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Predictable Continuity: Ukrainian Parliamentary Elections 2012

On 28 October 2012, Ukrainians will vote for a new parliament. The elections have drawn much international attention because of the country's European aspirations, declared by Ukrainian authorities as well as by a significant part of society. The elections are thus regarded as an important indicator of Ukraine's democratic performance. However, in practice it is hard to expect any significant change in Ukraine's foreign policy as an immediate result of the elections. The course of the elections is, however, important from the long-term perspective of the European Union's policy towards Ukraine. The newly elected parliament will set the final rules of the 2015 presidential elections, a post that plays the most important role in Ukraine's current political system. Moreover, the campaign itself has indicated there are important changes in the political expectations of Ukrainian society that could be taken into account by the European Union in its efforts to increase the efficiency of its public diplomacy towards the country. This paper will attempt to identify the background issues, the most important tendencies revealed by the campaign as well as the meaning of various outcomes of the elections for EU policy towards Ukraine.

Political, Economic and Social Background

Since President Viktor Yanukovich took power in February 2010, political debate in Ukraine has focused on the topic of the country's democratic regression. In October 2010, Ukraine's constitutional court reversed a constitutional reform introduced in 2004 that gave parliament a central role in the selection of the executive. As a result, Ukraine has returned to a presidential model in its political system, and the role of parliament in domestic and foreign policy has declined. More recently, concerns about political motivations in the imprisonment of opposition leaders Yuriy Lutsenko and Yulia Tymoshenko¹ have become the main arguments used by the opposition as well as by the international community. The notion of a democratic regression in the country has been supported by recent evaluations by international watchdogs. In particular, Freedom House marked

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¹ See: I. Lyubashenko, "The Importance of the Tymoshenko Case for Ukraine's Relations with the EU," *PISM Bulletin*, no. 65 (398), 3 July 2012.

a decline in the country's freedom rating as well as noted a worsening situation in freedom of the press. The latter conclusion was supported by Reporters without Borders.

These developments have created an unfavourable political atmosphere for Ukraine's relations with its main partners in the West. In particular, the EU announced that holding free and fair parliamentary elections in Ukraine would be a condition for signing an Association Agreement. The NATO Chicago Summit Declaration also raised Alliance members' concerns about the appearance of a selective application of justice and politically motivated prosecutions in Ukraine.

Along with uncertainty regarding the direction of Ukraine's political development, the electoral campaign is taking place in the face of serious economic problems. Taking into account that the country's economy is based on large businesses and the budget is highly dependent on revenues from heavy industry, the last macroeconomic figures signal upcoming hardships. In August 2012, industrial production declined by almost 5% in comparison to the previous year.² The government has announced that economic growth has slowed (it was 1.5% in the first eight months of the year, compared to the official prognosis of 3.9%).³ Ukraine's authorities also have not introduced required structural reforms. Small and medium-sized enterprises, which are potentially the most significant source of development and innovation in the country remain virtually neglected. Ukraine is steadily going down in the Doing Business ranking, while any evidence that the authorities are fighting corruption is hardly visible.⁴

The negative political and economic tendencies are reflected in the public's mood, namely by growing political apathy. According to the Razumkov Centre, about 60% of the population report they are pessimistic when it comes to assessing the developments in the country, and only 4.4% of respondents fully support the actions of parliament, while 54% expressed dissatisfaction with the actions of the parliament.⁵ Additionally, long-term changes in the social perception of the main problems facing the country can be observed, in particular, interest in problems of an economic nature has increased. Individual economic and social security and stability issues are regarded as most important by Ukrainians. Significantly, there are no explicit regional differences in Ukrainian society when it comes to assessing the country's key economic problems.⁶ Regardless of their place of residence, Ukrainians assess the reasons for the difficult economic and social situation in a similar way. A high level of corruption, the prevalence among the political elites of favouring particular interests over the interests of the society, a lack of the rule of law, and a lack of sufficient competences are named as the main problems.⁷

The number of undecided voters is significantly high, according to various research centres, and varies between 15% and 30%. The situation suggests there is a social expectation for a clear set of proposals, particularly on the economy. Indeed, the tendency to support new political parties has

² "Promproizvodstvo v avguste obvalilos pochti na 5%," *Zerkalo Nedeli*, 17 September 2012, http://news.zn.ua/ECONOMICS/promproizvodstvo_v_avguste_obvalilos_pochti_na_5-108884.html.

