall of a President?

By Taras Kuzio



Viktor Yushchenko was elected on December 26, 2004 and came to power nearly a month later with a popular mandate that politicians dream of, but rarely receive. Immediately after coming to power his ratings were higher than the 52 percent who voted for him. This can only be explained by assuming that a significant portion of those who voted for Viktor Yanukovych also sought change.

Yanukovych's hard-core anti-Yushchenko support consisted of ex-communists, die-hard Homo Sovieticuses and Russophile eastern Ukrainians who had bought into the propaganda attacking Yushchenko as too close to the United States and to right-wing western Ukrainian politicians. Another portion of Yanukovych's supporters agreed with the orange camp that Ukraine needed change and a fundamental break with the Leonid Kuchma era.

In an October 2004 poll by the Razumkov Center, 37.4 percent of Ukrainians believed that if elected President, Yanukovych would continue Kuchma's policies while another 39.8 percent believed he would introduce new policies. Change was in the air but there was nobody to introduce it.

Yushchenko has proved unable to deliver such change or to be a revolutionary with a new vision for Ukraine. His supporters have deserted him in droves while floating voters in the Yanukovych camp stuck with him, rather than defect to Yushchenko as well they could have if 2005 had not been a year of lost opportunities.

Viktor Yushchenko: Faithful Regime Servant

Yushchenko was a loyal government servant during seven of Kuchma's ten years

in office, first as chairman of the National Bank, then as prime minister and finally as head of the loyal opposition Our Ukraine. Yushchenko's path was no different to many other senior Our Ukraine leaders whose businesses grew under Kuchma or who had held senior government positions. Yushchenko's background and career path made him an unlikely ally of opposition hardliners and an even more unusual revolutionary. Revolutionaries are not usually attracted to banking careers.

In February 2001, Yushchenko joined parliamentary speaker Pliushch and President Kuchma in issuing a defamatory statement against the opposition that used traditional Soviet language about dissidents. The disgraceful statement depicted the anti-Kuchma protestors as "politically destructive", "extremist" and "anti-state forces", who are a threat to Ukraine's territorial integrity and security that fan the flames of "cynical political speculation". The statement claimed that, "before us stands a Ukrainian version of national socialism" with the express purpose of heightening civil conflict, chaos and violence.

If Yushchenko had not been removed by the April 2001 parliamentary vote of no confidence initiated by President Kuchma, he would have continued to faithfully serve President Kuchma until the end of his second term in 2004. Even after Yushchenko's removal as prime minister, he and Our Ukraine continued to have a naive faith in Kuchma holding free elections in 2004 and the president anointing him as his chosen successor.

After Kuchma initiated the parliamentary no confidence vote in Yushchenko's government, Yushchenko remained a "frequent visitor to Kuchma", Askold Krushelnycky writes in his newly published book, *An Orange Revolution*.

This naive faith in the "good Tsar" became more difficult to argue after the appointment of Donetsk governor Yanukovych as prime minister in November 2002. Nevertheless, Yushchenko's faith in the "good Tsar" (Kuchma) was not dented by growing pressure in 2003-2004 to introduce constitutional reforms transforming Ukraine from a semi-presidential to a parliamentary-presidential system that was understood as the regime seeking to take executive powers away from a future President Yushchenko. The violence that rocked the April 2004 Mukachevo mayoral elections and two months of dirty election campaign tactics in summer 2004 also failed to dent Yushchenko's faith in the president.

Unfortunately, it took the poisoning of Yushchenko in September 2004 to finally force him to understand that the authorities would never allow him to win. The faithful, loyal Yushchenko was pushed in fall, 2004 against his character into entering the revolutionary terrain occupied by the Tymoshenko bloc and the Socialist Party and becoming a temporary revolutionary.

A September 2002 article in *Time* magazine had correctly described Yushchenko, "His is a bloodless form of politics, the rationale approach of a former central banker not given to blazing rhetoric," who prefers dialogue to protest.

Revolutionary street tactics were not Yushchenko's style. Yushchenko and Our Ukraine had never backed anti-Kuchma protests in 2000-2003; instead they had

adopted multi-vector tactics that failed then and in 2006. Our Ukraine flirted between occasionally joining the "Arise Ukraine!" protests and working with the authorities through seeking to establish a centrist parliamentary coalition.

In 2002-2003, after Our Ukraine had come first in the proportional half of the 2002 elections, Yushchenko's strategy was to create a coalition of Our Ukraine and pro-Kuchma centrists, but excluding their antagonistic foe, the Social Democratic United Party (SDPUo). Yushchenko would then return as prime minister and Volodymyr Lytvyn would become parliamentary speaker. Another of Yushchenko's tactics was to call for dialogue with the authorities. Our Ukraine's tactics failed in 2002-2003 and in 2005-2006. Kuchma rejected any round-table dialogue and allied himself with SDPUo leader Viktor Medvedchuk, rather than with Yushchenko. Without the support of Our Ukraine, anti-regime protests only attracted crowds of up to 50,000 and failed to become the mass movement that it potentially could have been. With the support of Yushchenko and Our Ukraine, Kuchma could have been removed from power in 2000-2001, as his nemesis president Alberto Fujimori was in Peru.

