

**COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

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UKRAINE'S PARLIAMENTARY ELECTION

March 27, 1994

April 10, 1994

**Kiev, Chernihiv, Cherkasy, Chyhyryn
Crimea (Simferopol, Feodosiya, Sary Krym)
Vinnytsya, Kiev oblast**

Prepared by the Staff of the
Commission on Security and Cooperation in Europe

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This report is based on a Helsinki Commission staff delegation to Ukraine to observe the March 27, 1994 parliamentary elections and April 10, 1994 run-off elections. Commission staff members Orest Deychakiwsky and John Finerty visited Ukraine for the initial voting; Heather Hurlburt observed the April 10 run-offs. The staff members interviewed election officials, candidates, representatives of parties/candidates and Ukrainian and Western political analysts.

In addition to Kiev, Commission staff visited: Kiev region (okruh); Chernihiv (a regional capital in northern Ukraine); Cherkasy (an industrial-agrarian regional center in central Ukraine); Chyhyryn (a historic town in Cherkasy oblast); Vinnytsya (a city in west-central Ukraine); and in Crimea, the city of Feodosiya, the villages of Stry Krym and Bogatovo, as well as the capital, Simferopol.

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Sources of information on the elections for the report included: Radio Free Europe/Radio Liberty Daily Reports and Research Reports; Election Special Reports by the Pylyp Orlyk Institute in Kiev; the Council of Advisors to the Parliament of Ukraine's Update on Ukraine; Foreign Broadcast Information Service (FBIS) Daily Reports; and written materials or interviews with the International Foundation for Electoral Systems (IFES), the International Republican Institute (IRI), the National Democratic Institute (NDI), the Ukrainian Congress Committee of America (UCCA), the CSCE Office of Democratic Institutions and Human Rights (ODIHR), CSCE Parliamentary Assembly, North Atlantic Assembly (NAA), as well as the Ukraine-based Democratic Initiatives and Elections '94. Press sources included: The Ukrainian Weekly, Reuters, AP, Financial Times, New York Times, Washington Post and Washington Times as well as various Ukrainian-language newspapers.

SUMMARY

- Ukraine's first post-Soviet parliamentary elections resulted in a 450-seat, unicameral parliament that will include a substantial mix of communists, national-democrats and non-aligned. The new parliament will also include a preponderance of new faces; one-third of the 450 members of the old parliament chose to run, while only 56 were re-elected.
- Turnout was high, despite predictions about voter apathy, and a quorum will be achieved in the new parliament, with 338 of 450 seats filled. Repeat elections for unfilled seats are scheduled to be held in July.
- The high voter turnout -- 75 percent in the March 27 first round elections and 65 percent in the April run-offs -- clearly attested to the Ukrainian electorate's desire for change, especially in the economic sphere, as well as its disillusionment with the current leadership.
- There were violations, transgressions and irregularities, both during the campaign and the voting, and especially during the run-offs. However, even in light of these problems, Ukrainian voters generally were able to express their political will freely. The results of the election do appear to have reflected the will of the electorate.
- Ukraine has made progress in bringing its election procedures into conformity with international standards, despite the shortcomings in the elections process and flaws in the electoral law itself. Nevertheless, Ukraine has a long way to go before the norms of the democratic electoral process are fully assimilated.
- The elections highlighted differences between different regions of the country, with Western-oriented national-democrats enjoying electoral success in western Ukraine and Russia-leaning communists showing considerable strength in the east and south.
- No party or group will have a clear majority in the new parliament. The communists and their allies won the largest number of seats -- about one-third. They, and to a lesser extent, the moderate national-democrats will be the principal forces to contend with. It remains to be seen how the large group of newly elected "independents", many of them tied with members of the post-Soviet nomenklatura (or what has become known as the "party of power"), will align themselves.
- Some degree of polarization can be expected in the new parliament. This may create difficulties for the passage of important legislative initiatives needed to further reforms. At the same time, coalitions will no doubt shift depending on the issue at hand. Among the most critical issues for the new parliament will be the economy, a new constitution, and relations with Russia.

