

## 2012 Parliamentary Elections in Ukraine: Balancing on the Edge

Written by Olena Rybiy

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OLENA RYBIY, DEC 13 2012

On the 28<sup>th</sup> of October, the sixth parliamentary elections were held in independent Ukraine. As almost all of the previous elections, they were extremely competitive, and relatively unpredictable in their results. Many people had great hopes for these elections: The West expected Ukraine to secure an all-encompassing electoral process which would be characterized by a short but significant phrase “free and fair.” In order to confirm the quality of the electoral process, western countries and international organizations sent 3,797 official elections monitors to Ukraine.

On the other hand, the Ukrainian people expected much more; they expected a “change for the better.”[1] Despite a pervasive total distrust of political institutions in Ukraine [2], almost 58% of Ukrainian voters turned out for these elections. Although in comparison with previous years, the voter turnout decreased in Ukraine (from 69.63% in 1998); it has remained on a par with electoral participation of voters in such post-Soviet countries, such as the Russian Federation (60.21% in 2011) and Moldova (61.64% in 2010). Ukraine’s turnout, however, was relatively high in comparison with EU member states where voting is not legally mandatory [3].

### **Pre-electoral Environment – the Starting Point for the Unfair Game**

The most striking characteristic of the latest parliamentary elections in Ukraine was that the election results were dependent not only on the citizen who exercised his voting right but on the electoral campaign environment preceding the elections.

Firstly, as recognized by most world leaders, the politically motivated trial and jailing of opposition leader Yulia Tymoshenko reduced the effectiveness of the United Opposition during the electoral campaign, which seemed to be floundering without a strong leader. Public opinion poll conducted at the end of September 2012 showed that the main opposition party would have received no fewer than 10% more votes had the party been headed by Tymoshenko. [4]

Secondly, the openly manipulated change to the Law on Elections in 2011, from a proportional system to a system of mixed type [5], prepared the ground for the ruling party’s victory. Admittedly, the former proportional system was far from ideal and also widely criticized (particularly for closed lists of party candidates) when it was adopted in 2006. In particular, 2001–2007 polling results showed that the proportional system is the least popular electoral system among the population[6]. Nevertheless, this did not affect its introduction. The new proportional-majoritarian electoral system is not fundamentally flawed, though, in the given circumstances, it worked as a manipulative tool of the ruling elite. It opened the way to widespread vote buying by majoritarian candidates – those, for example, who were not affiliated with any party and hid their loyalty to the ruling Party of Regions – who were able to take advantage of the government’s administrative resources during the campaign. In addition, the lack of agreement and cooperation in the opposition camp of how their candidates would be run in the single mandate districts, played into the hands of president’s supporters. Some 8% of the majoritarian districts were lost by opposition candidates because their parties were unable to reach agreement on which candidates to put forward. This is some 18 additional seats in parliament which would have increased their numbers.

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Thirdly, experts noted a significant imbalance in waging the electoral campaigns of the opposition parties and the Party of Regions. The former also had access to advertising space, the means to widely distribute their literature and their representatives were regularly invited to contribute to political talk-shows. However, the level of the Party of Regions' political engagement and placement of commissioned materials in regional media reached overwhelming levels. As an example, TV stations in Donetsk oblast (the venue of greatest concentration of supporters of the President's party) gave the Party of Regions three and ½ hours of on air coverage, while only giving the opposition Batkivshchyna (Fatherland) party little more than two minutes exposure.[7]

Fourthly, the new Law on Elections gave greater authority to district commissions, which were responsible for tabulating the voter ballots, and during the elections some of them became the centers for falsification of electoral results. Two opposition parties (Vitaliy Klychko's UDAR (The Strike) party and Svoboda (Freedom) party), which were highly ranked, were failed to place a single representative in district electoral commissions. However, of the 19 parties, which received the right to place their representatives in district commissions, only members of five parties participated in the election on party lists. Eleven parties put forward not more than four candidates in single-mandate districts. Such a distribution enabled certain "marginal parties" to hand over their seats on district commissions to other political forces, particularly to the ruling party.