### Revolution or Dialogue?

The unwillingness of the authorities to permit Yushchenko to win the 2004 elections, the brutal nature of the dirty tactics used against the Yushchenko campaign and Yushchenko's poisoning laid the groundwork for the Orange Revolution. The Orange Revolution was won by the huge number of usually apolitical Ukrainians who flooded to Kyiv and by revolutionaries, such as Tymoshenko. Yushchenko was the symbol of the Orange Revolution - but he was always the unwilling, temporary revolutionary.

Rukh deputy leader Vyacheslav Koval described Our Ukraine as a "constructive opposition" that therefore only supported revolution as a last resort. This had always been Yushchenko's position.

Revolution, Rukh leaders feared, could destabilize the Ukrainian state and lead it to lose independence. They distrusted the whistleblower Mykola Melnychenko because they were convinced that his tapes were part of a Russian conspiracy against Ukraine. The Kuchma camp, in turn, viewed the tapes as a US-backed conspiracy to replace Kuchma by Yushchenko. Both had a like-minded view of the Gongadze affair as a foreign-backed conspiracy and both distrusted Melnychenko.

Roman Besmertnyi, then Kuchma's representative in parliament, ardently defended Kuchma in parliament from attacks by the opposition during the Kuchmagate crisis earning him the nickname of "Little Medvedchuk". Besmertnyi, Andrew Wilson wrote in his new book *Ukraine's Orange Revolution*, "competed to be Kuchma's most ardent public defender" on television during the early period of the Kuchmagate crisis. Besmertnyi threatened that Kuchma would disband parliament and rule by emergency decree if it voted to impeach him. Besmertnyi warned that, "You will simply not be allowed to destabilize the situation in Ukraine; keep that in mind". Besmertnyi resigned his position in parliament and moved to Our Ukraine in 2002 where he has since always held a high position.



Our Ukraine's commitment to revolution in, and outside, power was dependent on the circumstances at the time. "Our Ukraine is ready to take up a more radical niche if the situation demands it," Yushchenko warned in September 2002. Yushchenko offered two proposals to the authorities: dialogue or street protests. Our Ukraine's multi-vector strategy of dialogue and street protests merely reflected the divisions

within the group that had always existed between one wing that favored cooperation with opposition hardliners and another that favored striking a deal with the authorities. This division reappeared after the 2006 elections when one wing of Our Ukraine led by Besmertnyi negotiated an orange coalition and another led by Yuriy Yekhanurov negotiated a grand coalition.

The radical opposition turned down dialogue with the Kuchma regime in 2000-2003 and during the Orange Revolution. As soon as the offer of round-table dialogue was made to Yushchenko he took the bait, turning his back on the street protests.

At the round-table negotiations, Yushchenko agreed to introduce constitutional reforms in 2006 and to give Kuchma immunity. In return, Yushchenko was guaranteed election on December 26; that is, Kuchma made Yushchenko his official successor after he had obtained personal insurance.

This dialogue laid the basis for Yushchenko's demise after coming to power: the lack of criminal charges against senior Kuchma officials disillusioned orange voters while the main beneficiary from constitutional reform became Yanukovych. Of the 1,297 cases brought to court for election fraud, all were against forced executors such as school teachers. Of these, only 265 were found guilty and were given light, often suspended, sentences. Although the Supreme Court ruled on December 1, 2004 that there had been massive election fraud, including by the Central Election Commission (CEC), none of the organizers were ever charged. The then head of the CEC, Sergei Kivalov, is currently head of parliament's committee on law and the courts.

Volodymyr Filenko, one of the key Orange Revolution organizers, wrote in *Zerkalo Nedeli*, "Falsifications took place but there were no falsifiers?" Making everyone equal before the law was a major demand of the Orange Revolution that Yushchenko failed to grasp. A video tape scandal in Peru at the same time as Ukraine's tape scandal led to the flight of the president from the country and imprisonment of many officials. The videotapes were ordered shown on Peruvian television. Melnychenko's tapes still remain a taboo subject for Yushchenko and Our Ukraine.

"Good Tsar" and "Bad Boyars"

Yushchenko refused to bring Tymoshenko with him to round-table negotiations during the Orange Revolution, knowing full well that she had always refused to

hold dialogue with the authorities. Divisions that had always existed since the Kuchmagate crisis opened up within the orange camp between the radical opposition who argued for the takeover of power by occupying the presidential administration and opposition accommodationists who agreed to conduct dialogue.