- The elections were a defeat for President Kravchuk in several respects: first, candidates from the post-Soviet nomenklatura (often referred to as the "party of power") suffered many defeats; second, voter turnout was high enough to ensure a quorum in the new parliament, thus complicating efforts by Kravchuk to postpone the scheduled June presidential elections.
- There are differing views on whether the new Parliament will make progress on economic reform and quickly adopt a new constitution that would address the question of separation of powers. Ukraine simply cannot afford further deadlock in its governing structures; and it certainly cannot afford to have its economy continue to spiral downward. The Ukrainian parliament's ability to deal with these issues will have far-reaching implications internally as well as on Ukrainian-Russian, and Ukrainian-American relations.

BACKGROUND

On March 27, the people of Ukraine went to the polls to elect a new parliament. It was the first democratic election of the *Verkhovna Rada* (Supreme Council) since the restoration of Ukrainian independence in 1991. The previous parliament was chosen in March 1990, while Ukraine was still part of the Soviet Union, for a five-year term that was supposed to have ended in 1995.

Political and Economic Situation

On December 1, 1991, in voting that generally was considered free and fair, residents of Ukraine overwhelmingly voted for independence and chose Leonid Kravchuk as president. Ukraine's peaceful emergence as an independent state effectively ended any prospect of salvaging the Soviet Union. The rise of Ukraine -- a large state with 52 million people, a highly developed industrial base, rich agricultural capabilities and nuclear weapons on its territory -- has altered the geo-political map of Europe.

Since independence, Ukraine has faced a myriad of challenges in making the transformation to democracy, the rule of law and a market-oriented economy. In comparison to Soviet rule, Ukraine has made progress in some areas -- such as respect for political and civil rights, including those of its national minorities. The institutionalization of the rule of law and the development of a market economy are only in the initial stages. Ukraine's governmental structures and parliament have included democratic and reformist elements, but are still dominated by a "post-Soviet nomenklatura" that is not only resistant to meaningful reform, but also is not averse to corruption. The political situation is exacerbated by considerable confusion in a population tired from economic strains and little historical experience with democracy and a democratic culture and a refusal of officials at the highest political levels to provide the leadership necessary to take aggressive steps towards economic reform.

Ukraine's economic situation has steadily deteriorated and reform efforts have stagnated further over the last year. Industrial production has fallen dramatically, and inflation has until very recently been running rampant. While the inflation rate slowed in the first three months of 1994, with only a 5.7 percent rate in March, it is expected to rise again because of large government extensions of new credits. Energy supplies are short, although the situation might improve as Ukraine receives compensation in the form of nuclear fuel rods from Russia as a result of the January 1994 Russia-U.S.-Ukraine trilateral nuclear agreement. Privatization in all sectors is lagging; only about 12 percent of Ukraine's 6,850 large and medium-sized industrial enterprises have gone private. Most importantly, there appears to be no clear plan for genuine economic reform. Economic policy-making primarily has been in the hands of Prime Minister Yefim Zvyahilsky and Parliament Chairman Ivan Plyushch who have supported massive government spending, financed by printing more money. Thus, conservative ex-communists in the former parliament and in the government have hindered attempts to implement anything resembling an effective

program of economic reform.

Ukraine's difficult internal situation is exacerbated by a Russia that, judging by both word and deed, has become increasingly assertive towards its neighbors and has had difficulty in shedding its imperial instincts. Both Ukrainian attitudes and fears toward Russia as well as a clear unwillingness in large parts of the Russian political spectrum to come to terms with Ukrainian independence have become important and potentially destabilizing factors in Ukrainian domestic and electoral politics.

Unlike Russia, Ukraine has avoided civil unrest in the two-and-a-half years since independence. However, the dire economic situation has produced fears of growing separatist tendencies among Ukraine's large Russian minority (21 percent of the population), located primarily in eastern Ukraine. Many observers believe these fears are overstated, not in the least because Russia does not necessarily offer a better model. Nevertheless, there is acute concern in Crimea, where the elections took place in an atmosphere of increasing tension between the Kravchuk administration and the Moscow-oriented political leadership in Simferopol, backed by a population ethnically, culturally, and economically oriented toward Russia.

Crimea

Treasured vacation spot for the Soviet *nomenklatura* and thousands of other Soviet citizens, the Crimean peninsula has had a complex Soviet and post-Soviet history. As ancestral home of the ethnic Crimea Tatars since the 15th century, Crimea was established in 1921 by the Bolshevik government as the Crimean Autonomous Republic within Russia. When, in 1944, Stalin deported the Crimean Tatars *en masse* to Central Asia for alleged collaboration with the Nazis, the Autonomous Republic was downgraded to an oblast. In 1954, Nikita Khrushchev transferred jurisdiction of Crimea to Ukraine.

