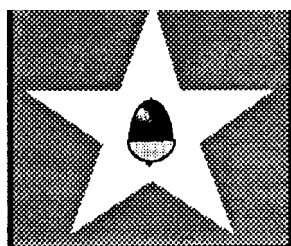


Conflict Studies Research Centre

James Sherr

**Ukraine's
Parliamentary Elections:
The Limits of Manipulation**

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Ukraine's Parliamentary Elections: The Limits of Manipulation

James Sherr

On Sunday 31 March, Ukraine's voters elected a parliament whose composition reflects neither the wishes of the authorities, nor their own. The fourth convocation of the *Verkhovna Rada* is less reformist but also less left-wing than the country's divided and regionalised electorate; presidential and 'oligarchic' interests are substantially over-represented, but they do not dominate the parliament, and it will not be easy for them to control it. The results say more about the balance of power in Ukraine and the in-built bias of the country's constitutionally enshrined electoral system than about illegalities and 'irregularities' in the Western sense. Although the 'administrative resource' was employed across the country, it could not disguise the pronounced shift which has occurred since the last parliament was elected on 29 March 1998: the transformation of reformists from a regional to a national force and a sharp erosion of support for the left. This shift, rather than the actions of the authorities, is the significant fact to emerge from these elections.

Aims & Results

In the West, where Ukraine's largest reformist bloc, led by former Prime Minister Viktor Yushchenko ('Our Ukraine'), is widely termed 'pro-Western' and 'liberal' and where Ukraine's President, Leonid Kuchma, once similarly described, is now described in opposite terms, the dynamics of the contest are often over-simplified. Kuchma's aims are not ideological, but more straightforward: to preserve power. This means weakening opposition, whatever its ideological stripe. For this reason, he has employed the 'administrative resource' – the use of executive power structures to achieve electoral ends – as firmly against the Communists (led by Petro Symonenko) and its ideological cousin, the Socialist Party (led by Oleksandr Moroz) as against the reformists.¹ Amongst reformists, the main target was the former Deputy Prime Minister Yulia Tymoshenko, whose 'Motherland' (*Batkivshchyna*) bloc has been dedicated not only to opposing the President, but (in alliance with the Socialists) to impeaching him. For his part, Viktor Yushchenko – appointed Prime Minister by Kuchma in December 1999 and, prior to that, Chairman of the Central Bank – has been careful not to describe his diverse bloc of 10 parties as an opposition force and has been equally careful to keep lines of communication open to the President and the

forces dominating the 5-party presidential bloc, 'For a United Ukraine' (*ZaEdU*).² The aims of the authorities were fourfold:

- to prevent the reformists from dominating parliament;
- to ensure a pivotal, if not dominant role for *ZaEdU*, in alliance with Viktor Medvedchuk's United Social Democratic Party (USDP) and Volodymyr Horbulin's Democratic Party-Democratic Union bloc;
- to weaken the Communist Party and strengthen its 'opportunistic' instincts;
- to keep Tymoshenko's *Batkivshchyna* and Moroz's Socialists below the four per cent threshold required to enter parliament.

In these aims, they only partially succeeded (see Annexe). That they succeeded as much as they did is due to the possibilities afforded by the country's two-tier electoral system, which elects 225 of 450 People's Deputies in first-past-the-post single-mandate constituencies, unabashedly dominated by executive power structures.

In their first aim, the authorities did less well than they would have liked, although their minimal objective would have been secured even if they had let democracy take its course. On the basis of its own polling data, even Our Ukraine did not claim support by more than 27 per cent of the electorate (versus 23.52 per cent officially recorded), and even when this is combined with the 7.21 per cent received by Tymoshenko, the result would not have been a 'reformist parliament'. Nevertheless, it is significant that the clone parties created by the authorities to divert support from Yushchenko failed to score.³

