

ICPS newsletter

In search of a way out: how to find a democratic country in this political crisis

The political crisis gripping Ukraine today happened because the country lacks institutes to defend political competition and democratic freedoms. What is critical is that this crisis be resolved in a legitimate, constitutional manner, whether that be calling legitimate early elections or through a negotiated compromise. Even more importantly, it must push all of Ukraine's political forces to undertake reforms that will enshrine the country's democracy

Political crisis caused by unprotected democracy

The political crisis in Ukraine became possible because the institutions that should guarantee democratic rights and freedoms are either ineffective or missing altogether.

The political changes that took place with the Presidential election in 2004 brought with them some key democratic freedoms: free Verkhovna Rada elections, freedom of speech and of the press, freedom of assembly, freedom of political competition, a strong opposition, and the beginnings of a civil society. Still, in the two years since then, the foundations have not been built for democratic institutions that would enshrine and entrench the democratic freedoms gained. The state machine can still be used for administrative leverage in political struggles, the Constitutional Court has proved ineffective, the judiciary is not carrying out justice, the rights of the opposition are not enshrined in law, the organization of political parties remains far from democratic standards, and the levers of political influence available to civil society exist only formally.

None of the Governments has carried out the reforms necessary for this. None of the Governments has worked on the basis of public policy standards or instituted a democratic system of decision-making that might allow the opposition and civil society to have input into state policy.

The absence of such institutions allows any government to feel itself above

punishment, while the opposition feels marginalized. This leads to gradually radicalized tactics of political competition. As a result, the means of political struggle move ever farther away from democratic principles and the rule of law.

Indeed, the coalition has been expanding its majority unconstitutionally, the coalition and opposition approved a Law on the Cabinet of Ministers containing a number of provisions that counter the Constitution, and the President refuses to reinstate one of the oblast governors despite a ruling from the Supreme Court that requires this. In short, free political competition has moved outside the bounds of the law and is slowly eroding both democracy and the rule of law.

Early elections: A chance but no guarantees

In situations where there is a serious political crisis, the practice of developed democracies shows that the use of pre-term legislative elections can be beneficial. When the political elite are unable to resolve their differences independently and legitimately, early elections make it possible to get a fresh mandate from the people, who are the only source and bearer of power, and thus to renew the violated legitimacy of both the government and the opposition, and to pass judgment on the two sides in the conflict.

This happened in Great Britain in Winter 1979, when the Government of Margaret Thatcher replaced that of James

By the way...

As part of the "Socio-Economic Performance and Potential Analysis Capacity" (SEPPAC) project, a debate was held on 4 April to discuss the assumptions of the demographic model. Participants included project partners from the Government—the Ministry of Economy, the National Bank of Ukraine, and the Ministry of Finance—and those who are implementing this project—experts from ICPS and the Conference Board of Canada (CBoC).

On 28 March, ICPS Director Volodymyr Nikitin was in L'viv as part of the "Methods and Training Support for Regional Community Organizations to Prepare and Run Lobbying Campaigns" project. As part of this project, Mr. Nikitin participated in a roundtable called "Unauthorized Construction in the Historical Part of L'viv: Prospects for Settling this Problem." The roundtable was organized by the L'viv representative office of OPORA, a community network, with the support of the International Renaissance Foundation.

Over 19–23 March, ICPS analyst for European integration and foreign policy Natalia Shapovalova was in Brussels as part of the European Union Visitors Program. There, Ms. Shapovalova met experts from the European Commission, the European Parliament, the Council of the European Union, the European Economic and Social Committee, the Brussels Communication Office of the International Organization for Migration, and the Council of Europe.

Callaghan in pre-term elections and went on to become one of the most successful

reform Governments. This has happened in many other democratic countries as well. Moreover, the Head of State has the right to dissolve the parliament for purely political reasons.

In the Ukrainian context, early elections, should they take place, will have a similar function: to confirm the mandates of various political forces. But elections alone will not resolve the key problems with democracy in Ukraine. They will not guarantee the democratization of the political system or the resolution of political conflicts. There is a good chance that the next coalition and Government will have the same conflicts with the President and this will return the country to the same crisis it is in now.

Negotiations: A lost opportunity

Negotiations are always a legitimate and democratic way of resolving conflicts. Still, the content and outcomes of the roundtables held in 2006–2007 have discredited negotiations as a tool for resolving political conflict in Ukraine.