Stalin's expulsion of the Crimean Tatars was followed by an influx of Russian and Russified Ukrainian settlers. The 1989 population of Crimea was reported to be 2.4 million, up from 228,000 in 1945. The present population is estimated at around 2.7 million, with the proportion of ethnic Russians estimated from 62 to 70 percent. Ukrainians make up about a quarter of the population, Crimean Tatars, who began to return in large numbers beginning in 1989, a little under 10 percent -- approximately 250,000 persons.

In January 1991, when regions throughout the Soviet Union were upgrading their political status, and in response to Ukraine's own moves toward sovereignty, Crimea's population voted overwhelmingly for restoration of its status as an autonomous republic within the Soviet Union. The Ukrainian parliament accepted restoration of Crimea's autonomous status within Ukraine, a decision ratified in September 1991 by the Crimean parliament.

In May 1992, the Crimean parliament initiated an abortive attempt to hold a

referendum on independence. The move was ultimately thwarted by Kiev, but a year later, under pressure by increasingly aggressive pro-Moscow forces in the Crimean parliament, the latter passed a law creating the post of an elected Crimean president.

Multi-candidate Presidential elections in Crimea were held on January 16, 1994, with a two-candidate runoff on January 30. Contrary to expectations, an ethnic Russian, avowedly pro-Moscow candidate, Yuri Meshkov, defeated the favorite, the former chairman of the Crimean parliament Viktor Bagrov, an ethnic Ukrainian who attempted to keep on good terms with both Kiev and Moscow. After his victory, Meshkov tempered his *independentista* rhetoric, but used the continuing economic crisis in Ukraine to press for greater autonomy and an increase in his personal power and Crimea's autonomy. At the same time, he blasted President Kravchuk's leadership, blaming him for Crimea's poor economic state, and accusing him of fostering Ukrainian nationalism to the point of 1920's *fascism* in Germany.

Meshkov called for a Crimea-wide referendum, to be held on the same day as the Ukrainian parliamentary elections (March 27), that would provide dual citizenship for Crimean citizens; increase Meshkov's power to rule by edict, and put Ukraine and Crimea relations on a "treaty basis." In the face of strong opposition by Kiev, Meshkov downgraded the referendum to an "opinion poll." At the same time, he announced that henceforth Crimean youth drafted into the Ukrainian military should only serve in Crimea, and decreed that Crimea move from Kiev time to Moscow time.

In addition, the resettlement of Crimean Tatars arriving from Central Asia was not a smooth process. Local officials attempted to keep Tatars from acquiring property, which led to protest demonstrations and violent confrontations in 1991 with police over the breakup of tent cities. On January 21, 1994, a prominent Crimean Tatar political figure and the only Crimean Tatar deputy in the Crimean parliament was killed in a gangland-style shooting in Simferopol.

Meanwhile, Kiev and Moscow continued to dispute ownership of the 300-ship Black Sea fleet, homeported in Sevastopol. The Russian parliament kept the friction level up by passing resolutions declaring Sevastopol under Russian jurisdiction, and calling Crimea's 1954 transfer to Ukraine "null and void."

Background to the Elections

The March elections were held against the backdrop of a stagnant political system and a government unable and too often unwilling to implement effective economic reform. The old parliament was split (and highly unpopular), with the conservative majority setting much of the agenda, as demonstrated by the adoption of the November 18, 1993 election law.

Following months of political paralysis within the executive and legislative branches, striking miners demanded a vote of confidence in the president and parliament in June 1993.

The parliament acceded and scheduled votes for September 1993; however, the parliament itself subsequently voted no confidence in the Cabinet of Ministers. A call for early parliamentary and presidential elections was the result, with parliamentary elections scheduled for March 1994 and presidential elections scheduled for June 1994.

On November 18, 1993, following months of intense debate, the Ukrainian parliament adopted an electoral law based on the "majoritarian", or first-past-the-post, system. Reflecting the divisions in the country itself, liberals and national-democratic opposition deputies declined to vote and walked out on the grounds that the law was skewed in favor of communist deputies.

