

After the parliamentary elections in Ukraine: a tough victory for the Party of Regions

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The parliamentary elections held in Ukraine on 28 October were won by the Party of Regions (PR), although they obtained far fewer votes than five years ago, and did not win an absolute majority in parliament. The total vote for the opposition parties (United Opposition *Batkivshchyna* [Fatherland], *UDAR* [STRIKE] and *Svoboda* [Freedom]) in the proportional elections was higher than that of the ruling party, which won 30% compared to the opposition's 49.9% (see Appendix 1). The United Opposition is still the main opposition force, but its future as a consolidated group is unclear. The greatest success was enjoyed by the Communists (CPU) and the radical nationalists of *Svoboda*, the latter having increased their electorate very significantly. Vitaly Klichko's party *UDAR*, which has entered parliament for the first time, also enjoyed success.

The elections were held under a mixed system: 225 seats were allotted in proportion to the national lists, and 225 were chosen in single-mandate constituencies. The elections in the former took place without major violations and have not been contested; however in the latter, there was serious tampering with the election results. This was met with violent protests from the opposition, as well as criticism from international observers who negatively assessed the counting process (the full results of the elections had still not been released by 7 November). On 6 November, parliament recommended that the elections be repeated in the five most contentious single-mandate constituencies, which to an extent eased the growing conflict between the government and the opposition. Regardless of when these elections will be held, their results will only minimally affect the distribution of forces in parliament.

The Party of Regions, with the support of some independent MPs and the Communists, will be able to create a parliamentary majority, but this will not be enough to change the constitution (for which 300 votes are needed), which was one of the ruling camp's objectives. In addition, the governing coalition will not be as compact and unified as it had been to date, and so the ruling party will find it much more difficult to control the new parliament. The decline in support for the Party of Regions also means that President Viktor Yanukovich will find it extremely difficult to win the presidential election in 2015, which is the party's main objective.

How the voting passed off, and how the votes were counted

On voting day the number of violations noted was small, and the opposition's accusations have been difficult to prove (such as multiple voting by the same person at different polling stations; taking ballots from polling stations, then returning them after they were completed by others, etc.). The turnout figures have been called into question; from the available information, it appears that once again the electoral commissions have permitted voting for absent members of the family, which significantly increased the turnout (especially in western Ukraine, where a large part of the working-age population is resident away from their home districts). Local disparities in turnout have also been noted: for example, the voting turnout figures in two adjacent districts in Donetsk were 39.8% and 84.5%.

The protracted process of counting the votes and announcing the results was greatly influenced by the electoral commissions' improper preparation and their archaic procedures. The commissions (both at regional and district level) were composed exclusively of representatives of political parties; their members were being replaced right up to the last minute, and they were not properly trained. All copies of the electoral commissions' protocols (which could number from a dozen or so to several tens) were filled in individually and by hand, which led to errors. Many mistakes were also made in counting the votes. The weaknesses of the electoral commissions, including dragging out the counting of votes in some areas, had been noted in previous elections in Ukraine, although the counting process had never taken so long before. These abnormalities were noted in the reports by Western observer missions which, although they evaluated voting day positively, criticised the period prior to the election, as well as the counting method (see Appendix 2).

Some of the single-mandate constituencies saw violations in determining the results of the vote, including the invalidation of votes cast for the opposition candidate, as well as machinations during the preparation of the regional commissions' protocols. The temptation to fraud was particularly strong in constituencies where the pro-government and opposition candidates were separated by a few hundred, or even just a few dozen votes out of the many tens of thousands cast. The involvement of local administrations on behalf of the government's candidates was strengthened by the worse than expected result for the Party of Regions in the proportional elections; this increased the importance of the single-mandate districts, which probably led to the heads of regional government consenting to fraud. In view of strong protests by the candidates and their party supporters, who challenged the results in several districts, the Central Election Commission asked parliament on 5 November to rerun the elections in five constituencies. The parliament initially rejected the application, ordering the re-verification of the documents from these districts, and deciding to set up a commission of inquiry to investigate electoral fraud. However, on 6 November the parliament decided to rerun the elections in the five most contentious single-mandate constituencies, in the districts of Kyiv, Cherkassy and Mykolayiv (no.s 94, 123, 132, 194 and 197). This decision does not mean that the elections will in fact be held; the CEC has stated that it cannot do so without a change in the electoral law, which requires a decision by parliament.

