

Ukraine: beyond the orange coalition

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As Ukraine's *Rada* (parliament) closes for the 2008 summer recess the question on many people's minds will be if the orange coalition headed by Viktor Yushchenko (Ukraine's president) and Yulia Tymoshenko (the country's prime minister) has reached a dead end. By the autumn Ukraine could well be facing another round of parliamentary elections ahead of schedule, with presidential elections [1] to follow in October 2009.

The Yulia Tymoshenko [2] government survived a vote of no-confidence on 11 July 2008. It had been supported only by the Party of Regions, and therefore not by the other opposition bloc Our Ukraine-People's Self-Defence (NU-NS), or by the communists and the Volodymyr Lytvyn bloc.

Tymoshenko thus passed the test, and now another vote of no-confidence is unlikely before the beginning of the presidential-election campaign. Such an outcome (or rather, non-outcome) would leave Tymoshenko in the prime-minister's position possibly until the elections. The main losers from the vote are the Party of Regions, which had boasted confidently that it had sufficient votes to oust the government.

Another loser is the president whose anti-Tymoshenko tirades failed to unseat her. The president is blamed by Tymoshenko and orange voters for blocking the adoption of the 2008 budget before the summer recess of parliament [4]. The president had proposed amendments to the already amended budget, which he is not legally able to undertake under the pro-parliamentary amendments to the constitution [5] passed in 2006.

An unstable parliament

The orange coalition established in November 2007 after the pre-term elections [6] on 30 September had the support of 228 deputies (on paper at least - based on 156 Tymoshenko bloc [BYuT] and seventy-two of the NU-NS); this was only two more than the minimum requirement of 226 needed to govern, thus making it a fragile entity. Over the course of eight months, the 228 has been chipped away in three stages - primarily by a non-cooperative and disintegrating NU-NS.

First, the NU-NS deputy Ivan Pliushch refused to sign the coalition accord. Pliushch was secretary of the National Security and Defence Council (NRBO) until December 2007; this body is headed by the president (who also is honorary chairman of Our Ukraine and could in principle have ordered him to sign the coalition accord). The NU-NS had campaigned openly for an

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"Ukraine: democracy vs personality [3]" (8 October 2007)

orange coalition under the slogan "one law for everybody", something that Pliushch openly flouted. The NRBO has been used by Yushchenko as an alternative centre of power to the government. Pliushch's replacement was Party of Regions parliamentary-faction leader Raisa Bohatorova. The influential weekly *Zerkalo Nedeli* wrote that Ukraine has a "formal and a shadow" government.

Second, eight NU-NS deputies resigned in February 2008 from the faction, but claimed they were remaining in the coalition led by the head of the presidential secretariat, Viktor Baloga. The defectors joined a new pro-presidential party of power entitled *Yedyny Tsent*r (United Centre), formed out of frustration at the refusal of the NU-NS's nine member-parties not to abide by their election pledge to merge into one pro-presidential force. United Centre also is the vehicle to campaign for Yushchenko's re-election for a second term (however unlikely that prospect currently appears).

Third, one NU-NS and one BYuT defector resigned in May 2008 from the coalition. The NU-NS head and interior minister Yuriy Lutsenko described it as "the return of political prostitution" - referring to the (bribed) defectors from the orange opposition in March 2007 that had pushed Yushchenko into issuing a decree disbanding parliament on 2 April 2007.

The constitutional court has ruled that deputies are elected to parliament within parties and blocs, and not individually, and therefore they cannot remain in parliament but be outside a faction. The BYuT and the NU-NS are seeking to expel the defectors and replace them with loyal new deputies; this, if successful, would theoretically return the coalition to a bare majority of 227 deputies.

The constitutional-court's ruling answers old questions while bringing up new ones. The ruling places neither Pliushch or the May defectors beyond the law, as they have either not signed the coalition accord or have defected from it while (on paper, again) remaining inside factions. The court ruled only on the relationship of deputies to factions, not to coalitions. The ruling does though place Baloga and his United Centre defectors beyond the law as they left the faction but remained within the coalition.

