



UKRAINE: President provokes showdown with premier

Thursday, April 12 2007

EVENT: A senior aide to Viktor Yushchenko said yesterday that the president might suspend his decree dissolving parliament.

SIGNIFICANCE: Parliament's refusal to recognise the validity of the decree and allocate budgetary funds for early elections has plunged Ukraine into political and constitutional deadlock.

ANALYSIS: During round-table negotiations to resolve the contested presidential election in December 2004, Ukraine's political elite agreed to re-run the second round and change the constitution from a presidential to a parliamentary-presidential system. The poorly drafted reforms were adopted in a single parliamentary session, violating the constitutional requirement for two sessions.

The political force that has gained from enhanced parliamentary powers is Prime Minister Viktor Yanukovich's Anti-Crisis Coalition (ACC), which formed in July-August 2006. It has not been content with its powers, seeking to erode further the president's prerogatives (see [UKRAINE: Second-time premier reverses Orange policy - February 28, 2007](#)):

- The ACC refused to join President Viktor Yushchenko's commission to revisit the constitutional reforms, leading the president to threaten to put them to a referendum.
- To control law enforcement, laws on the procuracy and the president's National Security and Defence Council were drafted. Control over foreign and defence policy was sought via parliament's approval of the two ministers (who are appointed by the president). Legislation on foreign policy was drafted, funding cut off for the Ministry of Foreign Affairs, and Yanukovich sought to forge his own foreign policy during visits abroad.
- A law on the cabinet transferred powers further from the president to parliament. The ACC has refused to take into account Yushchenko's demands for changes to that law.
- The ACC boasted that by mid-2007, it would have a 'constitutional majority' of 300 deputies, two-thirds of parliament, that is necessary if changes are to be made transforming Ukraine finally into a parliamentary republic and marginalising the president. By April 2, the ACC's strength had grown from 239 deputies to as many as 260. Deputies were poached by a variety of means. On March 21, Anatoliy Kinakh's Party of Industrialists and Entrepreneurs, one of five parties in the president's Our Ukraine bloc, defected to the ACC. This was the last straw for Yushchenko, who on April 2 dissolved parliament and called early elections for May 27.
- The ACC has revived Kuchma-era tactics against the opposition, raiding Yuriy Lutsenko's Narodna Samooborona (People's Self-Defence) movement and allegedly discovering weapons owned by its activists, many of whom are veterans of the 'Orange Revolution' (see [UKRAINE: Ruling party's tactics become more ruthless - April 2, 2007](#)).

Yushchenko's demands. Yushchenko's legal team maintains that the ACC's attempts to create a two-thirds majority from three parliamentary floor groups and opposition defectors is illegal, as the constitution only permits floor groups to join a coalition, and that by poaching deputies, the ACC is attempting to overturn the 2006 parliamentary elections.

Yushchenko issued seven demands to the ACC at an Our Ukraine convention on March 31, namely:

- stop poaching deputies;
- adopt a law on the 'imperative mandate' that forbids deputies switching floor groups;
- join the constitutional commission;
- allow the Constitutional Court to work without pressure;
- halt the politicisation of law enforcement;
- accept changes to the law on the cabinet; and
- give legal force to the 'National Unity Universal' policy agreement signed on August 3 at round-table negotiations between Yushchenko and the ACC parties.

ACC response. The ACC has rejected all seven demands:

UKRAINE: President provokes showdown with premier - p. 2 of 3

- It has said it will abide by whatever the Constitutional Court rules on early elections.
- Yanukovych has sought Western mediation for a 'zero variant' compromise, whereby the ACC would accept most of the seven demands in return for Yushchenko withdrawing his decree.
- The ACC has suggested holding simultaneous early parliamentary and presidential elections and a referendum on NATO membership, presumably expecting Yushchenko to fail to be re-elected. Yanukovych's response to yesterday's offer to suspend the dissolution decree was to repeat the call for an early presidential election.

Yushchenko has held several rounds of negotiations with Yanukovych, but his team doubts that Yanukovych will abide by any agreement.

Orange unity. The Orange team has changed since 2006:

- The atmosphere is more reminiscent of the energised 2004 election campaign than the complacency during the 2006 elections. Yushchenko is in a fighting mood and determined to remove the ACC from power.
- Our Ukraine has been divided between national-democratic parties closer to rival opposition leader Yulia Tymoshenko, and businessmen inclining towards Yanukovych's Party of Regions. Since electing Vyacheslav Kyrylenko as leader, the national-democratic parties have regained the upper hand, as in 2002.
- The Orange coalition has ended 17 months of disunity following the sacking of Tymoshenko's administration and the Socialists' defection to the ACC. Faced with the threat of an ACC monopoly of power, Kyrylenko, presidential secretariat head Victor Baloha and Lutsenko have forged an alliance with Tymoshenko.

Risk of conflict. ACC and Orange supporters are encamped in Kiev, the former copying Yushchenko's tactics from the Orange Revolution. If the crisis is prolonged and one side disagrees with the Constitutional Court's ruling, there could be clashes.

Yushchenko has ruled out the use of force. He has control over the military, the security services and the police through the National Security and Defence Council. The ACC government controls the Interior Ministry but the rank and file would, as in the Orange Revolution, be either neutral or loyal to the president. Like Kuchma in 2004, the ACC may count on some special forces units.

Outlook. Ukraine is awaiting the Constitutional Court's decision, but the court has taken no major decisions since August and a struggle for control may be going on behind the scenes (see [UKRAINE: Court may incline towards president's foes - March 12, 2007](#)):

- **Negotiated compromise.** Yushchenko could accept the zero variant, postponing or cancelling early elections. Ukraine's tycoons -- Rinat Akhmetov within Regions, and Viktor Pinchuk and Petro Poroshenko within the Yushchenko camp -- would support a negotiated compromise for fear of a prolonged, economically destabilising crisis.
- **Yushchenko defeated.** If the Constitutional Court ruled the decree illegal, more opposition deputies would defect to the ACC. A constitutional majority might be created which could call for either Yushchenko's impeachment or an early presidential election. The coalition could change the constitution to a full parliamentary system with parliament electing the president. Failing a change in the constitution, an early presidential election could be fought between Yanukovych and Tymoshenko.
- **Yushchenko victorious.** If the Constitutional Court ruled the decree legal and elections went ahead on May 27, Our Ukraine and the Yulia Tymoshenko Bloc might win a slim majority. The Orange coalition would be recreated with Tymoshenko as prime minister; Regions would go into opposition; and Yushchenko would recover popularity and stand in 2009 for a second term. Alternatively, Regions and its leftist allies might win a slim majority, allowing them to create a new coalition with Yanukovych as prime minister, perhaps with a clearer definition of the government's responsibilities.
- **Continuing confrontation.** Regions might boycott elections in its eastern Ukrainian heartland, leading to confrontation with Kiev and reawakening separatist fears. The new parliament would have limited legitimacy in a large area of Ukraine, undermining the state's territorial integrity.

CONCLUSION: Ukraine's political crisis is set to persist into May, unless Yushchenko accepts a negotiated solution, under pressure from business interests fearing the consequences of prolonging the standoff.

Keywords: EE, RUCIS, Ukraine, politics, constitution, election, government, judicial, legislation, opposition, party, economy, international relations, corporate, foreign policy, growth, military, police

UKRAINE: President provokes showdown with premier - p. 3 of 3

Word Count (approx): 1182