

"Tuning fork of social sentiments" : the boundaries of pluralism

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Political Reform in the Regions

Despite its evidence, the proposed by the President of Ukraine issue of organizing a national-wide discussion of political reform in Ukraine is not settled.

The March 6, 2003 presidential decree "On Submitting the Draft "On Introduction of Changes to the Constitution of Ukraine" for National Discussion" established a procedure for the national discussion of the political reform. Proceeding from the text of the document, the author was guided by "the exclusive right of the Ukrainian citizens to establish and change the constitutional structure in the country for the purpose of executing constitutional principles of democracy and holding a comprehensive discussion of proposals for reforming political system in Ukraine."

Hence, the presidential draft "On Introduction of Changes to the Constitution of Ukraine" was submitted for national discussion so that "to identify positions of the Ukrainian citizens on re-distribution of constitutional powers between the President of Ukraine, the Verkhovna Rada and the Cabinet of Ministers of Ukraine, transition from presidential-parliamentary to parliamentary-presidential form of governance and on other basic provisions of the draft." For the purpose of efficient organization of the above process, the decree proposed executive bodies and NGOs "to ensure holding of roundtables, conferences and discussions in the media as well as other actions aimed at explanation of provisions of the draft "On Introduction of Changes to the Constitution of Ukraine" and objectives of its national discussion." The Cabinet of Ministers of Ukraine and local state administrations were ordered to aid in holding of national discussion of the draft.

National discussion of the draft was carried out all over Ukraine in late March after meeting of the President of Ukraine with Ukrainian regional governors. Regional state administrations opened countless "public waiting rooms". For instance, in the Rivne region, 200 "public waiting rooms" were opened. Local authorities organized endless roundtable discussions, meetings etc. According to statistical data, in the Mykolaiv region, 1,359 actions with participation of nearly 57,000 persons were held as of March 25, 2003, including 129 conferences, 13 roundtable discussions, 299 talks and 918 meetings of labor collectives. 1,419 persons came to "public waiting rooms" to take part in the discussion of the draft. According to Minister of Justice O. Lavrynovych, labor collectives, local self-government bodies, state authorities and political parties sent the overwhelming majority of proposals.

An interesting fact is that in informational bulletins about the course of national discussion, special attention is paid not to data on the sense of public proposals but to names of state officials at a variety of levels who organized the discussion. One of the informational reports reads, "Today, Deputy Chairmen of Ivano-Frankivsk regional state administration B.Tomenchuk and R.Strutynsky and Deputy Chairman of Regional Council R.Postolyaniuk in assistance with deputy heads of district state administrations held an extended session of the regional commission on organization of national discussion of the draft "On Introduction of Changes to the Constitution of Ukraine". Participants in the session analyzed the course of discussion in the region. Some deputy heads of district state administrations were criticized for inefficient organization of programs dedicated to explanation of essence and objectives of the political reform in Ukraine." According to official data, in the Vinnytsya region, "the regional, district and local media outlets are constantly publishing analytical and explanatory materials as to the address of the President of Ukraine Leonid Kuchma on the occasion of signing of the decree "On Submitting the Draft "On Introduction of Changes to the Constitution of Ukraine" for National Discussion". In the Cherkassy region, Chairman of the Zolotonosha district state administration called the local media to more actively highlight the course of national discussion.

Retrospective Review

As a matter of fact, the procedure for organization of the national discussion is based on specific technologies being tested and applied, especially under the former USSR.

Organization and holding of the April 16, 2000 national referendum seem much more unpretentious but less efficient as compared to the present action. It should be mentioned that on December 7, 1999, a conference of residents of Zhytomyr marked the beginning of an intermediate stage of implementation of a plan for political reform being unclear even for its organizers. In late 1999, residents of Zhytomyr wanted to submit issues of formation of two-chambers parliament, abolition of deputy's immunity, approval of the Constitution and anticipatory resignation of presidential powers for public discussion. The Central Executive Commission was forced to register nearly 300 initiative groups on collection of signatures in support of the national referendum. Those groups collected 3 billion signatures in 75% of Ukrainian regions. The groups printed forms for collection of signatures at their own expense, for the national budget did not provide for allocation of funds for respective purposes. Meanwhile, not regional active members and volunteers of some political parties but real state officials and representatives of the local authorities play an important role in the present action, which suggests the idea of testing yet another method that could be used in the future.

