Post-Election Ukraine: What Next?

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Sifting through the results of the recent Ukrainian parliamentary elections, it becomes abundantly clear that the era of government based solely on the will of the president is over. What will develop in its place is far from certain, but President Leonid Kuchma undoubtedly understands that the political atmosphere in Ukraine shifted on 31 March. For the first time since its independence, the country has laid the foundation for an independently minded, pluralistic parliament, and -- perhaps alone among post-Soviet states -- an authentic, capable opposition.

Obviously, this was a development that President Kuchma, accustomed to bending parliament to his wishes, was trying to avoid. Throughout the campaign, he and his allies used every possible administrative resource to maintain their hold over the chamber. But despite controlling major television stations and newspaper outlets, despite using state workers, collective farm officials, students and soldiers to campaign for them, and despite attempts to limit the number of persons voting in reformist regions, they failed. When the new parliament convenes in early May, a significant portion of the body will be at best reformist, and at worst vigorously anti-Kuchma.
This development was welcomed by Western observers who have been concerned by the direction of Kuchma's policies. Following the release last year of secretly recorded tapes purporting to demonstrate his complicity in the murder of journalist Georgiy Gongadze, Kuchma tightened his already firm grip on power. He clamped down on press freedom, stifled civil society, concentrated control of the power ministries in his hands, and oriented the country eastward. As protestors clamored for his resignation, his overriding -- and ultimately successful -- objective became his own preservation.

Even before the release of the tapes, Kuchma had begun consolidating power. At his behest, the parliament had removed the government of Prime Minister Viktor Yushchenko, whose personal popularity, unfortunately for him, had surpassed that of the president's. Under Yushchenko's direction, Ukraine cleared all pension arrears, began to pay its energy debt to Russia, created positive relationships with Western organizations and saw the first rise in gross national product since independence. With
his removal, most of his economic and civil reforms were stalled. It seemed that Kuchma had successfully eliminated his most serious rival.

But now, Yushchenko has returned, leading the opposition *Nasha Ukraina* coalition to an election win.(1) The bloc garnered over 23% of the popular vote, a plurality, testifying to the former prime minister's enduring popularity and signaling that he will be the front-runner in the 2004 presidential election. Kuchma must be wondering what went wrong.

The pro-presidential bloc, *Za Yediny Ukrainy (Za Yedu)*, managed only 11% of the vote, despite heavy use of administrative resources.(2) The bloc, however, will maintain a strong power base in the parliament, thanks to the Ukrainian electoral system. The system fills 225 parliamentary seats through all-Ukrainian party list proportional representation and 225 through local single-mandate constituencies. By sponsoring a large number of individual candidates in single-mandate constituencies, *Za Yedu* was able to increase the number of seats it controls without depending on the overall popular vote. (See Table A)

Much work remains before the new parliament convenes. The election was, by far, the most contentious in the country's short history. Its aftermath is proving to be no less strife-ridden. Accusations of vote-rigging abound; by 5 April, the Central Election Commission (CEC) had received 99 complaints asking that results from various constituencies be annulled. Many of those complaints, unfortunately, appear to be justified. Take, for example, the protest from *Nasha Ukraina* regarding Constituency Number 95 in the Donetsk region. According to Roman Bezsmertnyi, the bloc's representative, the words "dropped out" were stamped across *Nasha Ukraina*'s name on the ballot distributed to voters. The coalition immediately filed a protest with the CEC. "If anyone thinks that we will leave this without consequences," Bezsmertnyi said, "then he is mistaken."(3)

Current parliamentary deputy Mykola Kovach also is protesting his loss in Constituency Number 72 of the Zakarpats'ka region. "They initially declared me the winner and later
cancelled the results at four polling stations," he told Ukrainian News. "As a result, [Ishtvan] Haidosh won by a margin of 40 votes."(4) While Kovach's complaint could be dismissed as post-election grumbling, the fact that Haidosh is the chairman of the district administration suggests Kovach may have a point. Additionally, Kovach seems to have been targeted by what some are calling the "twin syndrome." By secretly "suggesting" that an unknown individual with the same name as his opponent enter a race, a candidate is able to split the votes received by the opponent and increase the chances of his own success. In this case, Mykola Kovach was challenged not only by Haidosh, but also by a farmer named Mykola Kovach.

Whatever happens with these 99 complaints (and it is doubtful whether many of them will amount to anything), Nasha Ukraina and Za Yedу each have begun trying to increase their bloc's support within the parliament.(5) The first order of business seems to be courting the 95 "independent" members elected in single-mandate constituencies. Already, Za Yedу has made progress.

