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Newsletter for the international community providing views and analysis from the Bloc of Yulia Tymoshenko (BYuT)

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## Mines Must Be Made Safer

Ninety miners are feared dead and ten missing following a blast on Sunday at the Zasyadko coal mine in the Donbass region. The explosion, 1,000 metres underground, was caused by methane gas igniting. The raging inferno that followed and thick smoke have hampered rescue teams.



The accident was the latest in a string of tragedies that have befallen Ukraine's antiquated coal mining industry.

Leader of the Opposition, Yulia Tymoshenko expressed her deep sympathies for the families and relatives of the bereaved and injured and called upon Ukraine's political forces to unite in efforts to improve the safety of the country's coal mines.

"We must ensure an urgent and full investigation," said Ms Tymoshenko, "it is imperative that the government does everything in its power to improve conditions in the mines and does its best to prevent an accident like this from ever occurring again. Methane seepage is a well-known problem and with the proper investment many accidents are preventable."

The Bloc of Yulia Tymoshenko (BYuT) has long-called for proper levels of investment in Ukraine's coal mines, which it views as a national resource. Last September, its "Contract with Investors" manifesto document championed foreign direct investment in coal mining as an integral part of BYuT's policy to diversify energy supplies and promote greater energy independence.

### Deadly Gas

About 75 percent of Ukraine's 200 coal mines are classified as dangerous due to methane leakage. Some mines have been abandoned completely because of the danger.

Methane is one of the top three naturally occurring greenhouse gases and Ukraine is considered to be the world's third-largest emitter of methane emissions from coal mining. Each year, several thousand million cubic metres seep from its mines into the atmosphere.

BYuT will push the government to support initiatives to make coal mines safer and at the same time capture and recover methane for energy production.

The conditions in some of Ukraine's coal mines are Dickensian and disasters are frequent. Official statistics put the death toll in mining this year at 80, though independent trade unions say the figure is far higher. Since 1991, more than 4,700 miners in Ukraine have been killed and, on average, three miners die for every one million tonnes of coal brought to the surface. ▶▶▶

The blast in the Zasyadko coal mine was the worst since 81 miners were killed in 2000 by an explosion at the Barakova mine in Lughansk.

"We should not tolerate such tragedies," said Ms Tymoshenko, "the government and mine owners must take action without delay."

BYuT has established a special bank account for donations to the families of the victims of the Zasyadko coal mine disaster. Donations are payable to JSB Brokbiznesbank, account 290910101, bank code 335678, OKPO code 24319781.

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## Parliament to Sit on 23 November

A consensus was reached by Ukraine's parliamentary working group to hold the first sitting of the sixth convocation of the Verkhovna Rada on 23 November.

After a disunity in the parliamentary working group that left even hardened Ukraine watchers scratching their heads, the deadlock over who should chair the group was finally broken when Raisa Bohatyriova of the Party of Regions and Roman Zvarych of the Our Ukraine - People's Self-Defence (OU-PSD) Bloc were elected as chairperson and deputy respectively. With this procedure squared away, the date of 23 November was soon agreed by representatives of the five parties that successfully breached the three percent of the vote barrier needed to enter the 450-seat parliament.



▲ Resolving Issues. BYuT's leaders at the parliamentary working group: (left to right) Oleksandr Turchynov, Yulia Tymoshenko and Yosyp Vinsky.

As well as agreeing a date to start work, Vyacheslav Kyrylenko, a leader of OU-PSD, announced after the meeting that his bloc would sign the coalition agreement with the Bloc of Yulia Tymoshenko (BYuT). This represents the keystone to uniting the two blocs and forming an Orange government.

One of the main tasks of the new parliament will be to elect the Chairman (Speaker) of the Verkhovna Rada and Prime Minister, then later the heads of the parliamentary committees and appoint the new cabinet.

Yulia Tymoshenko, the Leader of the Opposition and of her eponymous bloc is the natural choice to replace Viktor Yanukovich as prime minister. However, the BYuT leader needs to muster sufficient votes from the 450 deputies, who will vote anonymously for the premiership position. The uncertainties around an anonymous vote mean that the voting behaviour of the 72 OU-PSD deputies, 20 Lytvyn Bloc deputies and 27 Communist Party deputies may prove crucial to guaranteeing Ms Tymoshenko's return to power.

### Machinations and Backroom Deals

Rumours and theories abound in Kyiv after seven weeks of backroom deals following the 30 September election. Some analysts and political insiders, like Volodymyr Fesenko, speculate that the democratic coalition may not materialise and that if a government is not forthcoming, the



country will be governed by a caretaker administration headed by the current Yanukovich-government. In theory, this "no coalition" limbo situation could be spun out up to a year as the Ukrainian Constitution prohibits a pre-term election within a year of the last pre-term election.

**"They know that a cabinet with her at the helm will push through the reforms that will create a fairer, more transparent business environment and they fear this."**



But a "no coalition" situation is perhaps unlikely as the electorate would see this as the President choosing Mr Yanukovich over Ms Tymoshenko. This would only rebound badly with President Yushchenko feeling the wrath of a betrayed electorate at the ballot box in 2009, when the presidential elections are scheduled to take place. Similarly a fudged "grand coalition" – no matter how it was managed – would be seen for what it was.

One thing is certain: the closer the democratic forces come to forming a coalition government, the more likely the Party of Regions will resort to extreme tactics to prevent its power-base from being legitimately usurped. This may result in deputies resigning their mandates in order to disband parliament or blocking the parliamentary tribune to exhort further concessions.

"We anticipate the Party of Regions will do everything in its power to scupper Yulia Tymoshenko from returning as prime minister," said Viktor Pynzenyk, Ms Tymoshenko's leading economic adviser, "They know that a cabinet with her at the helm will push through the reforms that will create a fairer, more transparent business environment and they fear this."

