

# ICPS newsletter<sup>®</sup>

## What next, after the election?

**Both international and Ukrainian observers agree that the snap election to the Verkhovna Rada took place fairly, openly and democratically. Moreover, the election campaign itself took place in an atmosphere of relative calm, the government organized the electoral process in a transparent manner and ensured that all participants had an equal chance to access the mass media, to campaign, and to register their candidates. But the formulation of unspoken rules, such as what can or cannot be done in putting together a coalition, underscored the urgent need for an independent judiciary, including the Constitutional Court, without which the regulation of any disputes over the Constitution will remain impossible. All of this is key to entrenching democracy in Ukraine, say ICPS analysts**

### The Orange camp can now put together a coalition

Based on the results at this time, BYT and NU-NS can put together a coalition without even including other partners. With only 228 seats in the Rada, however, ICPS analysts say that this will not be enough to ensure that the coalition can work steadily. Most likely it will need to invite a third party to join, which could be the Lytvyn bloc, with its 20 seats. In such a situation, the coalition will have 248 votes.

Still, including the Lytvyn Bloc carries a number of risks as well as benefits. For one thing, the two main parties will have to give up their previous agreement to split Government and other posts right down the middle, something that is actually written into the latest agreement between BYT and NU-NS. For another, there are doubts about where the loyalties of the Lytvyn Bloc lie.

ICPS analysts still consider it unlikely that a broad coalition will be established between Nasha Ukraina-Narodna Samooborona and the Party of the Regions immediately after the election. NU-NS will not be a stable coalition party for PR. Moreover, both part

of the NU-NS bloc itself, such as Ukrainiska Pravnytsia, Narodna Samooborona and parts of the Nasha Ukraina party have completely distanced themselves from such an option. It follows that, for the President himself, such a coalition would have the effect of undermining support in the Rada: he would find himself opposed by both BYT and part of his own faction. Moreover, a coalition between NU-NS and PR would still not guarantee the President support from PR for his initiatives in the Rada.

The formation of a broad coalition will also reduce support for the President among Orange voters. The chances that Viktor Yushchenko will make it into the presidential run-off in 2009 will grow even worse. And finally, a coalition with the Party of the Regions is no guarantee that PR will not nominate its own candidate in the 2009 race.

This means that the most likely coalition immediately after this election will be an Orange one, with BYT and NU-NS, which is what the pro-presidential electorate expects. Some changes in this coalition will be possible only in the medium term, if a change in the political situation

provides the main players room for political maneuvering.

### The possibility of another political crisis remains

The formation of an Orange coalition should, in the short term, ease some of the antagonism in relations between the President and Premier that was characteristic under the recent Yanukovych Government. Still, for an end to be made to this crisis, the newly formed coalition will have to engage first of all in entrenching institutions that can guarantee that politicians play by the rules from now on. This firstly means reforming the Constitutional Court and the judiciary. Secondly, it means bringing the Law on the Cabinet of Ministers in line with the Constitution, adopting the Regulation for the Cabinet of Ministers as a Bill of Law, and amending the Budget Code. The Cabinet also needs to return the President's Constitutional rights, which have been taken from him in this Law. In addition, it's extremely important to regulate relations within the Rada itself, as well as to give the opposition proper powers by either passing a separate law or adopting the Law on the Verkhovna Rada Regulation.

These measures lay the foundation for the Cabinet of Ministers and the President to act on the basis of a similar interpretation of the Constitution and for the legitimacy of any decisions they make to be beyond question. And this activity should become part of the new coalition's agenda. Otherwise, say ICPS analysts, the impression that the crisis is over will be short-lived. Without institutional change, the crisis will not be healed.

The Orange forces don't have a unified agenda regarding state policy and are not united by common political goals especially in terms of the 2009 Presidential election. Views on public administration, the goals of economic policy, and, more important, on who leads, differ in the Orange camp. Moreover, Viktor Yushchenko and Yulia Tymoshenko make no bones about their ambitions to run in the next Presidential race.

### Results of the 2007 election and seat distribution in the VR

	Votes, %	Seats
Party of the Regions	34.37	174
BYT	30.71	156
Nasha Ukraina-Narodna Samooborona	14.15	72
CPU	5.39	28
Lytvyn Bloc	3.96	20

This means that, after the emotional euphoria of the joint victory dissipates, the fierce competition within the coalition will continue—for the right to make strategic decisions and for leadership. The President will want the Government to carry out his agenda, and NU–NS supports him in this, while Yulia Tymoshenko will insist on her own goals. If democratic institutions are not strong enough, this cohabitation could end in the break-up of the coalition, and possibly even new elections. In any case, without democratic institutions, the weakness of the coalition will equate the weakness of the state.