In achieving the second aim, the electoral system and the 'administrative resource' were far more successful. Until mid March, the presidential bloc, *ZaEdU*, was securing only 4-7 per cent in the opinion polls. In the days before the election, this total rose to about 12 per cent, and the bloc received 11.98 per cent on election day. Yet thanks to its success in single-seat constituencies, it has secured almost 20 per cent of parliamentary seats, and the support of allied parties and 'independents' might well increase this total to 40 per cent. However, despite the wealth and influence of its respective backers, Viktor Medvedchuk's USDP (which controls two major television channels and outspent any other bloc) received fewer votes than Moroz's Socialists; and the Democratic Union-Democratic Party (led by Volodymyr Horbulin, but underwritten by Oleksandr Volkov) secured only four single-mandate seats on the basis of 0.87 per cent of the vote cast. Interestingly the Russian image technologists employed by Medvedchuk (including President Putin's image maker, Gleb Pavlovskiy) do not seem to have boosted his fortunes.

In the third aim the authorities succeeded fully. The Communist Party secured 19.98 per cent of the vote, but less than 12 per cent of the seats.

But in the final aim they failed completely. Amongst the hard opposition, the Socialists secured 6.93 per cent of the vote (and 5.5 per cent of the seats), and Tymoshenko (7.21 per cent with 4.8 per cent of seats) actually did better than opinion polls forecast, probably because administrative pressure increased the level of her support. To add insult to injury, the most significant leftwing force to fall below four per cent, Nataliya Vytrenko's Progressive Socialist Party, is widely regarded as a creation of the President, designed to take votes from the Socialist Party.

Some of these are highly skewed results by comparison with voter preferences, which, as the table in the annexe demonstrates, would have produced a rather different balance of forces.⁴ Yet by comparison with the previous parliament – whose election took place within a legal framework markedly less transparent than that of 2002 – the change in the balance of forces is even more dramatic.⁵ In 1998 the one unequivocally reformist force, *Rukh*, secured only 8.9 per cent of the vote (and 40 seats), concentrated in the west of the country. In the current election, Yushchenko's bloc secured a plurality of votes in 14 of the country's 24 *oblasti* (regions), including two bordering Russia (Chernihiv and Sumy), as well as the city of Kyiv,⁶ and it along with Tymoshenko's bloc will have 135 seats in the new convocation, even if none of the 93 independents join forces with them. In marked contrast, in 1998 the Communists received 25.3 per cent of the vote and secured 115 seats (as opposed to 66 seats in 2002). Today it is they who are the regional force.⁷ Moreover, they have also shown themselves to be a generational force, incapable of breaking out of their diminishing base of elderly supporters. The Communists therefore face the prospect of terminal decline. The Socialists have also declined (from 8.7 to 6.93 per cent), and another left-wing party which did well in 1998, the Greens, failed to secure any seats at all. These trends present a paradox. Were votes translated into seats, the left would have done better than it did. Yet even so, the current parliament, as Taras Kuzio has noted, would be less left-wing than any parliament preceding it.⁸

The 'Technology' of Elections

More than a month before the elections took place, three-quarters of Ukrainian citizens were convinced that they would be fraudulent.⁹ How widespread were violations of Ukrainian law and international norms? How significantly did they affect the result? How significantly were the results influenced by other factors – manipulation, guile and the political culture of the country?

The first question is easy to answer. Violations were widespread. Observers of Our Ukraine registered 10,000 violations at polling stations, including bogus counts, destroyed ballot papers, 'electoral tourism' and in at least one Donetsk polling station, a violent assault upon election observers. More significant were attempts to suborn members of constituency election commissions, along with the dearth of polling stations in western regions and in at least one *oblast'*, Ivano-Frankivsk, the failure of polling stations to

open. Observers of the Committee of Voters of Ukraine filed 100,000 such complaints. Yet perhaps more indicative is the verdict of its head, Ihor Popov: 'Voting is proceeding normally, better than in 1998'.¹⁰ The verdict of Yulia Tymoshenko is that vote rigging occurred on a much smaller scale than that planned by the authorities.¹¹ According to the All-Ukrainian Monitoring Committee, the difference between exit polls and the results declared by the Central Election Commission was below two per cent.