The democrats had favored a mixed electoral system, similar to Russia's, whereby half of the parliamentary seats would represent single-mandate districts, and the other half would be allotted from party lists. Led by *Rukh* Chairman Vyacheslav Chornovil and Volodymyr Filenko, Chairman of the Party for the Democratic Rebirth of Ukraine, this group argued that the majoritarian system would favor former communists, who had the most efficient organizations in large parts of the country, and that it would impede the development of a multi-party system in Ukraine. Some democrats argued that the election law was designed to undermine the development of parties that could form a credible opposition to the so-called "party of power" -- the post-Soviet nomenklatura that has dominated politics and the economy in Ukraine.

A compromise draft project supported by Parliament Chairman Ivan Plyushch which favored a mixed system in which 350 deputies would be chosen by majority and 100 by party lists, failed to pass.

THE ELECTION LAW AND PROCEDURES

Ukraine's election law calls for parliamentary elections in 450 single mandate electoral districts to be decided on the basis of an absolute majority of votes cast (50 percent plus one). Candidates must be at least 25 years old and have resided in Ukraine for at least two years. Active military, presidential representatives, judges, procurators and employees of the Ministry of Internal Affairs, Security Service and National Guard are precluded from running, unless they resign their positions. Elected deputies are prohibited from simultaneously holding a seat in the parliament and a post in either an oblast or local council. The term of the parliament is four years.

The Central Electoral Commission (CEC), chaired by Ivan Yemets, is charged with conducting the elections, along with district electoral commissions and precinct electoral commissions. CEC members are confirmed by the parliament at the recommendation of the parliamentary chairman, and numbers 15, one-third of whom must have a legal background. In addition, political parties or electoral blocs participating in the election can appoint one representative to the CEC "with the right to address it." (i.e., non-voting). Decisions and

actions of the CEC may be appealed to the Supreme Court of Ukraine.

District (constituency) electoral commissions oversee the 450 single-seat districts and are elected by regional (*oblast* or *okruh*) councils from nominations proposed by council chairmen. Candidates and parties/blocs registered in a given district can appoint a non-voting representative. Polling station councils are created by local (city, town, village) councils. Decisions or actions of district or polling station electoral commissions can be appealed to a higher electoral commission.

Meetings of all levels of electoral commissions are mandated to be open.

Nomination and Registration of Candidates

The nomination process began on December 27, 1993 -- 90 days prior to election day -- and lasted one month. Following registration by the Central Electoral Commission, parties or electoral blocs (groups of parties or their regional divisions) participating in the election campaign can nominate one candidate each to the region through their regional divisions, provided that they have met stringent requirements.

Candidates can also be nominated by 10 voters residing in the district in which the candidate is up for nomination. And in a throwback to Soviet election procedures, "labor collectives" can also nominate candidates. There are no numerical requirements on how many people constitute a "labor collective".

The criteria for party-proposed candidates are significantly more rigorous than those for labor collectives, and democrats have cited this as an example of the electoral law's undemocratic tilt. Party-nominated candidates must be approved by their parties at meetings taking place at the local and regional levels and submit to the CEC a list of all members participating in each of these meetings as well as the meeting's minutes.

All nominees for deputy, whether nominated by at least 10 voters, a party or electoral bloc, or a labor collective, are required to collect signatures from a minimum of 300 voters in the given electoral district. Each voter can sign for only one prospective candidate. In the event that electoral commissions find invalid signatures on submitted lists, candidates are given five days to secure additional voter signatures, if needed.

The deadline for candidate registration (including submission of signature lists to the district electoral commission) was February 10. The CEC registered 5,833 candidates, an average of 13 candidates per district.

Five days after registration of a candidate, the district electoral commission announces the candidate's registration on radio and in the press. The announcement includes information concerning the opening of the candidate's election fund account and an explanation regarding the right of citizens and juridical persons (i.e., corporations) to make

contributions to this fund.

Campaign

Upon registration by electoral commissions, candidates are guaranteed equal rights in the conduct of the election campaign, including appearance at election and other meetings, rallies, etc. directly related to the election, and media presentations. District electoral commissions and other government entities are "obliged to assist candidates in organizing meetings with the electorate." The district electoral commission also shall finance, from the central election fund, 2000 pre-election posters/placards for each candidate. The posters will include such information as photo, election platform and a biography. Prospective candidates can also finance their own, additional campaign publicity.

