

Oxford Analytica

Daily Brief©

March 26, 2002

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UKRAINE: Campaign Controversies

EVENT: Elections to the Rada (parliament) will be held on March 31.

SIGNIFICANCE: Opinion polls indicate strong support for parties which either oppose or offer an alternative to President Leonid Kuchma. However, pro-presidential and oligarch parties benefit from substantial incumbency advantages; these may deliver Kuchma the pliable majority he seeks.

ANALYSIS: The last opinion polls before the March 31 election to the Rada (parliament), published in mid-March, indicated strong support for parties not aligned with President Leonid Kuchma. Former premier Viktor Yushchenko's 'Our Ukraine' (NU) led with 25-33% support, followed by the Ukrainian Communist Party (KPU) on 15-21%. The former defines itself as an alternative to Kuchma but not in direct opposition; the latter is in outright opposition to the president. The poll also indicated that two of Kuchma's more implacable opponents may enter parliament -- former deputy premier Yulia Tymoshenko's nationalist bloc (Biut), and Oleksandr Moroz's Socialist Party (SPU).

Several pro-presidential entities are contesting the election, including new parties such as Women for the Future (ZzaM), that could upset pollsters' expectations. Kuchma's party of power 'For a United Ukraine' (ZYU) has increased its low 4% support to 6-7% because of open support by the state and is likely to pass the threshold necessary to enter the Rada. Pro-presidential ZzaM, the Greens and the Social Democratic Party United (SDPUo) are also likely to enter the Rada. High support for NU, Biut and the SPU is disconcerting for Kuchma, who needs a pliable Rada for personal as well as political reasons (see OADB, June 18, 2001, IV). However, pro-presidential parties in Ukraine enjoy substantial 'administrative support' and are likely to fare better than polls suggest because they will do better in the seats elected in majoritarian districts.

Flawed process. The OSCE's final report on the 1998 election noted serious shortcomings in the electoral process, including arrests of candidates, abuse of public office and pressure on the media. This time, Western governments, the EU and Council of Europe are pressing Ukraine to demonstrate its commitment to European integration by ensuring that the Rada election is free and fair. The OSCE already has in place twelve international election experts and 26 long-term observers deployed throughout Ukraine. Three days before the poll, 250 short term observers will also arrive in Ukraine. For the first time in its history, the Council of Europe has also sent a mission.

Despite foreign scrutiny, it appears that dirty tactics are far more prevalent than in 1998. According to a February poll by Democratic Initiatives and Socis, 75% of Ukrainians think that the election will be marred by violations of the law; only 8% believe it will be fair. A range of irregularities are apparent or have been alleged by the participants:

1. Administrative pressure. ZYU, which is led by presidential administration head Volodymyr Lytvyn, has sought to force state officials and employees to join its five member parties, particularly the Party of Regions in the Donbas. A presidential decree issued on January 28 and subsequent decrees openly exhorted state officials to back ZYU. Moreover, the majority of local ZYU branch heads are members of the state administration. It is possible to see that central government

regions to their advantage. 'Administrative resources' are only used by ZYU and reflect the lack of transparency between state property and officials. Outside large cities, administrative pressure on state officials, teachers, the military and hospital staff to vote for ZYU is intense.

2. Media coverage. State television Channel One, and the oligarch-controlled channels ICTV, One+One and Inter only allow adverts from pro-presidential or oligarch parties. Opposition blocs are only able to obtain coverage at allotted times on state television given to all blocs. Coverage has also been open to question: during his recent tour of central and eastern Ukraine, Yushchenko was been denied the possibility of appearing on state television and radio. The OSCE has noted unequal campaign conditions and media coverage.