### Anticipated and Unanticipated Electoral Results

The new Law on Elections prohibits parties from uniting in blocs for the purpose of the elections. As a result, the electoral list was overwhelmed by small, insignificant parties with such peculiar names as "Youth to Rule," "Each for Himself," "Home Town," and "Block Party." In general, 87 political parties (of 201 parties registered in Ukraine) participated in these elections and 70% of them put forward fewer than 50 candidates. 23 parties (26.4% of the general number) were capable of putting forward only one of their representatives (35% percent were not members of these "marginal" parties). In fact, from the beginning, only a few parties realistically had a chance to reach the 5% threshold to enter the Parliament.

As a result, the representatives of eight opposition parties [8]– including Batkivshchyna, the party of jailed Yulia Tymoshenko, reached an agreement on uniting their efforts during the elections in order to form as a single party list. The merger of opposition parties in May-June 2012 did not have the synergy which they had hoped for. Instead of a high level of electoral support, which these opposition parties had enjoyed the year before the elections, they began losing support as indicated in the public opinion polls. Observers noted the lack of energy and new ideas in the campaign of the united opposition, which built its electoral strategy mainly on its conflict with the regime. Perhaps it would have been more successful had they proposed a coherent election program rather than just standing against the President and his party. In fact, in their campaign programs, almost each opposition party highlighted the need to "bring down the criminal regime," and yet again avoided developing a more complex strategy to take the country out of its crises: economic, social, bureaucratic and national.

The parliamentary election results showed that five political parties entered the Parliament. The ruling Party of Regions received 30% of the votes, which was about two million fewer than in the 2007 elections. More than half of the voters of two eastern oblasts (Donetsk and Luhans'k) and the Autonomous Republic of Crimea voted for this party. Traditionally, the Party of Regions receives the lowest number of votes in the western part of the country. In total, this amounted to 14% in eight western oblasts.

The united opposition in the expanded Batkivshchyna received 25.54% of the total votes, which was also approximately two million fewer than in the previous elections. The Communist Party of Ukraine received a surprisingly large amount of votes. (The CPU is known for its support for the Party of Regions' policies during the previous parliamentary session.) It increased its support from 5.9% in 2007 to 13.18% in 2012. Analysts explained this increase by noting the successful campaign waged by the CPU. On top of that, the CPU received renewed impetus by attracting disappointed supporters of the Party of Regions.

In addition, "new faces" and "new policies" have not lost their currency in Ukraine. Of the five parties crossing the threshold into parliament, two are new.

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Having successfully positioned itself within the new political opposition forces, the UDAR, headed by Vitaliy Klychko (a former world boxing champion), was able to increase their rating three times in the past year and receive almost 14% of the total votes cast. Unfortunately these elections, as was characteristic of the previous ones, can be described as a struggle between certain political forces, but not between ideological platforms. In this way, the UDAR was not able to clearly articulate its ideology [9] and the recruitment process for its members often gave the impression of an urgent mobilization on the eve of the elections.[10] The party, for instance, brought into parliament the largest number of non-party candidates (10 of 40). The lack of will on the part of these candidates to join the party may signify their relative independence and ambiguity in their political preferences.