## Reforms will have to wait

The current situation does not bode well for reforms for a number of reasons. Firstly, reforms cannot be undertaken because they simply have not been planned. Other than Constitutional reform and reform of the judiciary, no other reforms were under discussion during the election campaign. For instance, despite all the promises to increase pensions offered by all political parties across the board, not one party discussed the continuation of pension reform. In addition, none of the reforms of the branches of power can take place without an effective civil service. Its

absence is the biggest problem of a democratic society facing Ukraine today. Yet every last party in Ukraine has kept mum about reforming public administration.

Secondly, the approach of a Presidential election means there is a relatively small window of opportunity for the Rada to undertake effective work. The election will take place in December 2009, but the campaign will de facto begin a year earlier. These are political realities that will remove any desire on the part of politicians to undertake reforms because the benefits are likely to be long-term, while voters will feel the impact of unpopular decisions almost immediately.

Thirdly, steady economic growth that looks set to continue for the next several years removes any economic incentive for a Government to undertake reforms.

## Foreign policy will not change

The results of this election are unlikely to have much of an impact on Ukraine's foreign policy. The coming to office of the Tymoshenko Government will not mean that Ukraine turns its back on Russia or swiftly becomes a member of NATO. Despite many demands from her partners in the future

coalition, Ms. Tymoshenko did not ever outline her position on NATO during the campaign and is unlikely to make any radical changes to foreign policy, especially if this leads to serious confrontation in relations with Russia and sudden changes in the price of gas.

In future, a change of Government will have ever less impact on Ukraine's foreign policy. In the past, the fierce confrontation between Russia and the West in political debate in Ukraine were driven by the fact that Ukraine was choosing not only its foreign policy vector, but also its model for internal development. With the democratization of its political system, this conflict between Russia and the West in Ukraine's foreign policy has been removed. Today, there is consensus among all the country's main parties about the need for Ukraine to integrate into the EU and to maintain good relations with its northern neighbor. The issue of NATO membership has become much more controversial, but every Government that makes this its goal has to deal with public opinion. ■

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

## ICPS launches project called "The Best District in Kyiv"

The International Centre for Policy Studies has launched a research project called "The Best District in Kyiv." The goal is to poll public opinion in each of Kyiv's 10 districts about the services provided to residents, to find out which district is the best, and to publish the results of this study for the general public and municipal stakeholders.

The quality of services provided will be evaluated by Kyiv residents themselves. This evaluation will use a 5-point scale involving filling out special questionnaires.

The main problems for residents living in the city are:

- **Residential services (utilities and building maintenance).** This includes heating, hot and cold water supplies; the poor state of balconies; the condition of apartment elevators; the maintenance of building grounds; and garbage pick-up schedules. Residents will also be able to say how attentively and punctually employees of residential services providers react to their appeals.
- **Public transit.** This includes the convenience of routes from a given district, waiting times at stops and stations, and passenger comfort.
- **The state of side streets and roadways.** This includes greenery, the state of pedestrian crossings, and street lighting.

- **Healthcare facilities and educational institutions.** This includes the medical services provided in district healthcare institutions, the quality of teaching and education in schools, high schools and academies in a district.
- **The effectiveness of district government in resolving specific problems for residents.** Residents will be able to indicate how accessible their district government offices are (reception hours and administrative services), the timeliness of how needed information and documents are provided, the work of telephone hot-lines, and the way residents' appeals are responded to.

Other problems that residents will be able to evaluate include: conditions for doing business and for obtaining loans in a district; the organization of cultural and sports events by the district government and the preservation of historical and cultural monuments; and the proximity of grocery stores, food markets and drugstores to apartments in a particular district.

The Best District in Kyiv will be determined through a criterion-based evaluation of the quality of each main service provided to residents and a calculation for rating all 10 districts.

*For additional information, contact Project Manager Andriy Zelnytskiy by telephone at (380-44) 484-4400 or via e-mail at [garant\\_kvali@icps.kiev.ua](mailto:garant_kvali@icps.kiev.ua).*

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To be included in the distribution list, mail your request to: [marketing@icps.kiev.ua](mailto:marketing@icps.kiev.ua).

*icps newsletter* editor: Olha Lvova ([olvova@icps.kiev.ua](mailto:olvova@icps.kiev.ua))  
Phone: (380-44) 484-4400. Fax: (380-44) 484-4402

English text editor: L.A. Wolanskyj

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