3. Registration. The authorities are only allowing one 'women's party' and one 'green party' to participate. In February, the Central Election Commission (CEC) annulled its decision to register the Women of Ukraine party and the Rayduha (Rainbow) green election bloc. The beneficiaries, the Green Party of Ukraine and ZzaM, are both financed by Vasyl Khmelnytsky, director of the Zaporizhstal metallurgical plant, who is running on the Green party list. Tymoshenko was only allowed to campaign outside Kyiv from late February because of a pending court case. Over 100 candidates were de-registered, most of them from opposition blocs, because of alleged discrepancies in income declarations. Members of District Electoral Commissions and polling stations have been appointed who are not from the opposition parties they claim to be.

4. Voter deception. Several efforts have been made to draw support away from Our Ukraine and the Socialists, through the registration of candidates or blocs with similar names to those parties and leaders, with the intention of confusing voters. For example, one pro-Kuchma businessman attempted to establish a bloc called 'For Yushchenko!', but was denied registration. Another Oleksandr Moroz is running for the pro-Kuchma All-Ukrainian Party of Labour against the SPU. Andriy Chornovil is running on the pro-Kuchma Rukh for Unity party list to counter Taras Chornovil on NU and Yevhen Stetskiv in Lviv where NU's Taras Stetskiv is running.

5. Campaign conduct. Our Ukraine's billboards have been torn down or covered by ZYU posters. On February 23, when Ludmilla Kuchma arrived in Kharkiv, all Our Ukraine posters were covered by ZYU ones. Our Ukraine activists have been singled out for arrest when putting up leaflets. ZYU has resorted to anti-semitic campaigns against democratic candidates for mayor in Vynnytsia and Odesa. Opposition parties including Our Ukraine, the KPU, Tymoshenko's FNS and Moroz's SPU have established an NGO, 'For honest elections', to document dirty tactics and undertake parallel vote counting. They have drawn attention to the possibility for vote-tampering, as opposition blocs have not been given equal representations on election commissions.

Opposition targeted. A majority of campaign abuses appear to have been committed by ZYU and directed against NU, Biut and the SPU:

- NU alleges that it has suffered from a range of actions by the state authorities, including the interception of campaign materials by traffic police, the arrest of activists, the use of informers to obtain information about the party, refusals to allow NU to use meeting halls, the launch of Tax Police investigations against party supporters, and the creation of false campaign material designed to damage the NU's image. The party also claims its business supporters have come under pressure from the tax authorities.
- The greatest number of dirty tactics are directed at Tymoshenko and Moroz, who are openly campaigning on an anti-Kuchma platform. Both blocs have been denied printing facilities for their newspapers, and neither is able to pay for advertisements on state or private television. Thousands of fake leaflets of the Tymoshenko and Our Ukraine bloc were distributed in February in eastern, western and central Ukraine.

Outlook. The presidential administration cannot prevent the major opposition parties from entering the Rada. but it hopes to limit their representation. Yushchenko claims that if his party

was not subject to dirty tactics and was allowed to campaign properly in eastern and southern Ukraine, its popularity would be closer to 30% than the current 20%. In practice, it is likely that:

- NU will be the largest faction in the Rada, followed by the KPU; together, they will hold half the Rada seats;
- the oligarch and pro-presidential parties will do better in majoritarian districts and will control one-third of the Rada; and
- the remaining seats will be held by Biut, SPU and non-aligned deputies.

Thus, the creation of a non-left majority will be impossible. The CIS Inter-Parliamentary Assembly will be sending 300 observers to the election and they appear likely to act as a counter to Western monitors by declaring the election free and fair -- their observers performed a similar service in Belarus last year. Given the unprecedented Western scrutiny, a negative assessment will further damage Ukraine's reputation in Western organisations and governments. A similar assessment in society will increase disillusionment with politics and deepen and the large rift between the elite and society.

CONCLUSION: It appears that Kuchma will be unable to recreate a non-left majority, and that NU will be the largest single Rada party. Given the unprecedented level of Western scrutiny, an unfair election would increase Western dissatisfaction with Kuchma and raise support for Yushchenko.

Keywords:EE, Ukraine, politics, international relations, corruption, election, government, opposition, party, foreign policy