The negotiations tended not to have a strategic character and were not directed at removing the causes of the political conflict. Moreover, their subject matter failed to offer a confirmation of the democratic and legal foundations of the work of Government, the opposition and all the branches of power.

The various parties did not set as their goal reaching understanding as to priorities in the evolution of the country's political system or state policy, but rather used these negotiations as a tactical means in their political struggles, an exchange of mutual concessions in the

form of appointments, powers or rights—which often violated both democratic principles and the principle of rule of law. Two examples were the Law on the Cabinet of Ministers and the imperative mandate, which were supposed to cure an undemocratic disease using undemocratic methods.

Placing the Manifesto of National Unity on the agenda proved a premature effort to resolve state policy using a democratic approach when it was the actual approach that needed to be consolidated. So, until the agenda is altered, as well as the approach to negotiating, there is no chance that they will lead the country out of the current political crisis.

Talks need to focus on necessary changes in rules

This political crisis must be resolved in a legitimate, constitutional manner and serve to spur the establishment of institutions, procedures and rules that will not allow any political players whatsoever to allow themselves to violate legal norms and freedom of political competition. Everyone already knows the list of reforms necessary for this: the judiciary, public administration and so on.

However, so far, none of the Governments have been able to institute these reforms. This means that the primary objective is to establish the real reasons for the current failures and to declare their elimination a top priority. ■

For additional information, contact ICPS political analyst Ivan Presniakov by phone at (380-44) 484-4400 or via e-mail at ipresniakov@icps.kiev.ua.

Project update

ICPS has completed the “Strategy for Higher Education in Tajikistan” project. The project partner and donor was the International Higher Education Support Program of the Open Society Institute (OSI/HESP). Over the four months of the project, ICPS analysts provided the Ministry of Education of Tajikistan with consultative support in drafting a strategy for the development of professional higher education in Tajikistan. At the initial stage, project participants discussed the concept of this strategy. Afterwards, the Centre's specialists helped establish European formats for preparing conceptual documents in the public policy format. They also reviewed texts. As a result of this project, the Ministry of Education of Tajikistan is expected to adopt the strategy that was developed as an official document.

As part of the “Policy Campaign for Promoting Gender Equality in Ukraine” project, the Centre's analysts are working on two Green Papers. The working titles of these documents are “Mechanisms to Protect against Gender Discrimination: Options for Ukraine” and “Possible Ways to Equalize the Participation of Women and Men in Elected Bodies in Ukraine.” The goal of this project is to increase the participation of women in political processes and policy-making. It is being financed by the European Commission and implemented by ICPS jointly with the Center for Ukrainian Reform Education (CURE).

The Leading Economic Indicator: over Q2–Q3'07, the economy will continue to grow at a rapid pace

The system of the Leading Economic Indicators is a key modern instrument for making short-term forecasts for a country's economic development. ICPS has launched the regular reporting of such indicators for Ukraine. The indicator that ICPS economists have developed will be used to evaluate the prospects for Ukraine's short-term economic development.

In early 2007, annual growth of the Leading Economic Indicator accelerated again. Annual growth of the Leading Economic Indicator was 20.69 in February 2007 against 19.87 in December 2006. The main driver behind accelerated

growth of this indicator is growing prices for ferrous metals on external markets. At the same time, the contribution of other components to this indicator is relatively stable.

Accelerated growth of this indicator is the evidence of positive fundamental factors of economic development over Q2–Q3'07. However, there is slight pressure towards slower economic growth in Q2'07, which was determined by the downward dynamic of indicator growth in late 2006. For more information, visit us online at: http://www.icps.com.ua/doc/ICPS_LEI_February2007%20U.pdf (in Ukrainian).

icps newsletter is a weekly publication of the International Centre for Policy Studies, delivered by electronic mail. To be included in the distribution list, mail your request to: marketing@icps.kiev.ua.

icps newsletter editor: Olha Lvova (olvova@icps.kiev.ua)
Phone: (380-44) 484-4400. Fax: (380-44) 484-4402
English text editor: L.A. Wolanskyj
Articles may be reprinted with ICPS consent.

The International Centre for Policy Studies is an independent research organization whose mandate is to promote the introduction of public policy concepts and practices in Ukraine. This is achieved by increasing the know-how of key government officials for policy choices, formulation and debate, and the awareness of the public-at-large of the benefits of policy.

Address: vul. Pymonenka 13A, Kyiv, Ukraine 04050
Web-site: <http://www.icps.com.ua/eng/>