2006-06-12

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http://hdl.handle.net/2144/11789
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Who Is Responsible for Ukraine?
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Negotiations to form a new Ukrainian government once again broke down on Saturday, as President Viktor Yushchenko’s Our Ukraine party pulled out of talks with fellow “orange” parties, The Bloc of Yulia Tymoshenko and the Socialist Party.

Three months after the country’s parliamentary elections, its leaders appear helpless and hapless, unable to govern the country even as it faces some of the most difficult challenges in its modern history. And now, after numerous rounds of negotiations, President Yushchenko suddenly has removed himself from the process, suggesting that it is not his responsibility to help form the government.

In 2006, Ukraine became a parliamentary-presidential republic. The cabinet is now responsible for most day-to-day domestic policy, but the president maintains general oversight, with significant powers of decree, as well as control over the security services and foreign policy. On Saturday, Yushchenko implied that this structure absolves him of the duty to help form a new government. (1) The president unexpectedly made this statement after being intimately involved in the process for almost three months.

Since the election, the country has been run by an acting government with little apparent interest in reform. Economic growth has slowed, debts accumulated by the country’s domestic gas supplier reportedly now total approximately 1 billion dollars, foreign investors have stayed away because of political instability, protests have erupted over plans to hike energy tariffs, a delivery of military construction materials to Crimea by a US carrier resulted in sustained protests.
against the US and NATO, US President George W. Bush nixed a tentative trip to the country, and Russia announced that gas prices for Ukraine could double on 1 July.

And yet, there has been no rush by either Yushchenko or his Our Ukraine party to form a new government. In fact, Yushchenko and Our Ukraine spent the better part of the last two months refusing to accept that, since the election bloc of former Prime Minister Yulia Tymoshenko finished more than 8 points ahead of Our Ukraine in the election and would be the biggest party in the proposed coalition, Tymoshenko should be premier. Talks were suspended more than once by Our Ukraine in protest against this claim. Two weeks ago, Yushchenko’s press service released a statement pointing out that the president must submit the name of the premier for confirmation by parliament, and that by law he can refuse to submit the premier suggested by the majority coalition. (2) This announcement was seen to be aimed clearly at Tymoshenko.

However, finally, on Friday, almost three months after the election, President Yushchchenko announced that he supported the idea that the largest party in the coalition should name the premier. (3)

The next day, suddenly and without warning, Our Ukraine pulled out of the talks; President Yushchenko then suggested that it was Tymoshenko’s job, not his, to form a coalition.

"I believe that the politician seeking to become prime minister must take responsibility for creating a coalition," he said in his weekly radio address. "This is European practice, this is common sense, this is a norm of Ukraine's Constitution." (4)

Yushchenko apparently would like to suggest that it would be Tymoshenko’s responsibility, not his, if the coalition negotiations fail.
If only he had told her sooner.

According to Ukraine’s constitution, a parliamentary majority coalition must be created within 30 days of the first sitting of the newly elected parliament. The deadline, therefore, is 25 June. Even more importantly, parliament has been unable to convene successfully since no majority exists.

Its next session is 14 June, when the body is scheduled to discuss important issues, including authorization of Ukraine’s participation in international military exercises. Without the majority coalition, this measure will not pass, leaving Ukraine potentially in violation of several major international agreements. Already, a joint Ukrainian-British exercise has been postponed—in spite of the British outlay already reportedly totaling over $200,000—because of the lack of parliamentary authorization.

Since Yushchenko and Our Ukraine only agreed to allow Tymoshenko to become premier on 8 June, she therefore effectively has 7 days to form a workable coalition. And she is to do so with a party whose “honorary” leader seems to have withdrawn from the process. It is no surprise, then, that Tymoshenko seemed slightly shell-shocked at a press conference following the president’s statements.

So why did Our Ukraine pull out of talks? Ostensibly, the party suggests that it could not accept the demand by the Socialists that their leader, Oleksandr Moroz, become speaker of parliament. The reasoning seems questionable, however.

Moroz has made it clear since the first week after the election that his party wants only one major position – the speakership. This demand has not hampered the negotiations; in fact, after weeks of discussions, Our Ukraine’s
political leadership announced that all coalition members had agreed on an approximately 100-page program of action. (5) Throughout these discussions, Moroz’s requirement for participation was clear.