These three sources of instability [7] leave the continued viability of the orange coalition in doubt. The NRBO continues to act as an alternative government and grand coalition of pro-presidential and Party of Regions officials that continually raises demands and issues criticism of the government. The presidential secretariat, particularly its head Viktor Baloga, is a source of daily attacks and demands on the government. President Yushchenko adds to these through his own demands on the government and criticism of its performance in Ukraine [8] through the media and decrees, as well as in interviews in western newspapers during foreign visits. In addition, the NU-NS has *de facto* disintegrated as a united force into three or four groups that are oriented to either Yulia Tymoshenko or (to a lesser extent) to Viktor Yushchenko (see "Ukraine: democracy vs personality [8]", 9 October 2008).

Kyiv's political carousel

The government may try and hold on until the presidential-election campaign begins in spring 2009. Yulia Tymoshenko's electoral chances remain (according to polls) the best placed of Ukraine's leaders for a successful campaign. The chances of her surviving until then are high; Yushchenko, having once - in September 2005 - removed a Tymoshenko government, does not wish to be blamed for doing so again. Moreover, even if meanwhile a parliamentary no-confidence vote in the government was approved, the government would remain in place until a new coalition was formed - and that coalition could well be "orange" again and could again re-install Tymoshenko.

Tymoshenko's [9] worst-case scenario would be to be removed from government before the end of 2008, as this would mean she would have neither a parliamentary seat (which has to be given up when entering government) nor the prime-minister's position from which to fight the elections. Nevertheless, even here her campaign energy and charisma cannot be ruled out in overcoming this obstacle. After Tymoshenko was sacked in September 2005 she had no government or parliamentary position, but still successfully increased BYuT's vote (from 7% in March 2002 to 23% in March 2006).

For their part, Yushchenko and Baloga's strategy will continue to play out. Their ideal outcome would be to keep Tymoshenko in government until the end of 2008 and blame it for any high-profile economic problems (such as rising inflation [10]) at that stage; then replace her with a "pragmatic" grand coalition of NU-NS and the Party of Regions.

Yushchenko, according to former defence minister Anatoliy Hrytsenko, promised the Party of Regions in May 2007 that if they agreed to pre-term elections he would agree to a grand coalition in their aftermath. What this scenario [11] and earlier promise failed to take into account was that Tymoshenko could return as prime minister even after a parliamentary no-confidence vote; it also ignores widespread opposition to a grand coalition within the NU-NS. In order to withdraw from a coalition, a faction requires a majority vote - and in the case of the NU-NS, that means that a minimum of thirty-seven deputies vote in favour of leaving the orange coalition, a number that does not exist.

In addition, support for Yushchenko's grand-coalition project has been hindered by a return to selective use of the law - in particular, attempts to revoke the citizenship of the wealthy businessman Davyd Zhvannia (who exchanged Georgian for Ukrainian citizenship in 1999). Zhvannia finances Lutsenko's People's Self-Defence, a coalition partner of Our Ukraine, which now has twenty of the seventy-two NU-NS deputies.

Ukraine could therefore continue to muddle along with a fractured coalition, a disintegrating NU-NS, and a hostile NRBO and presidential secretariat. This unclear path could only be halted by constitutional reforms that could pave the way for pre-term parliamentary and presidential elections. The parliament's two largest factions, BYuT and the Party of Regions together control 331 out of 450 deputies; they have reached a near-consensus on reforming the constitution towards a parliamentary system (the first stage of the shift from semi-presidentialism to parliamentarism took place in 2006). Two other parliamentary factions, the Lytvyn bloc and the communists, would support parliamentarism, while only some within the NU-NS (but not Lutsenko's People's Self-Defence wing).

The political crisis [12] has had a negative impact on Yushchenko and the NU-NS. The president's ratings have collapsed to their worst ever level of 6% - a level not achieved by the pre-revolution president Leonid Kuchma [13] until his second term, after the Georgi Gongadze scandal. Yushchenko has therefore no possibility of being re-elected for a second term, and that makes his anti-Tymoshenko policies all the more pointless. The NU-NS's ratings have declined from 14% percent in both the 2006 and 2007 elections to 5%. In the pre-term Kyiv city elections on 26 May 2008, the NU-NS failed to cross even the 3% percent threshold. The president was

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Alexander Motyl, "How Ukrainians became citizens [8]" (25 November 2004)

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forced to rely instead upon the incumbent maverick (and reputedly corrupt) mayor Leonid Chernovetsky, whose support-base is mainly formed pensioners who in eastern Ukraine traditionally vote for the Party of Regions or the left.