"Tuning Fork of Social Sentiments"

The Verkhovna Rada also got involved in the national discussion of the presidential decree. The Verkhovna Rada was called the "tuning fork of social sentiments" in the joint statement factions and deputy groups being members of the parliamentary majority in the April 9, 2003 parliamentary hearings on "Reform of Political System in Ukraine: Goals and Conceptual Principles of Constitutional Changes". Meanwhile, it was well known who would speak and what the speakers would say long before the parliamentary hearings. Speeches and assessments could be easily forecasted. At the initial stage of the hearings, Parliamentary Speaker Volodymyr Lytvyn insisted, "It is necessary to take into account the fact that there are five drafts on introduction of changes to the Constitution of Ukraine under consideration of the Verkhovna Rada of the present convocation. The draft No. 0999 presented by Anatoly Matvienko and Olexandr Moroz and approved by the Constitutional Court is the key one." Volodymyr Lytvyn mentioned that the draft provided for delegation, to the parliament, of more powers relating to formation of government and other national executive authorities and structuring of parliamentary majority and specified some tools for containment of confrontation between the President and the parliament. Meanwhile, the parliamentary hearings proved again that for the time being, no common approach to key challenges of the constitutional reform was made. Participants only managed to develop unanimous viewpoint on the idea to introduce two-chambers parliament. "MPs were strongly negative about the idea", said Parliamentary Vice Speaker Hennady Vasyliiev.

Judging from speeches of leaders of political parties and factions, neither the parliamentary majority nor the opposition reached consensus on political future of Ukraine. Though, the parliamentary hearings proved that none of political forces ranging from the "People's Choice" to Our Ukraine implicitly stands for the presidential initiatives. The "People's Choice" supports the idea of improvement of political system in general but believes two months given for the national discussion to be insufficient period. "Enactment of respective legal acts does not mark the final stage of the political reform but implies the beginning of its most complicated stage – the constitutional reform... There is no need to change the Constitution, it is necessary to alter practice of its application", said Victor Yushchenko.

So, MPs should anticipate approval of the draft according to outcomes of the parliamentary hearings and implementation of possible scenarios of holding of a regular referendum.

1977-2003

Schemes, resolutions, procedures and tactics for organization of present actions are actually copied from traditional Soviet methods and slightly updated in the form of official web sites of the Cabinet of Ministers of Ukraine, the President of Ukraine, the State Administration and other bodies. Following the logic of some officials, it is necessary to actively use network of Internet clubs in the discussion, which will encourage growth of interest of the young generation.

Identity of methods used demonstrated again that until now, the Ukrainian political elite born in mid-50s and influenced by the Komsomol and the Communist Party endeavors to reproduce the former Soviet administrative

experience. In addition, it makes efforts to reproduce not only general schemes and models of specific actions and events but also rhetoric and speeches. We would like to quote the following, "A broad public discussion about the political reform was aroused in the society. It involves more and more citizens, NGOs and the media outlets. Upholding presidential initiatives announced on August 24, 2002 and comprehensively analyzing the presidential draft on introduction of changes to the Constitution of Ukraine, Ukrainian citizens want consistent, sound and constructive constitutional changes encouraging consolidation, political stability and economic development of society, enhancement of international image of Ukraine and welfare of its citizens and strengthening of people's confidence in power." (Extracts from the text of the statement by groups and factions within the parliamentary majority apropos of the hearings on "Reform of Political System in Ukraine: Goals and Conceptual Principles of Constitutional Changes". It is useless to comment on vocabulary and general sense of the document.