Nevertheless, the discrepancy between voter preferences and single-seat mandates is another story. To be sure, the polling stations in which citizens voted for party lists were the same as those in which they voted for single candidates, and the constituency electoral commissions which counted the votes were also the same. Violations would have impacted on both lists, and in several eastern *oblasti*, there are signs that they did. Yet as was noted by the International Election Observer Mission (IEOM), 'international observers can only obtain copies of protocols for the proportional party list contest at the DEC [District/Constituency Election Commission] level...[and] the law also fails to provide clearly for the publication of detailed results'. This suggests that the single-seat results were easier to falsify than the party list results.¹²

Therefore, the second question is more difficult to answer than the first. 'Irregularities' of the sort monitored by short-term observers had very limited effect on party lists and a greater impact on single-seat lists. Deficiencies in rules and procedures also had an impact.

The third question is still more difficult to answer, yet it gets to the heart of the matter. It is the institutionalisation of state power more than vote rigging which explains the discrepancy between voter preferences and results. Yet state dominance of the media, the factor assigned greatest prominence by the IEOM and other Western dominated bodies, might not explain as much as these observers suppose. Ukrainians are as sceptical about their news media as they are about their authorities. Viktor Medvedchuk's control of two leading television channels, Inter and 1+1, did not put him in a position of strength. State dominance and state bias are part of the furniture. They cannot explain why *ZaEdUs* rating went up from 6 to 12 per cent in the fortnight before the election. For this, one not only needs media influence, but issues that can be exploited.

One issue which was exploited was 'foreign influence'. But there is no small irony in this. 'US Senate Resolution 205 Urging the Government of Ukraine to Ensure a Democratic, Transparent and Fair Election' not only undermined Yushchenko, its pro-presidential potential was first grasped by Russian 'technologists'.¹³ Wittingly or otherwise, this campaign benefited from an unlikely source of assistance, Charles Clover, Financial Times correspondent in Ukraine, whose documentary recycling claims connecting American policymakers and US geopolitical interests to the 'tape scandals', was broadcast twice on the pro-presidential channel ICTV during the campaign.¹⁴ It also benefited from the fact that senior figures in the President's Administration, and possibly the President himself, believe that these claims

are true.¹⁵ The 'foreign influence' campaign had resonance amongst the electorate. According to a 23-27 March poll of the Razumkov Centre, 25.7 per cent of voters believed that the United States was exercising serious influence on the campaign, whereas only 15.5 per cent saw the 'hand of Moscow' as strong. *Zerkalo Nedeli* believes that this perception might have cost Yushchenko as much as one-sixth of his support.¹⁶ Other 'active measures' (eg the suspiciously timed rehabilitation of SS veterans in Ivano-Frankivsk) might have been intended to have similar effects. But the real influence of the state is both more blatant and more insidious than these examples suggest.

The Institutionalisation of Power

Were there no democracy in Ukraine, the composition of the current parliament, let alone the heavily left-wing parliament which preceded it, would be inexplicable. Nevertheless, Ukraine is a new and flawed democracy with an inbred, opaque and authoritarian administrative culture. It is these well embedded, structural features, rather than any particular set of measures or practices, which exerted the greatest influence on the single-seat results.

Any citizen of the United Kingdom will immediately realise that Ukraine is not unique in attracting the charge that the 'first-past-the-post' system is undemocratic. In both countries, the winner of a constituency takes all, and hence a party which secures 49% of the national vote without winning a single constituency will not win a single seat either. For this reason, defenders of the Ukrainian system – the President's Administration first and foremost – could argue that it is more democratic than Britain's, because at least in Ukraine, half of the 450 seats are elected by PR on a nationwide party list system.

