

100 days of Yanukovych – the path to total power

Tadeusz A. Olszański, Paweł Wołowski

After Viktor Yanukovych took power, within a short time his Party of Regions deposed the government of Yulia Tymoshenko, and replaced it with its own, which is closely subjected to the head of state; created a parliamentary majority by subjugating its coalition partners; took control of many central offices and state agencies, as well as most of the regions; and also increased its control of the administration of the courts. The new government is also moving towards taking control over the informational sphere and the mass media.

Meanwhile the opposition, which is divided internally and lacks a plan of action, has shown itself incapable of resisting the government, including in those cases where the latter has broken the law.

The Party of Regions – winner takes (almost) all

Two weeks after Viktor Yanukovych took office as president of Ukraine on 25 February, the government of Yulia Tymoshenko was dismissed, a new parliamentary coalition was created and a new government was summoned, closely subjected to the president. The new government then postponed the local elections which were due to take place on 30 May.

At the same time, representatives of Party of Regions were appointed as heads of regional and local state administrations (the equivalents of mayors and provincial governors), and also to leading positions in central offices and other state agencies, including state businesses and banks, and also to the institutions of force.

In mid-May changes were introduced in the constitution of the judiciary; these strengthened the control of the Supreme Council of Justice (which is also controlled by the Party of Regions) over the activities of the courts, to a degree which effectively violates the principle of judicial independence. The final stage of this takeover of power will be the municipal elections, which the Party of Regions intends to significantly increase the number of regions, districts, and especially cities, which they will control. It cannot be ruled out that these elections will take place this autumn.

In their activities, the President and the Party of Regions have been teetering on the edge of the law, and have even simply broken it. The postponement of the municipal elections was a violation of the constitution. Also, the entry to the coalition – on the basis of individual decisions – of over twenty members of the opposition parties (which allowed the government to be formed) was at the very least a stretching of constitutional standards, although the Constitutional Court did deem this practice to be in accordance with the country's basic law. This further extension of coalition, with deputies from Our Ukraine and the Yulia Tymoshenko Bloc, has strengthened both the government and the president in two

ways; by weakening the opposition, but also by weakening the position of the Party of Regions' formal coalition partners, the Communist party and the Lytvyn Bloc. At this moment, the ruling party does not need the votes of both its coalition partners; the support of one of them, together with that of the 'individual' members of the coalition, will be enough.

As a result of these actions, Ukraine has *de facto* returned to the practices characteristic of the presidential-parliamentary system dating from before the constitutional reform of December 2004. It seems that for the time being at least, the Party of Regions sees no need to formalise these changes on the path of further constitutional reform.

Increased control over media

Reports are multiplying which testify to government attempts to take control of informational space in the country, and to actively influence the form and content of media reports on its activities. On 8 June, a court decision was taken to remove 26 transmission frequencies from the 5 Kanal TV station, which had been awarded it only this January. Apart from the case's aspect as a clash between businesses, this matter has a very distinct political dimension. One party in the clash is the head of the Security Service of Ukraine, the media magnate Valery Khoroshkovsky. If the court's verdict is upheld, this will mean that what is possibly the last TV station independent of the government will go off air, and its frequencies will certainly be awarded to the media group controlled by Khoroshkovsky. Moreover, President Yanukovich has admitted that his administration has been publishing information aimed at 'making the media's work easier'; many journalists see this as a return to the practice of issuing 'temnyky', guidelines from the government for media editorships concerning the selection of information and the ways in which the general public are informed.

The opposition, disoriented and powerless

The opposition forces have proved to be incapable of undertaking any effective action against the policy of the president and government. In protest against the ratification of an accord to extend the Black Sea Fleet's lease in Sevastopol, the Yulia Tymoshenko Bloc led a one-off violent protest in parliament, and organised meetings which only brought together a few thousand people. Meanwhile, Our Ukraine is still unable to shake itself free of Viktor Yushchenko's electoral disaster, and has effectively ceased to matter in the political arena. After parliament's dismissal of the Tymoshenko government, previously concealed conflicts and differences of interest have emerged in the Yulia Tymoshenko Bloc. Some important politicians have begun to hold talks with the new president. One of the 'brains' of the Bloc, the well-known lawyer Andriy Portnov, has accepted a post in the Presidential Administration, and it seems that the Bloc's main sponsor, Oleksandr Feldman, together with colleagues of his, has also joined the coalition. Other businessmen who had hitherto supported the Yulia Tymoshenko Bloc are seeking to come to an understanding with the new government.

The opposition groups lack both a programme and any leaders. Yushchenko, after five years of the presidency, and Tymoshenko, after more than two years as prime minister, cannot evade the blame for leading the country to its current disastrous state. However, attempts to promote new leaders, such as Arseny Yatseniuk or Anatoly Hrycenko, have been unsuccessful.

Results

The political model which has hitherto operated in Ukraine, both under the presidency of Leonid Kuchma and that of Viktor Yushchenko, was based on the functioning of several groups of influence which mutually balanced each other out. The Party of Regions' effective takeover of state government may mean relinquishing that pluralistic model for a unipolar one. Both political and business interests would be expressed within the framework of individual factions of the sole ruling camp.

The relative ease which the Party of Regions has had taking power in the state may encourage it to expand its powers further, including by undemocratic methods. The lack of any 'restrictors', in the form of a strong opposition or deep-rooted democratic organisations (such as an independent judiciary or a strong independent media) may favour such a development.

The current centre-right opposition is undergoing a deep crisis in leadership, and also lacks a plan of action. It cannot be ruled out that to come through this crisis, the opposition will have to select new leaders, who are representatives of a younger generation.