The post-electoral landscape

The **Party of Regions** won the elections, but did not enjoy the success it has expected. Compared with the 2007 election, it has lost nearly 2 million voters (see Appendix 3); and

the 187-189 seats which it can count on do not give it a simple majority (226 votes). The Party of Regions can certainly expect the support of many of the independent MPs; however, this does not allow for the creation of a stable majority without the Communists. This in turn would lead to the need to make concessions to the CPU, including allowing one of its representatives onto the parliament's deputy chairman. In addition, the PR may succeed in winning over some opposition deputies (especially from *UDAR*), but this is unlikely to happen in the first weeks after the new parliament is formed. It should also be noted that the independent candidates supporting the Party of Regions are unlikely to be as 'available' as those selected with the party's direct support; and with the approach of the presidential elections, they may seek to make a deal with the opposition. This may limit the freedom of action for the PR and President Yanukovich's people in parliament.

The **United Opposition *Batkivshchyna*** enjoyed moderate success, winning about 102 seats, which also means a loss of about 2 million voters. The future of this group is not clear. It consists of two main parties (*Batkivshchyna* and the Front for Change), as well as a few fringe parties that entered into a tactical union for the elections. It is uncertain whether after the elections, the rivalry among the leaders of these groups – as well as among the management of *Batkivshchyna* itself (the imprisoned Yulia Tymoshenko's influence on the party is weakening) – will not lead to the breakup of the alliance. In addition, its members include a group of entrepreneurs who may prove amenable to 'persuasion' from the Party of Regions.

Vitaly Klichko's *UDAR [STRIKE] Party* can boast of its success. This new group has entered parliament for the first time with a fairly good result (although its pre-election poll numbers had been even higher), and Klichko is beginning to be spoken of as a likely candidate in the presidential election. What position *UDAR* will take in the new parliament is unknown. On one hand, Klichko has declared that they will cooperate with the opposition; on the other, the party's stubborn refusal to put forward joint candidates with the United Opposition and *Svoboda* in single-mandate constituencies cost the opposition about 20 seats. *UDAR*'s electoral lists also contain quite a few people linked with certain oligarchs (mainly Ihor Kolomoyski and Dmytro Firtash, who are perceived as being *UDAR*'s main sponsors), and so this party may be particularly susceptible to activity aimed at breaking it up. It is worth noting that support for *UDAR* has been the least diversified at the regional level; support for the other parties is focused on the east and the west of the country.

Svoboda [Freedom] enjoyed great success, winning ten times more votes than it had in previous elections, and has obtained parliamentary representation for the first time. The party has gone beyond its traditional support base in western Ukraine, winning a significant number of votes in the central part of the country, especially in Kiev (18%). The increase in its support comes, on the one hand, from toning down its radically nationalist rhetoric, and on the other from the voters' disillusionment with *Batkivshchyna*. Nevertheless, despite employing perhaps less extreme rhetoric, *Svoboda* remains a radical force which aims to radicalise the opposition.

One of the biggest success stories in this election was the **Communist Party of Ukraine**, which won one and a half million votes more than in the previous elections, and has re-emerged as a major political player. The Communists would have created a much larger bloc if they had not withdrawn from competing in single-mandate districts; their candidates

in those districts worked mainly to promote the party list, and not their own candidacies. The CPU is a natural ally for the Party of Regions on many issues, but their good showing means that they will be much more difficult partner for the ruling party.

Forecast

The Party of Regions will be in a more difficult situation than before in the new parliament. Those MPs who are independent or who have been 'recruited' onto their side from other factions will be more individualistic, and in many cases they may not support the PR's positions. Their assertiveness will continue to grow as the presidential election approaches. On the other hand, the main opposition factions, who are being torn by their leaders' contradictions and ambitions, will be exposed to collapse. The Party of Regions will try to win some of their members over to their side, whereas *Svoboda* will strengthen the radical tendencies in *Batkivshchyna*, and will also probably attack *UDAR*, which it has repeatedly criticised in recent weeks, accusing it of cooperating with the 'big business' associated with the government.