But 'life itself' would refute this argument very swiftly in Ukraine. This is because heads of regional state administration have enormous power, and they are appointed by the President.¹⁷ It is also because at local, at least as much as at national levels, the executive and judicial bodies – the Ministry of Interior and police, State Tax Administration, State Property Fund, Antimonopoly Committee, Directorate for Struggle against Organised Crime, State Committee on Television and Radio Broadcasting and courts – are accustomed to serve the state rather than the public, are unaccustomed to public scrutiny and are spared the burdens of public accountability.¹⁸ Finally, it is because the closed and collusive relationship between business and politics extends into most spheres of administration and, with rude unpredictability, encroaches upon the 'private' domains of ordinary people. In these conditions, it is likely that the better known candidates will have the backing of the authorities and that 'administrative resources' will keep them well ahead of the pack. This is exactly what happened. Although Yushchenko's bloc did far better in the single-mandate contest than expected, the distribution of its seats (70 from party lists, 41 single-mandate)

is virtually the reverse of that secured by *ZaEdU* (36 and 66 seats, respectively).¹⁹ The same facts suggest why the large number of independents elected (93) are unlikely to be independent of the authorities in practice.

What Future for Parliament?

As it is in many countries with multiple parties and complex electoral systems, so it is in Ukraine: the elections are only half the contest. It may take weeks, possibly months, before negotiation, manoeuvre and pressure produce a parliament with a definite configuration, not to say character. Moreover, its first configuration is unlikely to be its last. The elections of March 1998 produced a decidedly left-wing parliament, yet within weeks of Kuchma's re-election as President in November 1999, it produced a majority supporting his decidedly right-of-centre Prime Minister, Viktor Yushchenko; as the President gradually withdrew support from his Prime Minister in summer/winter 2000, the same parliament found many reasons to obstruct him, and on 26 April 2001, it removed him from power. In this respect, Ukraine is unlike most other European countries. The electoral system and the powers who stand behind it explain why this is so.

They would also suggest that ideology could prove less important in the new parliament than two other factors. The first of these is the fact that the state is the most powerful source of patronage in the country. The second is that the *Rada* is a well placed reservoir of clients. Amongst political analysts, the conventional wisdom is that many independents are 'for sale', and in Ukraine as well as in Russia, the same is true for many Communists. But the more interesting question is how many members of the 10 parties making up Our Ukraine will be 'unable to resist advice from on high and quit the Yushchenko faction'.²⁰ That large numbers of Trojan horses are already in place is more likely than not.

When the protagonists are cautious about making predictions, analysts must be twice as cautious. Yuliya Tymoshenko believes that a coalition of *Batkivshchyna*, the Socialists and Our Ukraine would form the nucleus of a majority which would force the dismissal of the government team.²¹ But that is neither a coherent programme, nor a coherent force except for the first two parties, for whom the removal of the President as well as the government has become an end in itself. For Viktor Yushchenko, these are not ends in themselves, and his heterogeneous bloc would almost certainly break up if he now decided that they were. Moreover, although Yushchenko is a convinced democrat who 'has been literally driven mad' by the authorities,²² he is also an economist and technocrat, who recognises that there are some moderately reformist figures in *ZaEdU* and who knows that Ukraine could have far worse prime ministers than the cautious but very competent Anatoliy Kinakh. Nevertheless, a coalition with *ZaEdU* would also be trying for the unity of Our Ukraine; it could be impossible if the former did not cut ties with Medvedchuk (whose relationship with Yushchenko

comes close to enmity), and it is far from certain that *ZaEdU* would be prepared to accept such a coalition on anything but its own terms. Although *ZaEdU* and the Communists are of similar mind about the indispensability of economic cooperation with Russia and similarly inclined about the desirability of 'advancing into Europe with Russia' Ukraine's state leadership is committed to close cooperation with NATO (which is anathema to the Communists), and most members of that leadership recognise that alliance with the Communists would doom Ukraine's prospects in Europe. Perilous as predictions are, the result is more likely to be a parliament of floating, *ad hoc* coalitions than an entity with a fixed configuration.

What Future for Ukraine?

The results of Ukraine's parliamentary elections reveal three complex truths and one significant uncertainty. The first complex truth is that the elections were characterised by widespread manipulation but also an improvement in standards. In part this improvement was due to the ineffectiveness of the authorities, in part to prudence, but in part to restraint. The 'administrative resource' was vigorously employed, but outside three or four regions, it was employed within definite parameters. By comparison with decent standards and not only Western ones, much of this 'technology' was improper; to those who experienced it, most of it was degrading and some of it frightening. But by comparison with Ukraine's previous elections – the presidential elections of October/November 1999 and the parliamentary elections of 1998, not to say the blatantly rigged referendum of April 2000 – the results were positive. By comparison with the Russian Federation (whose elections inexplicably receive less exacting scrutiny than Ukraine's), the contrasts are not unfavourable, and by comparison with Belarus, they are dramatic, particularly when one takes into account the plurality of interests and viewpoints which exist and express themselves in Ukraine.

