

Ukraine's Parliamentary Elections: A Difficult Road Ahead For The Region's Party

Written by David R. Marples

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DAVID R. MARPLES, NOV 16 2012

The Ukrainian Parliamentary elections of October 2012 were contentious and preliminary reports suggest that the OSCE and other observers (especially the large contingent from Canada) were not satisfied that the process was free and fair. They are concerned especially with the disputed and long-delayed results in single-mandate constituencies, some of which were expected to overturn victories by the opposition Batkivshchyna (Fatherland) Party rather than those of the ruling Regions Party. The latter spent by far the most money, and frequently monopolized the state media for election purposes. Batkivshchyna began the campaign with its leader Yulia Tymoshenko in jail serving a seven-year sentence for her role in negotiating a difficult deal on oil prices with then Russian Prime Minister Vladimir Putin in 2009. The party formed an alliance for the campaign with Front of Changes, headed by Arseniy Yatsenyuk, former Foreign Minister of Ukraine and an ex-chairman of the Parliament.

The election rules also benefited the Regions Party, with half the 450 seats contested by proportional representation and half in single-mandate constituencies. A minimum threshold of 5% was required for parties to take seats in the new assembly, and parties were not allowed to form factions or electoral blocs. All the major parties with the exception of the Communist Party of Ukraine were in favor of a closer rapprochement with the European Union, which in turn monitored the elections closely in order to consider deepening the Association Agreement with Ukraine, initialed in Brussels in March 2012, with a "deep and comprehensive free-trade agreement," initialed on July 19, 2012. These negotiations began in earnest after Ukraine's acceptance as a member of the World Trade Organization in 2008. Thus in contrast to some past elections, the October 2012 version cannot be considered as a choice between Russia and the West. And Russia, notably, kept its distance throughout the campaign, although the countries' leaders, Yanukovich and Putin, signed an agreement on "strategic partnership" last July.

The 2012 campaign was notable for the emergence of a new political force called UDAR (The Strike), led by champion boxer Vitali Klitschko, which shrugged off allegations of being under the influence of Regions as well as of being on the payroll of oligarchs such as Dmytro Firtash. [1] Support also increased for the extreme-right Svoboda Party, which is an offshoot of the more openly racist and anti-Semitic Social-National Party of Ukraine formed in 1995. Its leader, Oleh Tyahnybok, was expelled from the Our Ukraine faction in parliament eight years ago after making openly anti-Semitic remarks and demanding that Ukraine be freed from a ruling "Muscovite-Jewish mafia." The party extended its influence beyond its Western Ukrainian base, partly as a result of "protest" votes from those who did not wish to support traditional opposition parties.

The election results, finalized only by the second week of November, were very similar to those of the exit polls released on October 28. In terms of popular vote, Regions lead a field of 21 parties with 30%, with Batkivshchyna at 25.54%, UDAR 13.96%, the Communist Party of Ukraine 13.18%, and Svoboda 10.44%. These five parties were the only ones to clear the 5% minimum threshold. Projected seats in the new parliament, as published in *Ukrains'ka Pravda* on November 13 [2] are Regions 185 (113 in individual constituencies), Batkivshchyna 101 (39), independents 43, UDAR 40, Svoboda 37 (including 12 in individual constituencies), and KPU 32. Although there have been reports from the OSCE and Canadian sources of serious electoral violations, [3] and a statement from Yulia Tymoshenko that this was the "most unfair election in the history of Ukraine" [4] and that she would go on a hunger strike in her prison cell in protest, the results of the seats contested by proportional representation appear to

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reflect, more or less, the views of the voters.

The same cannot be said of the results in single-mandate constituencies where Regions won an outright majority. The re-instituted dual system, has worked in favor of the authorities, just as it did in previous elections. In 2002, for example, a disastrous showing for President Leonid Kuchma's For a United Campaign was offset by the accumulation of seats in the single constituencies, thus preventing Our Ukraine from winning an outright majority. Analyst Taras Kuzio has referred to Viktor Yanukovich as a "serial election fraudster," who has overseen seven undemocratic elections dating back to 1998 when he was governor of Donetsk. The current one is perceived as an important prelude to the presidential election of 2015 and thus Regions were willing to expend state resources to assure it retained a majority. [5]

Several deductions can be made. First, Batkivshchyna did much better in the latter part of the campaign; earlier its support seemed to be declining. Correspondingly, UDAR's backing seemed to fall away as the election approached, perhaps because of voters' concern at the relative inexperience of its leader, Klitschko. Nevertheless, Klitschko has emerged as a viable opposition leader with an excellent showing for a first campaign but he expressed concern about the emergence of Svoboda, and seems unlikely to enter any form of coalition with them. Although Svoboda on the right fared well, Tyahnybok maintained that the Ukrainian Security Service controlled the placement of data in the server of the Central Election Commission, thereby depriving his party of "every third vote" (Interfax-Ukraine, Oct 30). Compared to the exit polls, polling for Svoboda was down by between 1-2.6%, but still within the margin of error. Still, Ukraine now faces the likelihood of an even more fractious parliament in which extremist parties have gained a firm foothold. Moreover, Jewish groups in particular expressed concern about the success of Svoboda and increasing anti-Semitism in parts of Western Ukraine. [6]