The region with the largest number of successful "independent" candidates was Dnipropetrovsk. In this area, three winning candidates were nominated by Za Yedу and one was supported by the Communist Party. The remaining 13 winners were listed as independent. On 4 April, however, all 13 jointly announced that they would join the Za Yedу bloc and thanked Mykola Shvets, the head of the Dnipropetrovsk administration, for supporting them during the campaign "with the authority of the head of regional administration."(6) Because of Kuchma's influence, it is likely that a good number of "independents" will follow the lead of Dnipropetrovsk -- but perhaps after a more respectable period has elapsed.

Za Yedу also already has been joined by the Yednist party, with four seats, and The Democratic Bloc, with three. In addition, it can expect support from the former "party of power," the Social-Democratic Party of Ukraine-united (SDPU-o), which captured 25 seats.
A check of all "independent" single-mandate winners reveals possibilities for *Nasha Ukraina*, like *Za Yedu*, to increase its totals. There are, for example, 10 "independents" in the Kyiv region, two in Lviv, two in Chernivtsi, three in Chernihiv, and one in Volyn -- all areas where the bloc did well in the popular vote. (7)

Yet *Nasha Ukraina*'s most likely support will come not from independents, but from two anti-Kuchma parties holding 21 and 24 seats, respectively -- the Bloc of Yulia Tymoshenko and Oleksandr Moroz's Socialist Party. Despite differences in the past with the bloc's members (in particular the two *Rukhs*), Moroz has said he is open to the possibility of working with Yushchenko. For her part, Tymoshenko generally has shown herself willing to support most of Yushchenko's policies. This potential coalition could run into several obstacles, however.

The first problem could arise if Yushchenko is renamed prime minister, as is being suggested by a number of Ukraine's newly elected members of parliament. Yushchenko himself has reportedly signaled a willingness seriously to consider this option. But it is notoriously difficult to wear the hat of the opposition simultaneously with the hat of the government. Some compromise must be made in order to acquire the government hat in the first place. That compromise -- or even just the suggestion of it -- generally will not be viewed positively by the more strident members of an opposition coalition. Hence, the difficulty for Yushchenko. This difficulty will be compounded because of Yushchenko's popularity level, Kuchma's dislike of him and the impending presidential election.

Clearly, the premiership would give Yushchenko more leverage and a better opportunity to implement his reform package. For that reason, the move would be welcomed in the West. But maintaining his domestic political support will be the most important issue for Yushchenko as he heads into the election. It is that support which could be jeopardized if he were to become the prime minister.
It is evident that Yushchenko has shown himself to be a master at finding his way through the complicated maze of Ukrainian politics. Nevertheless, accepting the position as prime minister (assuming Kuchma would agree to nominate him) would test his abilities to the limit. He would need to perform his duties while maintaining his parliamentary support and guarding himself against an assault from the rear by Kuchma's allies. If Yushchenko were to succeed, however, Ukraine would be the winner.

Regardless of whether Yushchenko is named prime minister, the success of the opposition will depend primarily on the legislative agenda it pursues. Here, too, Yushchenko faces a challenge. Both Tymoshenko and Moroz have suggested that their parties will push for Kuchma's impeachment when parliament convenes. Although Tymoshenko and Moroz have understandable personal motivations for suggesting this measure, it is neither constructive nor realistic. Worse, it could cause serious discord between the three opposition leaders. Given his pragmatism, it is almost impossible to imagine that Yushchenko would support a vote on Kuchma's impeachment.

The impeachment issue will be easy, however, compared to the question of whether parliament should reopen the examination into Georgiy Gongadze's murder. Clearly, this is something that should be done. Whether it can be done in Ukraine's political climate is the question. Tymoshenko and Moroz want to try. Yushchenko has made no commitment. It is hard to believe that Moroz, in particular, will allow Yushchenko to remain neutral. Gongadze's widow, Myroslava, is counting on the persistence of Moroz and others like him. "I think," she said after the election, "that we have enough people [in parliament] to push this case." But, she continued, "It will ultimately depend on Yushchenko." Either way Yushchenko decides the issue, there will be fallout. If he decides to pursue an investigation, Kuchma and his supporters will respond vigorously, and the work of the government could be interrupted. Conversely, if he ignores the situation, his own supporters may resent his decision and withhold some of their support, also endangering the work of the government. Yushchenko's advanced political skills will be desperately needed here.
Myroslava Gongadze, of course, suggests that there can be only one decision. She notes there already two journalists have been killed this year and numerous others injured in mysterious attacks. "[Reopening the investigation] is not only about the Gongadze case," she said. "It's for all journalists who are under pressure now. It is in the interest of the stability of Ukraine."(10) The question remains whether Yushchenko agrees with her.