The second complex truth is that regional discrepancies are both dramatic and receding. As Oleksandr Sushko has noted, 'the administrative resources failed completely in Lviv...in Donetsk they were nearly 100 per cent effective'. Yet as he also notes, 'the 2002 election campaign [was] characterised by the significant decrease [in] popularity of the purely Soviet ideology and traditional nationalism' – 'the main factors outlining the "eastern" and "western" types of electoral sympathies'.²³ The transformation of a largely borderland party, Rukh, into a diverse national bloc with pluralities extending to the Russian border substantiates this judgement in ample measure.

The third such truth is that civil society is not only becoming a factor in Ukraine, but in the Marxist sense, becoming 'conscious' of itself: participating not so much *in* the established order as against it. Although this civil society remains very much a minority of society, it is no longer confined to intellectuals, but has a 'mass' base. Honhadze's murder and the tape scandals seem to have been a watershed in this respect. Whilst at one

level the growth of civic instincts is sharpening the divide between state and society, it is also creating points of friction within the state and hence, a dynamic of evolution inside it. This movement from below not only presents a challenge to the authorities, but to the political establishment of Yushchenko's moderately radical party which in classical Ukrainian fashion believes that 'making deals is more important than picking quarrels'.²⁴

Therefore, the significant uncertainty is the future. The fourth convocation of the *Rada* is the most positive of these uncertainties. To some extent parliament is bound to be a larder of patronage and favouritism, but it is also likely to play a role in its own right, both energising and conciliating. The far greater uncertainty is the President, his entourage and the executive power structures which they control. The authorities misjudged the sentiment of society and the strength of it. What conclusions will they draw from this realisation between now and the holding of presidential elections in October/November 2004? Will they view Donetsk as 'a testing ground for the most brutal administrative technologies'²⁵ or will they (*pace* Lenin) realise that 'it is no longer possible to rule in the old way'? Will they be open to advice from the 'Euro-Atlantic' institutions with which, once again, they seek to 'integrate'? Will those who offer advice be precise in their criticisms and balance criticism with praise? Will these Western mentors avoid double standards in their comments and actions and, through these actions, overturn the conviction that 'the West is closed to Ukraine'? The twilight of the Kuchma era will be a challenge for the West as well as for Ukraine.

ENDNOTES

¹ In a recent television debate on 1+1 TV with Viktor Medvedchuk (head of the United Social Democratic Party, loyal to the President), Moroz declared: 'I was a member of the Communist Party for 17 years, and I am not ashamed of a single day that I spent in that capacity. I defended the idea of social justice and when the banner of the leftist idea was dropped, my associates and I did not let it fall down. It was a period of nationalist hysteria. On the other hand, there were attempts to sever good ties with neighbours, primarily Russia...' Cited in BBC Summary of World Broadcasts: Former Soviet Union [hereafter SWB], 21 March 2002.

² Perhaps not coincidentally, the abbreviation of *Za Edinnuyu Ukrainu* ('For a United Ukraine'), *ZaEdU* has the merit of meaning 'for food!' (*za edu!*)

³ As noted by Ivan Lozowy just prior to the release of the final official count. 'A case in points was the "Winter Crop Generation", portrayed as a group of progressive, centre-right politicians and entrepreneurs. They are coming in at only 1.98 per cent of the vote, despite massive support on national television: repeated participation in televised debates, interviews with group leaders, dozens of ads per day'. Another notorious clone, Bohdan Boyko's splinter Rukh party, fooled virtually no one, receiving but 0.16 per cent. Ivan Lozowy, 'Item A: Democracy Factor Wins', The Ukraine Insider, Vol 2, No 9, 2 April 2002.