Overall it should be possible for the Regions Party to put together a majority with the assistance of the Communists and independent candidates, most of whom are pro-Regions in sympathy. Not surprisingly given the prevalence of state propaganda and finances, Regions performed much better in individual constituencies than those elected by proportional representation. In terms of the popular vote, 51.47% of those who took part preferred non-ruling parties and 43.18% backed the Regions or Communist Party. Though the latter party fared better than in the previous election, its leader Petro Symonenko denounced the election campaign the "dirtiest" in the entire period of Ukraine's independence, including blackmail and intimidation, and violations of legality in vote counting in the Luhansk region in particular (Interfax Ukraine, Oct 30). There can be no room for complacency or even satisfaction from the perspective of President Viktor Yanukovich and his ruling party. Despite the arrests of Tymoshenko last year and former Interior Minister Yuri Lutsenko earlier in 2012 (he received a four-year sentence for "abuse of office and embezzlement"), the opposition has maintained significant support. A prominent role is assured for the interim Batkivshchyna leader Yatsenyuk, who is sometimes dismissed as too intellectual and lacking in charisma.

It seems unlikely that Yulia Tymoshenko will be released to take up her role as leader of the opposition. She is scheduled to undergo a second trial for alleged tax evasion and embezzlement on November 23. Moreover, the election has failed to convince the Europeans in particular that there has been any moderation of recent authoritarian trends. Without the release of Tymoshenko and Lutsenko, there is unlikely to be much progress on Ukraine's Association Agreement with the EU. Above all, with a 58% turnout, and only 30% national support, Regions gained significant victories only in the eastern areas, their traditional stronghold. In other words, 70% backed other parties and candidates, and only 17.4% of those eligible to vote backed the Regions. It is hardly an overwhelming mandate at a time when the country is threatened with a serious economic recession. [7] In fact one would have to say, given the Regions' overwhelming control of state institutions, their enormous financial backing and largesse, and their preponderance in the media, their supporters may consider these election results a small, but not insignificant setback.

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David R. Marples is Distinguished Professor in the Department of History & Classics and director of the Stasiuk Program on Contemporary Ukraine at the Canadian Institute of Ukrainian Studies, University of Alberta. He is author of 14 books, including *Heroes and Villains: Creating National History in Contemporary Ukraine* (Budapest:

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Central European University Press, 2008).

[1] See, for example, [Bohdan] Benyuk, "K Klychko ya otnoshus' s nedoveriem," September 27, 2012, at: http://lb.ua/news/2012/09/27/172166_benyuk_klichko_otnoshus.html?utm_source=lbua&utm_medium=link&utm_campaign=theme Accessed November 12, 2012

[2] See <http://www.pravda.com.ua/articles/2012/10/29/6975859/> Accessed November 13, 2012

[3] See <http://www.interfax.com.ua/eng/press-conference/123721>

[4] See <http://www.kyivpost.com/content/politics/tymoshenko-elections-in-ukraine-were-unfair-315233.html?flavour=mobile>

[5] Taras Kuzio, "Ukraine's election as dirty as 2004, October 25, 2012, at: http://www.upi.com/Top_News/Analysis/Outside-View/2012/10/25/Outside-View-Ukraines-election-as-dirty-as-in-2004/UPI-58391351161000/ Accessed November 13, 2012

[6] See the *Jerusalem Post* editorial of November 3, 2012 at: <http://www.jpost.com/Opinion/Editorials/Article.aspx?id=290350> Accessed November 13, 2012

[7] See Agnes Lovasz. "Ukraine Investors Bet on IMF Deal as Yanukovich Faces Vote" October 25, 2012, at: <http://www.bloomberg.com/news/2012-10-24/ukraine-investors-bet-on-imf-deal-as-yanukovich-braces-for-vote.html> Accessed November 13, 2012

About the author:

David R. Marples is a Research Analyst in the Contemporary Ukraine Program, Canadian Institute of Ukrainian Studies and Distinguished Professor of Russian and East European History at the University of Alberta. His books include *Understanding Ukraine and Belarus: A Memoir* (2020), *Ukraine in Conflict* (2017), *'Our Glorious Past': Lukashenka's Belarus and the Great Patriotic War* (2014), *Russia in the 20th Century: The Quest for Stability* (2011), and *Heroes and Villains: Creating National History in Contemporary Ukraine* (2007).