Moreover, it should be mentioned that at the very beginning of the discussion, local bureaucrats deliberately presented such consensus of the "national opinion" that the President even emphasized the need to introduce certain liberalism in the process of collection of proposals. On March 7, Leonid Kuchma said, "I got aware that very often; the discussion comes to approval of the presidential draft. As for me, the above has much in common with resolution of the opposition meeting like "Denounce the presidential draft on introduction of changes to the Constitution as unacceptable". I repeat once again that it is not Leonid Kuchma but the Ukrainian nation and the Ukrainian power that do need the political reform." So, the directive had been given and on April 9, information about ambiguous attitude to the presidential initiative was posted on the official presidential site. For instance, "Some people deem that formation of two-chambers parliament in Ukraine is too expensive... and that the President has the right to appoint leadership of law-enforcement structures, since society will not benefit from absence of their subordination to legislative bodies."

Fortunately, borrowing of the past stagnant experience reflects today's inability of Ukrainian officials to generate modern ideas. It is enough to draw an analogy between the present national discussion and adoption of the 1977 Constitution. The 1977 Constitution was passed from up down, for the Central Committee of the Communist Party proposed the draft. Nowadays, the Presidential Administration and the local authorities frequently play the role analogous to that of the Central Committee.

The text of the 1977 Constitution was published in the newspaper "Izvestiya", discussion was held in the form of meetings of labor and party collectives and some conscious citizens wrote letters to the Central Committee making their own proposals. Doesn't it remind the present situation? According to researchers of that historical period, over 400,000 various proposals with changes and amendments were made in the process of public discussion of the 1977 Constitution. Under the totalitarian regime, by far not all proposals became constitutional history though party bureaucrats and officials thoroughly collected and processed data files on public opinion so that to analyze general sentiments in the society. It should also be pointed out that under the dissident movement, triumph of egalitarianism and the planned economy, quite interesting incidents occurred during the public discussion. For instance, some representatives of the Soviet people suggested to define the term "unearned income" and fix the notion "self-supporting basis" in the Constitution. A kolkhoznik (collective farmer) from Central Asia proposed to dismiss from their offices and make answerable officials who violate the Constitution.

Disagreement with general policy existed in late 70s and does exist today. Notwithstanding the slogan "Let's Support the Presidential Reform!" some Ukrainian citizens do not understand the need to form two-chambers parliament and stand for appointment of governors by election following the example of Russia. In Artemivsk (the Donetsk region), proposals were made as to introduction of proportionate system of elections of MPs depending on the number of population and inexpediency of holding presidential, parliamentary and local elections within the same year. In the Dnipropetrovsk district, the majority of people believe that it is necessary to secure immunity for MPs and Chairmen of councils at a variety of levels. Also, there are radical proposals, such as to abandon the institution of presidency in Ukraine, which cannot but inspire respect.

Meanwhile, one cannot but take note of the fact that there are incidents indirectly relating to the political reform but allowing some organizations and political formations to compete for fixation of some regulations in the Constitution. For instance, according to official data, participants in the roundtable session held among local ethnic minorities (the Turkish, Jewish and Greek communities) in Slavyansk presented the task force with proposals to revise territorial division of Ukraine. Nowadays, almost nobody pays attention to certain stirring of the Crimean issue in the context of the political/constitutional reform. New factors may potentially threaten initialization of the

process of re-distribution of powers between the center and the autonomy. On April 9, at the hearings on the issue of the reforming the Crimean Parliament, MPs recommended to introduce a provision on simultaneous holding of parliamentary elections and elections of regional, district, city and village governors in the Crimea to the draft Constitution. MPs also proposed to vest the Crimean Parliament with the right of legislative initiative.

It is understandable that discussions and amendments do not really matter. Anyway, the desired results will be attained. There are examples of other CIS states, say Kyrgyzstan, where a commission appointed by the president just re-wrote public opinion. It is indicative that in his speech at the parliamentary hearings, O. Lavrynovych did not mentioned any proposals for formation of two-chambers parliament though paid close attention to amendments relating to deputy immunity.

In the opinion of experts and historians, discussion of the drafts of the Constitution at party conferences determined the boundaries of the Soviet pluralism of late 70s. Most likely, in the independent Ukraine of the early 21st century, the same will be true about the present national discussion, for the boundaries of pluralism are set.