This division between revolutionaries and non-revolutionaries had existed during the entire 2000-2004 period but had been temporarily set aside during the 2004 elections and Orange Revolution. Tymoshenko and Yushchenko had always put forward different strategies and worldviews during the Kuchmagate crisis and the "Ukraine Without Kuchma" and "Arise Ukraine!" protests.

Tymoshenko believed the only place for Kuchma was to be placed on trial and that there could not be dialogue with a "criminal regime". Yushchenko placed all the blame for the regimes faults at the floor of the "Boyars" (Medvedchuk) while seeking dialogue with the "good Tsar" (Kuchma). It is little wonder that the Yushchenko-Tymoshenko alliance only lasted nine months in 2005.

#### Yushchenko, the Non-Revolutionary

After coming to power, Yushchenko never became the "messiah" that he had been elevated to after his government was removed and his election as president. Orange and some blue Ukrainians expected radical change that he, as a non-revolutionary, could never bring. Knowing that pending constitutional reforms would take away his control over the government, Yushchenko had a one-year window in 2005 during which he had the popularity and the executive power, while facing only demoralized former regime supporters, when he could have introduced any manner of radical reform.

As Our Ukraine deputies Volodymyr Stretovych and Serhiy Bychkov recently wrote, "But at that moment it seemed that we had nothing to give them." They lamented that, "we were given the greatest peoples trust and the greatest of peoples hopes was placed upon us."

In February 2005, 54 percent of Ukrainians believed that Ukraine was moving in the right direction. Two years later, a Razumkov Center poll found that 63.2 percent believed Ukraine was moving in the wrong direction. By summer 2005, there were clear signals that Ukrainians were becoming uneasy about developments in their country. By June of that year, 43 percent still believed that Ukraine was moving in the right direction, but 31 percent already disagreed.

A year ago, the balance switched: 18 percent of Ukrainians believed Ukraine was moving in the right and 62 in the wrong direction. This proportion has remained to this day. The Razumkov Center pointed out that this correlation of right/wrong direction is worse than in the last year of Kuchma's rule when 20 percent believed Ukraine was moving in the right and 56 percent in the wrong direction.

Between 2006-2007 Yushchenko's support had plummeted to 19 percent after a year in office and to 11 percent today. Yanukovych's ratings are twice as high. Such a catastrophic collapse in popularity in a president's first two years in office

would have led to a political crisis in a western democracy; in the United States, presidents with ratings less than 30 percent are considered lame ducks. In Russia, President Vladimir Putin is only a year from finishing his second term in office and he continues to command 50-60 percent support.

The president and Our Ukraine ignored the changing mood of Ukrainians from fall 2005, both towards them and towards the direction that Ukraine was taking. As the Razumkov Center pointed out, "If the authorities do not hear the communicators, in a democratic country they are destined for failure." This was clearly seen in the 2006 elections when Our Ukraine obtained ten percent fewer votes when its honorary chairman, Yushchenko, was president than when Kuchma was in power four years earlier. Today, Our Ukraine's ratings are less than ten percent, a figure similar to the one Rukh obtained when it stood alone in the 1998 elections.

### Where is Ukraine Going?

This preceding analysis points to two possible scenarios in the two years ahead to the next presidential elections.

First, the Anti-Crisis coalition will successfully change the constitution to complete the transformation of Ukraine into a parliamentary republic. The president would be elected by parliament, as in neighboring Moldova, and no longer by popular vote. Within the Anti-Crisis coalition, which has 240 deputies, the two left-wing parties have always supported the abolition of the presidential institution. A wing of the Party of Regions also shares this view.

Our Ukraine could arrive at the altogether logical conclusion that Yushchenko cannot win a second term (this, of course, assumes he is in good enough health to stand). A constitutional change would require an additional 60 votes to that possessed by the Anti Crisis coalition that could be provided by Our Ukraine. Their rationale for providing the votes would be that they rather nobody had the presidency than give it in 2009 to Yanukovych or Tymoshenko.

The holding of early parliamentary elections might remove the need for Our Ukraine to provide the additional votes to effect constitutional change. The Party of Regions would be likely to increase its faction's representation by early elections.

Second, if the constitution is not changed and the presidential institution continues to exist, the second round contest would be between Yanukovych and Tymoshenko. This would become a repeat of the 2004 elections when Yanukovych was also prime minister with the orange candidates merely changed from Yushchenko to Tymoshenko.

Tymoshenko would have an uphill struggle to win the elections as her revolutionary profile may be popular with the average person in the street but is distrusted by Ukraine's business elites.

Who would Yushchenko support in a second round in 2009 if the choice were

between Tymoshenko and Yanukovich?