The biggest surprise of these elections was the success of the nationalistic Svoboda party –espousing a social-nationalistic ideology and popular in western Ukraine. According to sociologists, 17% of the voters would have voted “against all candidates” had there been such a rubric on the ballots. [11] Theoretically, this seems to indicate a significant disillusionment of Ukrainian citizens with all of the political forces, which were not able to resolve many social problems or effectively represent the interests of the voters. In the practical dimension, these “protest votes” carried over to the nationalistic Svoboda Party, which surprisingly garnered more than 10% of the votes; interestingly, only two months earlier this rating wavered at just 3,4%. [12] At the last moment, the Svoboda Party was able to convince some voters that they are the strongest opposition to Yanukovich’s regime. Characteristically, Svoboda is one of the very few parties which was built on clear ideological principles and not totally focused on the persona of its party leader, O. Tiahnybok. This is an unparalleled phenomenon in present-day Ukrainian politics, given its ideological engagement and members’ coherence, which makes it more predictable than other so-called centrist parties with “very flexible” ideological platforms. In light of the party’s aggressive rhetoric on issues of race and tilt towards Russia, the Russian Duma and the Israel’s Ambassador to Ukraine expressed, in the course of the first days following the elections, their concern about such a party making its way into Ukraine’s Parliament.

While the opposition party candidates elected by way of party lists should now make up the majority in the new Parliament, the results in single-mandate districts were even more dramatic for the opposition forces. The Party of Regions won in 113 (of 225) polling districts; Batkivshchyna won in 39, Svoboda won in 14, while UDAR was victorious in six. Seven representatives of other parties and 43 self-nominated individuals made it into the Parliament, and, according to previous analysis, it appears that many of them will be cooperating with Yanukovich’s party. The Central Election Commission was unable to establish the results of the elections in five districts in particular, because of damaged ballots and differing numerical results on various copies of the electoral protocols.[13]

### A Step Back from Democracy?

Neither international nor domestic election observers noted significant violations on the elections day. Instead, the process of vote tabulation was the basis for falsifications, which mainly affected the result in majoritarian districts. In numerous instances, the vote tabulations were drawn out, ballots were intentionally damaged (almost 1.2 million were damaged of which 783,308 were for majoritarian candidates [14]), unjustified changes to elections protocols were made and certain results were not validated by the courts. Consequently, one of the district courts did not confirm the actual results in 27 local polling stations, which disenfranchised 30,000 voters at the same time annulling the victory of the opposition candidate – V. Romaniuk. Currently this issue is being reviewed by the European Court of Human Rights [15].

In early October, the survey results showed that the Ukrainian population would be reluctant to protest even if the electoral results were falsified [16]. And indeed, that is what happened. Only a few hundred people came out to protest in Kyiv over the violations of the Law on Elections in a number of problematic polling districts. The low turnout was not only the inability of the opposition to organize a long-term protest, as it was the case with the scandalous 2012 language bill which circumscribed the use of the Ukrainian language. The legacy of the 2004 Orange Revolution, which gave the society hope for major changes in the area of democratization, and the failure on the part of the ruling elite to deliver its promises, has led to a lack of social motivation to call for change in these elections. With only a meager 5% of the population belonging to any political party, [17] this election cycle has shown that serious disillusionment continues to exist with the political system and the political groupings competing for control over resources. This problem is only taking on more critical dimensions.

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One of the few positive trends in these elections were losses recorded for those candidates who had bribed voters during the year and relative success of those who had campaigned by personally meeting with voters. In Kyiv, the attempts to falsify the results in majoritarian districts were stopped under the pressure of activists, opposition's supporters and unaffiliated citizens. Another positive was the active engagement of numerous civic organizations in elections monitoring and observation. [18] One of the conclusions drawn about these elections is that the amount of money spent by the parties on the campaign was not necessarily commensurate with the number of votes cast for a candidate. For example, the "Ukraine – Forward Party," under the leadership of yet another beautiful woman in politics, Nataliya Korolevs'ka and a world renowned athlete, Andriy Shevchenko, rivaled larger parties in terms of the amount of money spent on campaigns [19] and yet garnered just above 1.5% of the votes.

As in the previous elections, this one did not lead to the transfer of power from the ruling party to the opposition. Moreover, it has become obvious that the Party of Regions has found itself at a crossroads of its own crisis. While the number of its supporters has drastically declined, and the party had to take responsibility for the economic crisis, which was artificially averted during the elections, Ukraine is moving towards the inevitable. In addition Taking into account the totality of factors – the CPU's decision not to enter into a coalition with the Party of Regions, the existence of more independently minded majoritarian deputies, potential conflict of interests among different factions of the Party of Regions – Yanukovych will find it more and more difficult to direct the Parliament.