³ "Azarov otmetil zamedleniye rosta ekonomiki Ukrainy," *Zerkalo Nedeli*, 19 September 2012, http://news.zn.ua/ECONOMICS/azarov_otmetil_zamedlenie_rosta_ekonomiki_ukrainy-108953.html.

⁴ According to Transparency International annual reports on the Corruption Perception Index.

⁵ According to Razumkov Centre research, August 2012, http://razumkov.org.ua/ukr/poll.php?poll_id=66; http://razumkov.org.ua/ukr/poll.php?poll_id=68

⁶ "Eto pervaya vlast za 20 let nezavisimosti Ukrainy, u kotoroy net uspeha vo vneshnej politike ni v kakom vektore," *From-ua.com*, 12 September 2012, <http://www.from-ua.com/politics/21cd0c0289ede.html>.

⁷ According to Razumkov Centre research, May–June 2012, http://razumkov.org.ua/ukr/poll.php?poll_id=61.

been clearly revealed during the campaign, especially among the young.⁸ The influence of the emerging demand for a new generation of political leaders on the current electoral campaign remains constrained by a new elections law as well as by the rather conservative offer presented by the main political parties.

Rules of the Game—An Attempt to Preserve the Current State of Affairs

The current election campaign is being held in accordance with a new elections law that creates favourable conditions for large parties, primarily the ruling Party of Regions. Although the law adopted in November 2011 literally corresponds with basic democratic principles, it contains a number of possibilities for abuse and various interpretations, especially in the context of an unconsolidated democracy. The most important changes are: the introduction of a mixed electoral system, an increase in the electoral threshold to enter parliament and a ban on participation in elections of blocs of political parties. It is worth noting that the law was supported by the opposition. After the consolidation of the main opposition players under Joint Opposition *Batkivshyna*, the new regulation became beneficial as well for this part of Ukraine's political scene.

The most significant change is the return to a mixed voting system, which was replaced with a pure proportional system after the 2002 parliamentary elections. Half of the members of parliament are elected on a proportional basis, while the other half have to fight for their place in the highest legislative body in single-member districts (plurality system). Such a step can be interpreted as a type of insurance system that would supply the ruling party with additional influence in parliament in case it does not prevail in the proportional component of elections. Excepting highly authoritative candidates, winning an election in a single-mandate district requires a significant financial outlay. These can be provided either from private sources or in the form of so-called administrative resources, that is, support for certain candidates by current officials using informative, budgetary and other means at their disposal. Experience with previous Ukrainian parliaments suggests this group of MPs is generally not a driver of any significant political or economic change. Furthermore, they usually appeared to be the most conservative element of the parliament and supported the existing political status quo. For example, as a result of the 2002 parliamentary elections, which were held according to the mixed procedure, the pro-government party "For a Single Ukraine" managed to form a parliamentary majority although it had gathered less popular support than the opposition in the proportional component of the elections. The structure of a parliament elected under such a procedure also increases its ability to adapt to possible political changes. This mechanism that allows the ruling party to form a majority without an actual victory in the proportional component also allows for a reconfiguration of that majority in the case of political crisis, thus creating additional protection for all the parties represented in the parliament from early elections.

The increase in the parliamentary electoral threshold to 5% and the introduction of a ban on blocs of parties may suggest Ukrainian political elites want to consolidate the current political scene and hinder new political forces from entering parliament. Consensus on these issues between the authorities and the opposition should not be regarded as a surprise at a time when the public's disregard of political elites is growing.

⁸ M. Kamanev, "Za kogo budut golosovat pensioner i molodezh, bogatye i bednye," *Forbes* (Ukraine), 10 September 2012, <http://forbes.ua/nation/1337778-za-kogo-budut-golosovat-pensionery-i-molodezh-bogatye-i-bednye>.

