

Constitution ruling irks opposition in Ukraine

EVENT

On 8 April, the Ukrainian Constitutional Court legitimised the coalition formed by President Viktor Yanukovich, amid accusations of a power grab by the opposition.

The Constitutional Court ruling allowed the coalition to be formed by individual MPs and political factions, rather than just through political factions as previously stipulated in the constitution. This has effectively consolidated Yanukovich's hold on power.

Although this could allow a period of much-needed political stability for [Ukraine](#) after years of chaotic infighting and policy paralysis, the opposition, led by Yulia Tymoshenko, has described the ruling as a "constitutional coup d'etat" and vowed to fight it, while raising serious questions regarding the independence of [Ukraine's](#) judicial system.

Clearing the path

The new ruling - in an unprecedented move for the Constitutional Court - overturned a September 2008 edict by the same court by granting Yanukovich's request, namely the legitimisation of the Stability and Reforms (SR) coalition.

This was formed in March 2010 by Yanukovich's Party of Regions (Partiya Rehioniv: PR), the Volodymyr Lytvyn Bloc (Narodnyj Blok Lytvyna: NBL), the Communist Party of Ukraine (Komunistychna Partiya Ukrayiny: KPU), along with individual MPs from the opposition Our Ukraine-People's Self-Defence Bloc (Blok Nasha Ukrayina-Narodna Samooborona: NU-NS) and the Yulia Tymoshenko Bloc (Blok Yuliyi Tymoshenko: BYuT). With three factions alone the coalition would only have 220 deputies in the 450-seat parliament, six short of a majority. However, with the defection of individual MPs from the NU-NS and BYuT, the coalition now has 241 deputies, enough to form a clear majority. The ruling is also likely to encourage further defections from business groups inside the opposition BYuT and NU-NS factions. There was little progress under former president Viktor Yushchenko on the separation of business and politics, and those MPs with business interests are likely to seek to maintain warm relations with the ruling authorities.

The SR coalition is now expected to possess 260 deputies by the July parliamentary recess, while senior PR deputies have told Jane's they expect the coalition to have a constitutional majority of 300 deputies by September/October.

Opposition stand

The opposition described the Constitutional Court's ruling as an "illegal power grab" and criticised Yanukovich's consolidation of power, which effectively overturns constitutional reforms enacted in 2004 to transform [Ukraine](#) into a parliamentary republic and reversed [Ukraine's](#) move to a proportional election system where deputies are elected within factions, not as individuals.

They perceive Yanukovich's control over the government, SR coalition and regional governors as a direct threat to [Ukraine's](#) nascent democracy.

Currently, the opposition remains deeply divided. Tymoshenko, leader of the BYuT - the largest party outside of the ruling coalition - has declared herself leader of the opposition. Yet, two wings of the NU-NS, led by Arseniy Yatseniuk and Yushchenko - who came in fourth and fifth respectively in the January 2010 presidential elections - remain opposed to joining an opposition led by Tymoshenko.

Nevertheless, the different wings of the opposition could eventually unite against the Yanukovich government if its policies are seen to have crossed certain 'red lines'. These could include; further democratic regression, such as restrictions on the country's media pluralism, with the opposition complaining of receiving increasingly limited access to media outlets controlled by the state; changes to the constitution to upgrade Russian to a second state language; the introduction of a curriculum perceived to have a Russophile or Sovietophile angle by Minister of Education Dmytro Tabachnyk, a figure of derision among the opposition; the establishment of a natural gas consortium which gives [Russia](#) 50 per cent control over Ukrainian gas pipelines in exchange for cheaper gas; or the long-term extension of the agreement allowing [Russia](#) to use Sevastopol as the base for its Black Sea Fleet beyond 2017.

Should these policies be implemented, and the opposition unite, they are likely to challenge the SR coalition strongly in parliament. This could lead to a repeat of the kind of obstructionist measures used regularly in recent years, such as the physical blocking of the parliamentary rostrum by MPs, to delay the passing of legislation. However, such efforts could open the opposition parties to criticism that they are disrupting the democratic process.

Having received less than half the overall vote in the February 2010 presidential election second-round, Yanukovich may be inclined to avoid any such potentially divisive policies. Yet, having consolidated his position, he could still seek to implement policies which would be seen to cross the 'red lines'.

FORECAST

In the short term, Yanukovich is unlikely to seek to implement policies considered divisive by the opposition. However, in the longer term, should he continue to consolidate his control over the parliament and other levers of power, he could move to push the boundaries of his policy platform. In response, there is a risk that an increasingly desperate opposition, feeling itself ever more sidelined from the democratic process, could seek to take advantage of popular discontent towards Yanukovich and take its protest to the streets, raising the prospect of political instability.



President Viktor Yanukovich has been accused of a power grab after an unprecedented consitutional ruling. (PA)
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