Ukraine is a presidential-parliamentary republic, where the parliamentary majority does not decide on the government's composition or its political programme. This is why the presidential election to be held in 2015 is so crucial. Preparations for it will begin immediately after the formation of the new parliament. In the light of the Party of Regions' election results, Viktor Yanukovych's chances of re-election are now minimal. At the same time, the election results have put an end to one of the Party of Regions' main objectives, which was to create a majority of 300 votes in parliament with the independent deputies; this would have enabled it to change the constitution, including the introduction of elections for President in parliament (for which it cannot count on the CPU's support).

Appendix 1

Results of the parliamentary elections

Party		percent	proportional seats	single-mandate seats	total
Party of Regions	of	30,00%	72	115	189
United Opposition <i>Batkivshchyna</i>		25,54%	62	40	102
UDAR [STRIKE]		13,96%	34	6	40

Communist Party of Ukraine	13,18%	32	0	32
Svoboda [Freedom]	10,44%	25	13	38
Independent or marginal candidates	nd.	0	51	51
<i>Ukraina-Vpered!</i> [Forward, Ukraine!]	1,58%	0	0	0

Unofficial data, after having counted 99.97% of the votes in the proportional elections, and 99.62% of the votes in single-mandate constituencies (as of 12.00 local time, 7 November). The outstanding votes can no longer change the distribution of seats in the proportional elections. However, the majority-voting results are not final, and changes are still possible in some constituencies where the candidates are only separated by minimal numbers of votes. If new elections are held in the 5 disputed constituencies, the results may change. The *Ukraina-Vpered!* party did not cross the electoral threshold (5%) and did not enter parliament. The voter turnout was 57.98%, almost the same as in the parliamentary elections of 2007 (57.94%).

Appendix 2

The elections in the eyes of observers, and international reactions

The preliminary reports on the Ukrainian elections published on 29 October, including the most important – a joint report by the OSCE / ODIHR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly – included a positive assessment of the actual voting, but criticised the period before the elections and the way in which the count was conducted. Generally, the elections were seen as a step backwards from those held in 2007, and the head of the delegation of the OSCE Parliamentary Assembly Walburga Habsburg Douglas assessed them as unfair. The opinions contained in the reports by other institutions are broadly in line with the conclusions of the OSCE report. The International Civil Society Mission concluded that the scale of violations on voting day was such as to “deform the final results of the elections.” The report from the respected Committee of Ukrainian Voters organisation found that the violations “were not massive or systemic in nature.”

These reports have become the basis for the Western states’ political assessment of the elections. The US State Department assessed them as ‘flawed’ and as a step backwards compared to the vote in 2007 and 2010. A joint statement was also issued by the EU’s High

Representative for External Relations, Catherine Ashton, and the EU Commissioner for Enlargement and the European Neighbourhood Policy, Štefan Füle; this document should be read as a moderate criticism of the Ukrainian government. On 3 November, the same politicians expressed their “growing concern” at the lack of results from the elections five days after the vote. The heads of the Foreign Ministries of Germany and Sweden, Guido Westerwelle and Carl Bildt, spoke independently in the same spirit on 5 November, appealing to the government in Kyiv for the early completion of the count.

It is rather unlikely that the EU and its member states will fail to recognise the results of the parliamentary elections. Yet at the same time, the critical assessment of the elections by international observers and diplomats from Western countries will not improve the climate of relations between Brussels and Kyiv, nor will it facilitate the resumption of dialogue on signing the Association Agreement. The EU officials’ statements have shown that this topic will be discussed by the EU foreign ministers in November, as well as during the planned EU/Ukraine summit, which because of the problematic elections has been moved from the end of this year to the beginning of next year.

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Appendix 3

Comparison of votes for the main parties after 2007 and 2012 elections

Total vote	2007 (thousands)	2012 (thousands)
Party of Regions	8013	6114
<i>Batkivshchyna</i>	7162	5203
Our Ukraine/People’s Self-Defence (in 2012, Our Ukraine)	3301	226
UDAR	X	2844
Communist Party of Ukraine	1257	2686
Lytvyn Bloc	924	X
Socialist Party of Ukraine	668	93
Progressive Socialist Party of Ukraine	309	X

<i>Svoboda</i>	179	2127
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X – party did not participate in elections