Public calls for boycotting the election of a candidate, publication or distribution of false information about a candidate, or campaigning on election day itself are illegal and punishable by fines. No campaigning is allowed within military compounds except at meetings organized by district electoral commissions, to which all candidates must be invited.

Media

Candidates are afforded equal opportunities to use the media, with the district electoral commissions stipulating the amount of time allotted for TV and radio broadcasts. Candidates also can have their election platform printed in state or regional newspapers in their district. For independent, non-state media, the candidate has to pay out of his election funds, although these media are to charge candidates equally.

Prior to the start of the campaign, beginning January 12, 1994, Ukrainian state television allowed every political party registered in Ukraine for the March 27 elections (i.e., forwarding individual candidates) the opportunity to present its views. Each party was granted 10 minutes of free, prime-time air time on weekdays between January 12 and 27 to present their election programs. On February 7, managers of Ukraine's State Television and Broadcasting Company met with political party leaders and agreed that during the election campaign parties can use a total of 21 hours of air time on television and 10 hours on radio. These broadcasts took a debate format, involving only those representatives of parties who were not registered as candidates to parliament.

Beginning February 4, after candidate registration was to have been completed, candidates for deputy appeared on *okruh* (regional) TV and radio. The district electoral commissions were to allocate two hours total for all candidates in each district.

Starting February 25, candidates employed by media faced restrictions -- essentially, they were prohibited from TV, radio or newspaper coverage in excess of other candidates.

One week prior to the election, the media were to have refrained from "promulgating

unverified materials of a compromising nature regarding a candidate, political party or electoral bloc." As in previous elections, campaign activity on election day was forbidden.

Financing

Campaigns are funded by monies from the district electoral commissions (i.e., the state), parties/blocs, candidates themselves, or contributions from individuals or corporations ("juridical persons"). According to the electoral law, the amount of a candidate's election fund must not exceed 100 times the amount of the minimum wage (approximately \$1,000), a figure that critics find ridiculously low. This does not, however, include public funding: district electoral commissions, for example, finance time on state TV and radio, publication of platforms in state-owned regional/local newspapers and 2,000 election placards.

The candidates are required to open their fund accounts in the regional branch of Sperbank (Savings Bank of Ukraine). Information on the opening of the bank account was to have been provided to the media by the district electoral commission by February 20. Financial reporting on sources of contributions and their use were to be published 20 days after the elections.

Voting Day

Under the election law, the district commission is responsible for the production and distribution of ballots, as well as ensuring their safekeeping through the end of the campaign. Prior to election day, voters are sent invitations to participate in the elections. On voting day, the voter produces a document verifying his identity. In a departure from previous elections, the commission member issuing the ballot also stamps or signs it, and the voter signs his name on the voter list, confirming the issuance of the ballot. Upon entry to the voting booth, the voter reads the directions then makes his/her choice, crossing out the names of all the candidates he/she does not want to vote for. Voters can cross out all of the names if they wish, but if the voter leaves more than one name, the ballot will be invalidated. A voter who cannot complete the ballot can ask assistance of another voter, but cannot ask election workers, observers or candidates or their representatives.

Provisions are also made for those voters unable to come to the polling stations due to illness but who wish to cast a ballot. At least three members of the precinct commission are to be present at the disabled voter's place of stay. Opportunities to participate in elections are also provided to citizens staying a holiday camps or health farms where polling stations have not been set up.

At the close of voting, after the initial counting at the polling station, all ballots, including all voted, spoiled and unused ballots, are to be returned to the district electoral commission for an audit.

Runoff elections are mandated to be held within two weeks in the event that either

fewer than 50 percent of the number of voters entered on the voter lists of a given district take part. Runoffs are also held if no candidate receives at least 50 percent of the votes plus one, but these votes can constitute no less than 25 percent of the total number of registered voters.

Runoffs can also be held if the district electoral commission declares the election invalid in the event that violations of the electoral law occur which "significantly" affect the results of the voting. According to the law, the same rules apply in the second round of voting as in the first round. Only the two top vote-getters participate in the run-offs.

Local Plebiscites

There were several local plebiscite initiatives held along with the March 27 parliamentary elections. The Donetsk oblast (regional) Council decided on February 22 to hold a "consultative referendum" asking three questions: whether voters agree that Russian should be made a second state language in Ukraine and that Ukraine be organized on a federative principle; whether voters agree that Russian should be the language of official business, education and science together with Ukrainian in Donetsk oblast; and if voters support Ukraine's adherence to the Commonwealth of Independent States (CIS) Charter and full membership in the CIS Economic Union and Interparliamentary Assembly.