Even if Yushchenko decides not to support an investigation into the Gongadze murder, parliament still will be faced with an urgent need to create mechanisms for supporting freedom of the press. This reform is one of many that Western organizations have suggested the new parliament must undertake. In its pre-election report, for example, the National Democratic Institute (NDI) wrote, "The next parliament has the opportunity to advance legislation to, among other things, revise the tax code, improve the land code,... improve the court system, and establish an unambiguous separation of powers between the executive, legislature and judiciary."(11) It is a tall order for any parliament, but especially challenging for one that is still striving to reach maturity.

The incoming Ukrainian parliament is indeed facing some daunting challenges. But they are challenges that should be welcomed. The old Soviet-style rubber stamp parliament is gone. In its place is a more diverse, more responsive and more reformist body. "It is the line between the old Ukraine and the new Ukraine," Myroslava Gongadze said. "It is the end of the old ways. People understand they can change things through their vote."(12) An election observer put it more simply: "In the end, the voice of the people was heard and that's really something."(13)

Naturally, with this newfound diversity will come some confusion, argument and dissension. But this election is only the first of many small steps as Ukraine makes its way gingerly down the path toward democracy. From electoral irregularities to media oppression to judicial misconduct, there are still serious problems at the very base of Ukraine society. How the parliament deals with these problems in the upcoming months will demonstrate whether the country is ready to take the next step.
NOTES

(1) The *Nasha Ukraina* coalition consists of Ukrainskyi Narodnyi Rukh, Narodnyi Rukh Ukrainy, Reforms and Order, Solidarnist, the Liberal Party, the Republican Christian Party, the Congress of Ukrainian Nationalists, Forward Ukraine!, the Christian People's Union and the Youth Party.

(2) The results of the popular vote were: *Nasha Ukraina*, 23.52 percent; Communist Party, 20.04; Za Yedu, 11.98; Yulia Tymoshenko Bloc, 7.21; Socialist Party, 6.93; and The Social Democratic Party of Ukraine - united (SDPU-o), 6.24. Although 33 blocs and parties participated in the election, only 6 passed the required 4-percent threshold to enter parliament.


(5) Because the divisions in the new parliament suggest no clear possibility to create a majority, the two blocs will, by necessity, be required to work together on some legislation. This already has been acknowledged by both. However, such deviation of opinion exists regarding basic issues of reform that it is unlikely they will be able to work together on these questions. Therefore, both groups understand the need to increase their power base within the parliament as quickly as possible.

Additionally, as *Za Yedu* and *Nasha Ukraina* begin maneuvering, it is important to note that two leaders of *Nasha Ukraina*, Roman Bezsmertni and Yuri Yekhanurov, are
connected to President Kuchma's administration. The extent to which this will affect the jockeying for position in parliament is, of course, as yet unknown.

(6) "Winning Candidates in Ukraine's Eastern Region Join Presidential Alliance," UNIAN, 1112 GMT, 4 April 2002; BBC Monitoring, via ISI Emerging Markets Database.

The Communist Party immediately protested, suggesting massive vote-rigging on behalf of the 13 candidates by administration representatives in the Dnipropetrovsk region. In fact, the party may have a right to be concerned. An examination of the regional All-Ukrainian party list proportional representation results shows that the Communists won in Dnipropetrovsk with 31.86% of the vote. Za Yedu trailed badly with just 11.43%. Even with the use of administrative resources, it is perhaps questionable that 16 out of 17 single-mandate winners were able to defeat those who were sponsored by the Party that won. It is also disturbing that 13 of 17 winners chose not to declare their affiliation before the poll, and points to a serious flaw in the country's election law.

Complete regional results may be found on the website of the Ukrainian Central Election Commission; via www.cvk.ukrpack.net.

(7) Single-mandate results may be found in the Brama RCC Political Review; via www.brama.com/rcc.

(8) Tymoshenko's husband was arrested at Kuchma's urging and convicted of embezzlement. She has been jailed repeatedly in the last year, and has suggested that a driver who recently caused her serious injury by ramming her vehicle was carrying out an attempted assassination. Moroz, meanwhile, was a friend of murdered Ukrainski Pravda editor Georgiy Gongadze.

Given the diverse composition of the parliament, it would by impossible, at least in the current political climate, to achieve the necessary constitutional majority of 300 votes in favor of impeachment.
(9) Interview by author, 3 April 2002.


(13) Interview by author, 5 April 2002.

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