Serhiy Sobolev, a BYuT deputy, told Ukrainian television that BYuT was collecting evidence that the Party of Regions was attempting to bribe deputies to prevent them from supporting the democratic coalition. He asserted that the evidence in BYuT's possession will be put before the new Prosecutor General once elected.

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## Honouring the Disgraced

You could be excused for thinking you were in a parallel universe and subject to an alternate reality. At least that's how some people will feel when they discover that Serhiy Kivalov, the disgraced former-Chairman of Ukraine's Central Election Commission (CEC), who presided over the rigged presidential election in 2004, has been awarded an honorary diploma and medal from the state.

The citation recognises Mr Kivalov, "For his great individual contribution to ensuring the realisation of the constitutional rights of Ukrainian citizens and on the occasion of the tenth anniversary of the formation of the Central Election Commission."

When journalists at Ukrayinska Pravda were sent the scanned document they assumed "it was another trick of a joker who had just mastered the fundamentals of Adobe Photoshop." To actually think that the head of the CEC, Viktor Shapoval, a valued member of President Yushchenko's team, could have signed and therefore sanctioned such an award was unconscionable.



"Maybe the CEC decided to honour all former heads of this organisation on the occasion of its 10th anniversary. However, such a gesture is a spit in the faces of millions of Ukrainians," wrote Ukrayinska Pravda. Described by the journalist as "one of the most odious politicians in the history of modern Ukrainian politics," Mr Kivalov should at least be applauded for his efforts to rehabilitate his tarnished image.

Having escaped imprisonment after the Orange Revolution, Mr Kivalov, sometimes referred to as "the fiddler in chief," has worked his way back into Ukraine's political life and was elected to parliament both in 2006 and 2007 on a Party of Regions ticket. On the road to redemption he has



▲ The face of the new hero of the Orange Revolution? Serhiy Kivalov, who presided over the largest electoral fraud in Europe's history, receives an honorary diploma and medal for his efforts.

for this protocol the Supreme Court would have never made its decision."

Surely this perverse logic should not be given any credibility. But by honouring a man who is guilty of helping perpetrate the largest electoral fraud in European history, the government has done just that.

### **Cronyism Alive and Well**

Perhaps even more disturbing, this latest affair reveals that cronyism is alive and well in Ukraine three-years after the Orange Revolution.

Dr Taras Kuzio, Research Associate at the Institute for European, Russian and Eurasian Studies, Elliott School of International Affairs, George Washington University, told Inform: "Cronyism, disrespect for the rule of law and corruption have been precisely three strategically important

picked up a signed photo by President Yushchenko and even erected a monument to himself at the Odessa Academy of Law.

More recently, Mr Kivalov has been dispensing advice on election procedure to Yulia Tymoshenko, Leader of the Opposition. But more bizarre still, he has the effrontery to suggest that his actions in 2004 stopped a civil war and so bolstered the democratic movement.

Talking about the election results protocol he signed in November 2004, Mr Kivalov said, "It was the protocol I had signed that became the cornerstone of a legal dispute resolved in the Supreme Court of Ukraine. If it had not been



▲ Dr Taras Kuzio, a leading expert on Ukraine likened the award of a medal to Serhiy Kivalov to something out of George Orwell's "Animal Farm."



areas which have not improved since the Orange Revolution, serving to damage the reputations of orange leaders and entrenching cynicism within the elites and the population.

"Two cases in point this year. The granting of a state medal to former Prosecutor Mykhailo Potebenko and a diploma and medal to former Central Election Commission chairman Serhiy Kivalov. In a rule of law-based society these two former state officials would have been at a maximum criminally charged for covering up high level involvement in the murder of the journalist Georgi Gongadze and in mass election fraud. At a minimum they would have been morally denounced and in public disgrace. Instead they are honoured, rehabilitated and, in Kivalov's case, elected to parliament within the Party of Regions, the haven for ex-Kuchma cronies. This medal giving could come straight out of George Orwell's "Animal Farm" where everybody is equal but, of course, "some are more equal than others". Who will be next in line for a state medal? Kuchma for his contribution to furthering media freedom in Ukraine? Yanukovych for his contribution to furthering free elections? The show must go on."

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## WTO Protocols Agreed



After lengthy delays and missed deadlines, Ukraine took a step closer to joining the World Trade Organisation (WTO) by signing a protocol agreement with Vietnam which recognises each other's full market economy status. An agreement was also reached with Kyrgyzstan, which had held off signing a bilateral protocol because of a long-standing dispute over a \$25 million debt dating back to the collapse of the Soviet Union.

"Thus, the last protocol, which was extremely important for completing the process of Ukraine's accession to the World Trade Organisation, has been signed," said Ukrainian Foreign Minister Arseniy Yatsenyuk, "Currently, there are no hindrances for Ukraine to join the WTO by the end of 2007."

As reported in Inform last week, it is unlikely that Ukraine will join the 151-member WTO until the autumn of 2008 as approval is needed through a working group report and WTO general meeting.

BYuT remains an ardent supporter for Ukraine's accession to the WTO. Hryhoriy Nemyria, Ms Tymoshenko's foreign affairs adviser explained why it was so important in a recent interview: "Joining the WTO will grant access to markets previously denied us. International trade – whether it be in finished goods, semi-finished goods, raw material or energy – is the means to strengthen our economy and attract investment. A stronger economy translates into more plentiful, better paid jobs and, at the same time, will provide the state with resources to afford the social welfare programmes this country needs. Furthermore, without being a WTO member we will be unable to progress membership of the EU."

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