⁴ The 'April Fools' poll, scrupulously conducted by the Razumkov Centre, provides a revealing indicator of public sentiment. In answer to the question, 'for whom would you vote as President of Ukraine?' the responses were: Yushchenko 27.4 per cent, Putin [President of Russia] 2.7 per cent, Medvedchuk 8.3 per cent, Vitrenko 5.6 per cent, Kuchma 3.7 per cent, Alyaksandr Lukashenka [President of Belarus] 3.7 per cent, George Bush 2.3 per cent, Mikhail Gorbachev 1.2 per cent [author's emphasis]. 'In Every Joke...' [*V kazhdoy shutke...*], Zerkalo Nedeli, 29 March 2002.

⁵ The new election law, which came into effect on 18 October 2001, is perceived by the OSCE as a major advance towards European standards of even-handedness and

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transparency. As noted in the Preliminary Report of the International Election Observer Mission, '[a] major innovation in the new Election Law is the formation of multi-party District (Constituency) and Polling Station Election Commissions, including proportional distribution of leadership positions to participating parties. Accountability of election commissions and the transparency of their work was improved by detailing the rights of international observers and party representatives, especially the right to observe all stages of the election process.'

⁶ According to Article 133 of the Constitution, Kyiv and Sevastopol have a 'special status'.

⁷ The Communists secured a plurality in eight eastern and southern *oblasti*, as well as the city of Sevastopol (which has a special status) and the Autonomous Republic of Crimea. *ZaEdU* and the Socialists secured a plurality in one *oblast'* each, Donetsk and Poltava respectively.

⁸ Even in the 1994-8 Convocation, the Communists held 80 seats. Taras Kuzio, 'Ukraine Takes Two Steps Forward, One Step Back' (RFE/RL Newswire, Vol 6, No 64, Part II, 5 April 2002).

⁹ Poll conducted by Socis and the Democratic Initiatives Foundation, 1-7 February. Moreover, 61 per cent believed that the outcome 'will in no way improve the situation'. SWB, 21 February 2002.

¹⁰ Ukrainian news agency *UNIAN*, SWB, 31 March 2002.

¹¹ Her bloc estimates that 950,000 ballot papers were dismissed as invalid. Nevertheless, she concluded, 'we believe that the election should be deemed valid. But there needs to be a considerable revision of the votes share by the parties and blocs - on a legal basis': a conclusion which, despite the qualification, possibly reflects the fact that she did better than expected. *Novyy Kanal TV*, 15 April 2002 (SWB).

¹² The IEOM also noted that 'the pro-presidential bloc "For a United Ukraine", with 17 per cent of DEC members and 7 per cent of single mandate candidates, obtained 43 per cent of DEC chairs. With the addition of chairpersons from other pro-presidential parties, with 34 per cent of DEC members, 70 per cent of the chairs were considered to be close to the current administration. By contrast, "Our Ukraine" with 20.5 per cent of all DEC members, held only 9 per cent of the chairs. (International Election Observation Mission 2002, 'Elections to the Verkhovna Rada of Ukraine: Statement of Preliminary Findings and Conclusions', 1 April 2002.)

¹³ Indication of their tendentious knowledge of Ukraine is Pavlovskiy's characterisation of Yushchenko's support as 'subsidised backward regions'. Oleksandr Sushko, 'A "Split Country" Election Technology', Ukrainian Monitor (Centre for Peace, Conversion and Foreign Policy of Ukraine, Weekly Issue No 14/2002, 1-7 April 2002, p7).

¹⁴ Charles Clover appears in the credits as Producer (with John Cooper), Reporter and Writer (with John Cooper). Although Myroslava Honhadze, widow of murdered journalist Heorhiy Honhadze, stated that 'the film and the sequence of facts in it is structured in such a way as to suit, I believe, the authors and those who ordered this film,' the author is unaware of the identity of those who commissioned the film and does not know whether Clover intended it to be shown on Ukrainian television (narrated on ICTV in American accented English with a Russian voice-over). 'PR' should not be confused with the BBC film, 'Killing the Story' (narrated by Tom Mangold and broadcast on 'Correspondent' on 21 April 2002). (Interview with STB TV, 12 April 2002, SWB.)

