

END NOTE

LOSER TAKES ALL: UKRAINIAN PRESIDENT COOPTS PARLIAMENT

By Taras Kuzio

On 28 May, after over a week of intrigue and interfaction squabbles, the Ukrainian parliament (Verkhovna Rada) finally selected candidates to fill its three key positions. Aside from the 177 votes from the pro-presidential For a United Ukraine, which has been renamed United Ukraine, and 31 votes from the oligarchic Social Democratic Party of Ukraine-united (SDPU-o), the vote was carried by seven Our Ukraine deputies who were immediately expelled from that faction, and Communists "loaned" for the vote.

The election resulted in two eastern Ukrainian pro-presidential and oligarchic groups, United Ukraine and the SDPU-o, taking full control of all three chairman and deputy chairman positions. Volodymyr Lytvyn, the head of the presidential administration and United Ukraine faction, became Rada chairman followed by Hennadiy Vasyliiev, a member of the oligarch Labor Ukraine party, as first deputy chairman and with the post of deputy Rada chairman going to Oleksandr Zinchenko, the deputy head of the SDPU-o. Zinchenko was head of the SDPU-o faction in the 1998-2002 Rada and is honorary president of Inter television, which broadcasts mainly in Russian to eastern Ukraine.

This vote brought President Leonid Kuchma one step closer to what he failed to obtain in 1996 with his Russian-style constitution, which led him to initiate an internationally unrecognized referendum in April 2000 designed to turn Ukraine into a presidential republic with a malleable Rada. Vasyliiev's position was given in gratitude to the Donetsk clan, the only region where For a United Ukraine finished first in the 31 March elections.

In the party-list vote in the March elections, For a United Ukraine finished only third with 11.81 percent, compared to Viktor Yushchenko's Our Ukraine's with 23.65 percent. On the basis of these results, Yushchenko proposed after the election that because Our Ukraine won the elections, it should be the basis for creating a Rada majority. In a joint statement on 26 April, Our Ukraine, the Communists (which polled 20.4 percent), the Yuliya Tymoshenko Bloc (7.21 percent), and Socialists (6.93 percent) said that they won the elections, which was a defeat for the authorities.

But Lytvyn and Kuchma disagreed, as did Russian President Vladimir Putin. Their shared understanding of the elections was that For a United Ukraine had won. Lytvyn based his argument on the fact that his faction had become the largest in the Rada after the

elections by virtue of inducing or blackmailing the majority of deputies elected in majoritarian districts into its ranks. Through these tactics United Ukraine has been able to increase its faction from 102 deputies to being the largest with 182 deputies (compared to the 111 in Our Ukraine).

The hundreds of hours of tapes illicitly made in Kuchma's office by his security guard, Mykola Melnychenko, reveal how the tactics used to obtain Lytvyn's election as Rada chairman have been a consistent feature in what has been defined as a "blackmail state." In a recent study in "East European Constitutional Review," Yale Professor Keith Darden concludes that blackmail is used to secure political control. This is undertaken by tolerating "pervasive corruption" as "an essential element in an informal technique of presidential control" through the collection of evidence of corruption by the Security Service and the Internal Affairs Ministry.

This system is especially effective in ensuring compliance by businessmen who tend to be elected in majoritarian districts as "independents." In a taped conversation between oligarch Oleksandr Volkov and Kuchma in July 2000, Volkov was asked why he was in favor of lifting deputies' immunity. He reasoned that "there is only one immunity for deputies and that is you. Everything else is crap." Since the elections, many independent deputies have been invited to the Prosecutor-General's Office and warned that it possessed files on them. Leonid Hadyatsky admitted that he had left the Socialist faction to join United Ukraine "in order to save himself and his family."

Darden concludes that "corruption and illegality" in Ukraine are "accepted, condoned, and even encouraged by the top leadership." Volkov, for example, was given a state medal for his services to the Ukrainian economy by Kuchma in February 2001, even though he is wanted by Belgian police on money-laundering charges and his trial in absentia is to open next month in Brussels.

As long as businessmen continue to remain loyal to President Kuchma, the files collected by the Security Service and Internal Affairs Ministry will not be used by the Prosecutor-General's Office or the Tax Administration to destroy their business. One month after the elections, all criminal charges of "corruption" were dropped against Yuliya Tymoshenko and her husband. Volodymyr Shcherban, one of the seven deputies expelled from Our Ukraine for voting for Lytvyn as Rada chairman, said after the vote that, "I did not come here today to parliament to fight with the authorities for two years." Shcherban is the leader of the Liberals, the former Donetsk "party of power," and a wealthy businessman.

The "blackmail state" places the Our Ukraine bloc in a predicament. Volkov has pointed out that it cannot join the opposition because this would lead to its businessmen and bankers to be subjected to pressure from the enforcers of the "blackmail state." Although Yushchenko has deliberately never criticized Kuchma and has refrained from calling Our Ukraine an "opposition" bloc, his ability to maneuver between the pro-presidential/oligarchic and opposition forces may be coming to an end.

Earlier this month, Yushchenko warned that if Lytvyn, as leader of a defeated bloc, were to be elected Rada chairman he would

take Our Ukraine into opposition. That warning was prompted by Kuchma's rejection of a compromise proposal whereby Yushchenko would become prime minister and Lytvyn Rada chairman, an arrangement that would have given Yushchenko an excellent base from which to be elected president in 2004.

Yushchenko had already concluded prior to the 28 May vote that "the political crisis in Ukraine has turned out to be much deeper than I had imagined." In a statement after Lytvyn's election, Our Ukraine said that he was "appointed" Rada chairman, not voted in, and that the entire process showed a lack of respect for deputies and voters. The "administrative resources" that were used so heavily by Kuchma in the elections to secure For a United Ukraine votes, were again used inside the Rada, the statement continued. Our Ukraine believes that the Rada has "in effect turned into a sub-section of the presidential administration."

If Our Ukraine does go into opposition, Ukraine would have a parliament dominated by two eastern Ukrainian pro-Kuchma and oligarchic groups who lost the elections, while western-central Ukraine would be in opposition to the executive. SDPU-o head Viktor Medvedchuk is unconcerned by this possible turn of events because he is convinced that a new Rada majority will be created on the basis of the United Ukraine-SDPU-o alliance to implement the president's wishes.

These steps by Kuchma and Lytvyn will only serve to make the outcome of the 2004 presidential ballot -- in which Kuchma may not seek a further term -- even more unpredictable and Ukrainians more angry. Our Ukraine's proposals for cooperation on deep political, social, and economic reforms were turned down by Kuchma's United Ukraine. These latest developments also give the European Union-Council of Europe delegation in Kyiv this week further grounds to again turn down Kuchma's request for an association agreement between Ukraine and the EU.

Dr. Taras Kuzio is a resident fellow at the Centre for Russian and East European studies, University of Toronto.