It can be argued that in the future the fate of those parties elected to Parliament, more than usual, will depend on their own actions. Practice has shown that under certain political circumstances (in particular, discrediting a leader or a fatal political decision), Ukrainian parties dissolve easily. These elections have shown that the once powerful party of former president of Ukraine Victor Yushchenko, Nasha Ukrayina, fell drastically to merely 1.1% of voters in 2012. What is more, the head of the Narodna Party and parliamentary speaker, V. Lytvyn discredited himself and his party by cooperating with the ruling Party of Regions. The high level of electoral volatility in Ukraine may show that decisions made contrary to those promised during electoral campaigns could well bring about the end for of the political future of many recently elected members of Parliament from UDAR and Svoboda parties.

In summary, the 2012 elections in Ukraine had many shortcomings and took place in an atmosphere of numerous falsifications for which they were roundly criticized by leading international organizations and high-level foreign officials. The electoral campaign clearly showed that the ruling party blatantly facilitated the change in the laws and regulations in its favor which is one of the potential and actual dangers for further democratic development in Ukraine. On the other hand, however, the existence of alternative parties, greater choice of candidates, the political engagement of some activists and closer scrutiny by NGO's indicated that democratic elements of the political process exist and are gaining strength in Ukraine.

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*Olena Rybiy is a Candidate of Political Science, and a Research Scholar at the I. F. Kuras Institute of Political and Ethnic Studies, Kyiv, Ukraine. Currently she is conducting research on the transformation of political institutions in Ukraine as a Carnegie Fellow at the Institute for European, Russian and Eurasian Studies (IERES), George Washington University.*

[1] According to the All-Ukrainian public opinion survey conducted by sociological group "Reityng" on the eve of the October elections, 56% of those polled, primarily in the western and northern part of the country, expected that the results of the elections would bring changes for the better. Accessed at: [http://ratinggroup.com.ua/upload/files/RG\\_politicalUA\\_102012.pdf](http://ratinggroup.com.ua/upload/files/RG_politicalUA_102012.pdf)

[2] As stated by the results of the polling conducted in August 2012, 54% did not supported the work of parliament; while only 4.4% fully supported their work. – Source: Do you support the work of the Verkhovna Rada of Ukraine? (2000-2011) [public opinion polling]. Accessed at: [http://www.uceps.org/ukr/poll.php?poll\\_id=68](http://www.uceps.org/ukr/poll.php?poll_id=68)

[3] For example, during the last EU elections in 2009, electoral turnout in Lithuania was 20,98%, Slovakia – 19,64%,

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and overall participation in the 2009 EU elections among 27 EU countries was 43%. Source: "Voter turnout in national and EU parliamentary elections," *European Commission Eurostat*. Accessed at: <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tsdgo310&plugin=0>

[4] "Electoral moods of the population of Ukraine," *Sociological Group "Reityng"*. Accessed at: [http://ratinggroup.com.ua/upload/files/RG\\_politicalUA\\_102012.pdf](http://ratinggroup.com.ua/upload/files/RG_politicalUA_102012.pdf)

[5] While 225 deputies were to be elected through party lists, the remaining 225 in single-mandate districts

[6] "Which electoral system you think is the best for Ukraine?" (2001-2007), *RazumkovCentre*. Accessed at: [http://www.razumkov.org.ua/ukr/poll.php?poll\\_id=99](http://www.razumkov.org.ua/ukr/poll.php?poll_id=99).