Important doubts have been raised about the way the election is being administered. According to the new law, parties with parliamentary representations have guaranteed seats in each district electoral commission, consisting of 12 to 18 persons. The remaining seats were filled by a lottery among the parties participating in the campaign. In practice, at least several parties that had registered only one candidate in one single-member district obtained seats on several commissions. Such a practice of using artificially created minor parties unknown to the wider public is regarded as an instrument for decreasing the opposition's representation on the commissions and thus potentially loosens control over the process of counting votes.

The Main Players and Their Offer—Business as Usual

The Ukrainian party system is close to a bipolar model. Although as much as 87 political parties have become official subjects of the current electoral process in Ukraine, the vast majority of them are not widely recognisable and limit the scale of their campaigns to local contests by registering one or two candidates in single-member districts. Only 22 parties registered their lists in the multiple-mandate district, which covers the whole country. According to recent opinion polls, four parties have a chance to enter parliament through party lists: the ruling Party of Regions, the Joint Opposition Batkivshyna, the Ukrainian Democratic Alliance for Reforms (UDAR) and the Communist Party of Ukraine. At least two other political forces are at the edge of the electoral threshold and have already become well-recognized, nationwide political brands, Svoboda and "Ukraine–Forward!" Finally, the basic dividing line is between two nominal rival camps. These camps control the overall course of the campaigns and impose central topics on the electoral process.

The first camp should be characterised as "pro-government" and is dominated by the ruling Party of Regions, which has electoral support oscillating around 20%.⁹ The party is led by Prime Minister Mykola Azarov and supports President Viktor Yanukovich. The Communist Party of Ukraine is led by Petro Symonenko and is traditionally supported by around 6% of voters, predominantly the older generation of citizens, and constitutes an informal partner of the ruling party. "Ukraine–Forward!" is the third element of this camp. Although the party formally underlines its opposition to the government, if successful in the election it most probably will cooperate with the winner.

The second camp defines itself primarily through its opposition to the current authorities. This part of Ukraine's political scene is dominated by Joint Opposition Batkivshyna. This formation is based on a set of agreements to coordinate electoral actions—because of the formal ban on party blocs—between Yulia Tymoshenko's Batkivshyna party and a number of smaller partners. The most significant agreement was signed in March 2012, when Arseniy Yatsenyuk's Front Zmin joined Batkivshyna by delegating its representatives to joint candidate lists. As a result, Yatsenyuk has become the leader of Joint Opposition's electoral list. Another important agreement on coordinating actions in single-mandate districts was achieved with Svoboda, although the latter presented a separate candidates list in multiple-mandate electoral districts. Despite this consolidation, electoral support for Joint Opposition remains similar to its principle rival, Party of Regions at around 20%. UDAR, led by well-known boxer Vitali Klitschko constitutes another important element of the opposition camp. Since its registration in July 2010, the party has gradually increased in support based predominantly on the popularity of its leader and his image as a political outsider. At the

⁹ Data on the level of public support to political parties are based on the regular Razumkov Centre research, http://razumkov.org.ua/ukr/pidtrymka_partij.php.

moment, about 9% of voters declare support for UDAR. The party's electorate is dominated by young Ukrainians.

From an ideological and program point of view, differences between the propositions of both main political camps are hardly noticeable. Despite significant economic hardships, neither party presents viable solutions for obvious problems nor a credible program of economic and social reforms. Although there is nothing exceptional in the fact that the election campaign is dominated by populist slogans, the situation confirms that the main political players lack the courage to manage existing social expectations of an economic nature. Instead, a far-from-innovative method to mobilise the electorate has been chosen, namely the highlighting of political and cultural dividing lines, which became strongly evident in the course of the so called Orange Revolution. As a result, the campaign—along with traditional promises to raise the standard of living—has become dominated by emotional disputes accompanying the adoption of a law on regional languages and more or less substantial rhetoric on threats to Ukrainian statehood introduced by that law. Significantly, topics relating to international affairs and the geopolitical orientation of the country have remained on the margins of the campaign.