¹⁵ As Taras Kuzio has noted, '[d]uring the last two years, Russophile oligarch clans and their media outlets in Ukraine have increasingly given credence to a "Brzezinski plan" conspiracy that was first aired by Russian sources close to President Vladimir Putin. The "Brzezinski plan" is supposedly an elaborate plan concocted by a group of US policymakers to overthrow President Kuchma and replace him with Yushchenko in a "bloodless revolution". 'Russia Gives Ukraine a Helping Hand in its Elections', RFE/RL Newswire, Vol 6, No 13, Part II, 22 January 2002. For an appraisal of the contrast between Russian and Western influence in the elections, see James Sherr, 'Ukraine's Elections and its Future Relationship with the West', National Security and Defence (Ukrainian Centre for Economic and Political Studies).

¹⁶ *Zerkalo Nedeli*, op cit.

¹⁷ In Chapter V ('President of Ukraine') of the Constitution, Article 106, Para 10 states that the President appoints 'the heads of local state administrations and terminates their authority in these positions'.

¹⁸ This fact is accorded oblique legitimacy in Chapter XI ('Local Self-Government'), surely one of the most Delphic in the Constitution. Article 143 states: 'Bodies of local self-government, on issues of their exercise of powers of bodies of executive power, are under the control of the respective bodies of executive power'. This begs the question of what these 'powers' are and who defines them: clearly not the local authorities. In other words, the centre holds real power at the local level.

¹⁹ Nearly all parliamentary parties won a higher percentage of seats in the party list than the percentage of votes they received. This apparently puzzling result is explained by the fact that only 10 of the 33 parties certified by the Central Election Commission cleared the 4 per cent barrier, and the remaining votes were reapportioned.

²⁰ Website of *Ukrayinska Pravda*, 4 April 2002, cited in SWB.

²¹ According to Article 85 Paragraph 12 of the Constitution, the *Verkhovna Rada* is authorised to give 'consent to the appointment of the Prime Minister of Ukraine by the President of Ukraine'.

²² Oleksandr Vyshnyak, Director, Ukrainian Sociology Service, cited in Ukrainian Monitor, op cit, p5.

²³ Ibid, p7.

²⁴ Rostyslav Khotin, 'Myths of the Ukrainian Election', 4 April 2002, BBC World News website (<http://news.bbc.co.uk/hi/english/world/europe>)

²⁵ Ukrainian Monitor, 8-14 April 2002, p5.

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ANNEX: ACTUAL RESULTS & PR OUTCOME

	(1) % Vote	(2) PR Seats ¹	(3) Single Seats	(4) Total Seats	(5) PR Outcome
Our Ukraine (Yushchenko)	23.52	70	41	111	140
Communists (Symonenko)	20.04	59	7	66	119
For a United Ukraine (Lytvyn)	11.98	36	66	102	71
Motherland (Tymoshenko)	7.21	21	-	21	42
Socialists (Moroz)	6.93	21	3	24	41
USDP (Medvedchuk)	6.24	18	4	22	37
Unity	1.09	-	3	3	-
Democratic Union (Horbulin)	0.87	-	4	4	-
Ukrainian Naval Party	0.11	-	1	1	-
Party of Natl Econ Development	NA	-	1	1	-
Independents	-	-	93	93	-
Other parties	22.01	-	-	-	-
Unaccounted for	-	-	-	2²	-

* The 'PR outcome' assumes: (1) a pure PR system with one nation-wide party list; (2) a strict 4% threshold; (2) votes for parties falling below the threshold (24.09% of votes cast) proportionately reallocated to parties that cleared it.

¹ Because other parties falling below the 4 per cent barrier secured 22.01 per cent, their votes were proportionately donated to parties which secured seats. Under the election rules, these were treated as lost votes. Hence, the totals in Column 2 are greater than the percentages which each party secured.

² Although there are 450 seats in the *Rada*, the official totals come to 448.

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