A changing balance

In international terms too, a similar process to the domestic one is at work. Tymoshenko's visit to Brussels in June 2008, where she attended a meeting of the centre-right European People's Party (EPP) - the largest political group in the European parliament - was her fourth visit to the city this year. This reflects a palpable change in mood in Brussels towards the twin leaders of the orange revolution in favour of Ukraine's prime minister.

Viktor Yushchenko's mandate for change after the orange revolution [14] of 2004 was greater than that given to Margaret Thatcher in Britain in 1979, Nicolas Sarkozy in France in 2007, and perhaps Barack Obama in the United States in 2008. Ukraine's innumerable political crises and unending political squabbling have inexorably wasted the mandate - and it is the president who bears the chief responsibility, for he and his secretariat have obstructed the prime minister's programme of reforms, energy transparency and anti-corruption measures. Indeed, a package of constitutional reforms in 2006 removed the government from the president's constitutional jurisdiction, rendering many of the demands made towards a government now under parliamentary control unconstitutional.

The political class and heads of governing institutions in western Europe have become increasingly uneasy at the growing rifts in the orange coalition. The widespread concern is reflected in the comments of the president of the European People's Party, Vilfred Martens (who "remains perturbed that there are attacks on the government and at the same time...attempts to block the course of reform") and the Council of Europe's reminder to Yushchenko of his responsibility to bring to trial the "organisers" of Gongadze's murder.

This criticism of Yushchenko and growing support for Tymoshenko are running in parallel. Vilfred Martens made this explicit at an EPP press conference in June 2008: "On behalf of the EPP I would like to state our solidarity with the course undertaken by the Tymoshenko government, its anti-corruption and privatisation programme". Meanwhile, Tymoshenko's visit to Brussels was marked by support from senior EU officials for her government's economic and anti-inflationary policies.

A major component in these shifting western attitudes is the respective leaders' attitudes to fighting corruption. Corruption is at its worst and most lucrative in Ukraine's energy sector, where the government has been praised for its attempts at introducing transparency and removing opaque intermediaries. A major point of disagreement among orange leaders has rested over the continued use of allegedly corrupt [15] intermediaries such as RosUkrEnergo. Yushchenko and opposition leader Viktor Yanukovich have defended the use of such intermediaries while the Tymoshenko government has sought to remove RosUkrEnergo and replace it with a direct gas relationship between Ukraine and Russia.

The damage of the continued infighting in the orange coalition is far more than than local or short-term. The lack of political stability empowers the arguments of those western European governments that oppose Ukraine's Nato membership. Germany and France led the way at Nato's Bucharest summit in April 2008 to block the entry [16] of both Ukraine and Georgia into the alliance's Membership Action Plan's (MAP). Since 2004, officials of Nato and the European Union officials have repeatedly called for the unity of pro-reform forces as a pre-requisite for Ukraine's path to accession [17] to both organisations. The danger now is that the fragmentation

of the orange coalition will lead Nato foreign ministers at their December 2008 meeting again to postpone a decision on Ukraine's entry.

Four years after the orange revolution, western attitudes to Viktor Yushchenko and Yulia Tymoshenko are gradually changing. Yushchenko's record - in twice undermining a Tymoshenko pro-reform government, being unable to make progress against corruption, and embracing oligarchs - has compromised his image in the west. Tymoshenko, by contrast, is acquiring an image in the west as Ukraine's best agent of reform and of cleansing Ukraine's deep-seated corruption. This changing dynamic is an important new development as Ukraine looks ahead to the presidential elections in 2009.

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[15] <http://biznes.onet.pl/7,1791310,wiadomosci.html>

[16] http://www.brookings.edu/opinions/2008/0506_ukraine_pifer.aspx

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