Our Ukraine is now insisting that one of its members receive the position of speaker. Our Ukraine spokeswoman Tatyana Mokridi said, “The Socialist Party strongly insists that its head, Alexander [sic] Moroz, be given the post of speaker. However, Our Ukraine insists on proportional distribution based on the results of the elections.” (6) In other words, Mokridi suggests that since Our Ukraine had the second-best results of the three coalition partners, it should have the right to the second highest position available to be filled by the coalition partners.

In a fully parliamentary republic, this would be the case. However, Ukraine is a parliamentary-presidential republic and the position of president cannot be ignored. Ukraine’s system of governance places a similar level of power in the hands of the president and prime minister, although the historical authority of the presidential position makes it far more formidable when used to its capacity.

Despite attempts by the president’s aides to suggest otherwise, President Yushchenko clearly represents Our Ukraine. The party featured him in its election ads, lists him as its honorary party leader, and distributed campaign material carrying the slogan, “The Party of Yushchenko.” Yushchenko himself spoke at the organizational 2005 Our Ukraine party conference, his closest friends are party leaders, and his brother and nephew represent the party as Members of Parliament.

If the country is striving for a governing coalition based on balance and fairness, Yushchenko’s position representing the interests of Our Ukraine cannot be dismissed.
Additionally, Ukraine’s constitution allows the president to unilaterally appoint the secretary of the powerful National Security and Defense Council, the head of the Security Services, the Foreign Minister, Interior Minister, Defense Minister and all 25 regional governors. Yushchenko has insisted these positions be removed from consideration in coalition negotiations. (7) Most, if not all, will almost certainly be filled by representatives of Our Ukraine.

Why, then, with its representatives in most of the major positions governing the country, does Our Ukraine object to Oleksandr Moroz as speaker?

Tymoshenko bluntly suggested Saturday that the reason given by Our Ukraine was simply a “pretext” to disguise the fact that Our Ukraine’s leadership does not want to reform the “orange coalition.” Instead, she said, its leaders would rather form a coalition with the party of President Yushchenko’s defeated presidential opponent, Viktor Yanukovich. (8) This suggestion is given weight by the recent creation of an “inter-party parliamentary alliance” by certain members of Our Ukraine and Yanukovich’s Party of Regions. (9) Most Our Ukraine members in this alliance appear to have business or financial interests that coincide with those of the Party of Regions.

If this is the case, Our Ukraine’s attack against Moroz is even more disturbing, given Moroz’s long history of fighting against corruption and for democracy.

It was neither Yushchenko nor Tymoshenko who first stood up to publicly accuse President Leonid Kuchma of involvement in the death of Goergiy Gongadze: It was Oleksandr Moroz and the Socialists. And it was Moroz who led protests against Kuchma while most others were biding their time. Love him or hate him, there is little doubt that Oleksandr Moroz was as vital as Tymoshenko and Yushchenko to the protest movement that eventually led to the Orange Revolution – and Yushchenko’s presidency.
The question now is whether Moroz will once again become a vital part of the opposition, or whether he will be allowed to use his skills as the speaker of parliament. The answer will demonstrate whether Ukraine truly is serious about embracing democratic governance, coalition-building and transparency.

Source Notes:

(1) “Ukrainian president vows no repeat election - fuller version [Text of Yushchenko radio address],” Ukrainian Radio First Program, 1500 GMT, 10 Jun 06; via Lexis-Nexis.
(2) “Poludionny says President can refuse to nominate premier,” UNIAN, 1836 CET, 31 May 06; via www.unian.net/en. (Author’s Note: The same story appeared on President Yushchenko’s website as issued by the president’s press service on 31 May 06, but has since been removed.)
(4) Ibid.
(5) Orange coalition has agreed on all items except portfolios, 10 Jun 06; via ForUm.
(6) “Talks on parliamentary coalition in Ukraine suspended,” ITAR-TASS, 1934 CET, 10 Jun 06; via Yahoo! News.
(8) Press Conference of Yulia Tymoshenko, 10 Jun 06.
(9) “About 20 Ukrainian progovernment, opposition MPs join forces,” Ukrayinska Pravda, 7 Jun 06; via Lexis-Nexis.

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