In analyzing the political parties' offers to the electorate, one should clearly distinguish the parties' electoral campaigns from the 225 campaigns taking place in every single-member district. Competition in that segment of the elections remains virtually invisible to the wider public. Because they are local, not much attention is paid to them by the mainstream, nationwide media. At the same time, the majority electoral system provides the biggest possibility of abuse. The majority of violations reported by independent civic observers during the first weeks of the election campaign took place in single-mandate districts. The most common abuses include bribes paid to voters, obstacles to political activity, illegal campaigning and pressure from power structures, and the use of so called administrative resources.¹⁰ The latter has become a powerful tool of pro-government candidates in single-member districts. In fact, it often replaces the need to elaborate a genuine electoral programme. Taking into account the generally low level of democratic and civic awareness in Ukrainian society, a significant number of personal campaigns by candidates in single-member districts are based on their association with certain achievements visible to the local society (e.g., the renovation of a local road, school, etc.). As a result, single-member districts, while introducing a significant level of personalisation in politics, have not increased the substantial quality of elections. The possibility to use budget money for the promotion of a particular candidate remains the main determinant of electoral success for a significant part of Ukraine's future parliament.

Lessons Learned

It is hard to predict the final distribution of mandates in the proportional segment of elections. However, the introduction of the mixed voting system has significantly increased the chances of both the Party of Regions and Joint Opposition to remain the most influential players in the new parliament. Taking into account that both dominant political parties have already had a possibility to govern the country, while new political players with the opportunity to enter parliament will not play a decisive role, it is hard to expect that any of the probable outcomes of voting will result in a significant change in terms of Ukraine's domestic and foreign policy. Most likely,

¹⁰ According to the Ukrainian civic network OPORA, <http://map.oporaua.org/ua/content/allresults/57/>.

the Ukrainian authorities will not intensify the political or economic reforms that could bring the country closer to the declared goal of European integration in the near future.

However, it would be wrong to underestimate the meaning of these elections, understood as an important element of a democratic political system. Although the significance of the parliament in the process of policy-making has declined, its role as a platform of representation for diverse political interests is growing. The distribution of popular support for the main political parties suggests that regardless of the outcome of the elections neither political camp will have the possibility to dominate the public debate.

From this perspective, the upcoming parliamentary elections constitute an important element in the preparation of all of the political players in the much more important presidential elections of 2015. The final results of this year's voting will determine the possibility for authorities to introduce further legal changes to electoral laws and thus to create a more favourable environment in the upcoming struggle for control of the head of state.

Because of adequately prepared changes in the electoral regulations, the likelihood of electoral abuse remains low. International observers, however, will have a difficult task in providing an objective assessment of the elections because of the majority component of the election. Another problem may be found in the number of gaps in election regulations, and the main political players may violate the generally accepted election norms without formally breaking the law. Such accidents may often be hard to interpret unequivocally. The situation constitutes a challenge for international observers, as their final verdict may seriously affect the further development of Ukraine's relations with key Western partners. In a situation in which it is difficult to expect any mass-scale voting violations, the post-election agenda of EU-Ukraine relations most probably will be once again dominated by doubts related to the Tymoshenko case. In the long run, the state of relations between the EU and Ukraine will be strongly influenced by the results of the work of the European Parliament monitoring mission headed by former Polish President Aleksander Kwasniewski and former EP President Pat Cox, whose mandate has been recently extended to the end of 2012. The mission is being carried out with the agreement of the Ukrainian authorities and is focused on assessing the Tymoshenko cases from a legal point of view.

The election campaign itself became a source for two important conclusions. First, the political division of Ukrainian society, clearly revealed during the presidential elections in 2004 and the events that followed, including the Orange Revolution, remains strong. It is thus difficult to expect that any of the existing forces in the political mainstream would be able to push their political and economic agendas without significant social resistance. In the long run, however, there is political space in Ukraine for a party that would be able to formulate a new comprehensive political agenda that refers to economic reforms. This fact should be taken into account by the EU. Its long-term public diplomacy efforts towards Ukraine should be focused on economically-driven political change. In particular, more resources should be directed to public education in the field of economy. These actions should help stimulate a constructive debate over the direction of Ukraine's economic and social development in the upcoming years.