[7] "The Numbers Ruin the Stereotypes About Mass Media," *Common Space Association*, August 29, 2012. Accessed at: <http://www.prostir-monitor.org/index2.php?PGID=142>

[8] Front Zmin, Narodnyy Rukh Ukrainy, Narodna Samooborona, Za Ukrainu!, Sotsialno-Xrystyyanska Partiya, Hromadianska Pozytsiya, Reformy i Poriadok

[9] UDAR declared that its ideology is social liberalism (<http://klichko.org.ua/news/publications/kandidatskiy-praktikum>). Paradoxically, while some of the members said that they are a left-centered party (<http://lviv.klichko.org/news/show/1439>), other members and, in particular, Klychko himself stressed that UDAR is a party of right-center (<http://klichko.org.ua/news/publications/vitaliy-klichko-o-tom-za-kakuyu-spravedlivost-borotsya-ukraintsam>; <http://glavcom.ua/articles/8214.html>).

[10] For example, in May 2012 the head of UDAR in Zakarpattia Oblast announced that anyone who has a good reputation, a specialist in his/her field, a team player and has a strong position may become a candidate from UDAR in one of the majoritarian districts in Zakarpattia. Accessed at: <http://klichko.org.ua/news/news/udar-prozvituvav-zhurnalistam-pro-rezultati-vseukrayinskogo-zyizdu>

[11] "How Ukrainians evaluate results of the election to the Verkhovna Rada," *Research&Branding Group*, November 18, 2012. Accessed at: <http://www.rb.com.ua/rus/projects/omnibus/8661/>

[12] according to the surveys' results of *Razumkov Centre, Kyiv International Institute of Sociology, The Ilko Kucheriv Democratic Initiatives Foundation*. Accessed at: [http://razumkov.org.ua/ukr/pidtrymka\\_partij.php](http://razumkov.org.ua/ukr/pidtrymka_partij.php); <http://dif.org.ua/en/polls/2012-year/vibori-2012-za-k.htm>; <http://www.kiis.com.ua/?lang=ukr&cat=reports&id=97>

[13] "Andriy Magera: The CEC was under the pressure from all sides", Elections in Ukraine, November, 21, 2012. Accessed at: <http://electioninfo.org.ua/index.php?i=1305>

[14] I. Vedernikova. "How to steal victory," *Dzerkalo tyzhnia*, №41, November 16, 2012. Accessed at: [http://dt.ua/POLITICS/yak\\_ukrasti\\_peremogu\\_\\_-112260.html](http://dt.ua/POLITICS/yak_ukrasti_peremogu__-112260.html)

[15] "United opposition appealed to the European Court of Human Rights complaining about 94 district", *Front Zmin' web-site*, November 28, 2012. Accessed at: <http://frontzmin.ua/ua/media/news/none/13951-obednana-opozitsija-zvernulasja-do-evropejskogo-sudu-z-prav-ljudini-zi-skargoju-schodo-94-go-okrugu.html>

[16] "Election 2012: Do citizens believe in the honesty of the election? Are they ready to protest?," *The Ilko Kucheriv Democratic Initiatives Foundation*. Accessed at: <http://dif.org.ua/ua/polls/2012-year/madjani-ivi.htm>

[17] "Can you say that you are a member of a political party?," *Razumkov Centre*. Accessed at: [http://www.razumkov.org.ua/ukr/poll.php?poll\\_id=347](http://www.razumkov.org.ua/ukr/poll.php?poll_id=347)

[18] For example, the NGO CHESNO took part in monitoring of the electoral campaign and developed the criteria of

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“positive qualities” of the deputies and analyzing the candidates for the office on the basis of these criteria; the NGO OPORA mobilized several thousand elections observers who monitored the elections and conducted a parallel exit poll, etc.

[19] “Expensive deputies,” *Kommersant*, № 186, November 16, 2012. Accessed at: <http://www.kommersant.ua/doc/2067660>

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### About the author:

Olena Rybiy, Candidate of Political Science, is a Research Scholar at the I. F. Kuras Institute of Political and Ethnic Studies, Kyiv, Ukraine. Currently she is conducting research on the transformation of political institutions in Ukraine as a Carnegie Fellow at the Institute for European, Russian and Eurasian Studies (IERES), George Washington University.