On March 10 President Kravchuk issued a decree ordering the cancellation of a Crimean "consultative referendum" /plebiscite called by Crimean President Yuri Meshkov for March 27. The plebiscite asked Crimean voters if they support dual citizenship and greater powers for the Crimean regional presidency -- in effect, broadening the region's already considerable autonomy. Kravchuk's decree states that Meshkov exceeded his authority by calling the plebiscite and violated both Ukrainian laws and the constitution and Crimean laws.

CRITICISM OF ELECTORAL LEGISLATION

Many democrats and other observers consider the law to be skewed in favor of the ruling "party of power"/post-Soviet nomenklatura, strengthening their hand and undermining Ukraine's weak multi-party culture. (Voting is taking place on a majoritarian, as opposed to party list, or mixed system, as was the case in the December 1993 Russian elections). Ironically, candidates of Ukraine's Communist and Socialist parties expressed satisfaction with the majoritarian system. Among the specific criticisms leveled were that the Parliamentary Chairman has an undue influence through his ability to "recommend" members of the Central Electoral Commission, who are confirmed by the parliament. In point of fact, the membership of the CEC was derived from the post-Soviet ruling nomenklatura and did not, for example, include individuals from the national-democratic camp.

Another criticism concerns the relative ease with which a "labor collective" can nominate a candidate, as well as the ambiguity surrounding the definition of a "labor collective." Nominees from labor collectives, for instance, need only submit an application of the labor collective signed by a person authorized by the meeting that nominated the candidate.

Political parties have considerably more numerous and stringent criteria as compared to work collectives or even "groups of voters." According to a study by the Ukrainian Center for Independent Political Research, political parties have to submit over 30 pieces of information and description of circumstances dealing with the nomination of their candidates, while candidates of "groups of voters" submit only eight documents, and candidates from working collectives need meet only one demand. This considerably eased the nomination process for the so-called "party of power"/nomenklatura, while making more difficult the nomination process for opposition parties, most of which are anti-communist. The emphasis on individual candidate and creating difficulties for parties may make consensus-building more difficult in the new parliament.

In essence, the nomination process incorporated into the new election law (in some respects a throwback to the Soviet-era) favors those candidates who already have an established power base. If one is the head of a labor collective, for instance, one has the means to apply pressure on workers in a given enterprise to support one's candidacy (e.g., signing a candidate's list of the 300 signatures required for registration). Whether through subtle or not so subtle means, this puts the voter at risk or under duress. Furthermore, there were reports of weak or non-existent oversight of the collected candidate petition signatures.

Another issue is that of "negative voting" -- a carryover from the Soviet era -- in which the voter crosses out the names of all the candidates the voter does not wish to elect instead of indicating affirmative support for the candidate of choice. With an average of thirteen candidates per seat in the first round of elections, this was a cumbersome process for many voters and increased chances of errors and even abuse.

According to the election law, the difference in the number of voters in districts (with an average of about 87,000 voters per district) are not to exceed 12 percent. Yet according to the December 12, 1993 CEC resolution delineating districts, a substantial number of districts exceeded the 12 percent limit. According to critics, this gerrymandering was skewed towards the so-called "party of power"/nomenklatura.

There are other ambiguities concerning procedures in the law that create the possibilities of problems. The law, according to some international election specialists, does not provide for sufficient control factors with respect to ballots or ballot boxes.

One criticism concerns rules surrounding the run-off elections, and the 50 percent threshold of both voter turn-out and the requirement for a candidate to obtain a majority,

but with no less than 25 percent of registered voters in that district. A threshold requirement of 50 percent of eligible voters to validate the elections in each district can be construed as ignoring the right of a citizen not to vote. Further, the requirement that the winning candidate receive over 50 percent of votes cast ensured that the overwhelming majority of elections faced run-offs between the two top candidates.

POLITICAL PARTIES/ELECTORAL BLOCS

There are 28 political parties in Ukraine that registered for the elections. Of these, 21 forwarded candidates for the March 27 elections. Most political analysts in Ukraine divide the political forces there into either four or five political groupings (The divisions among these groups are not necessarily that hard and fast, however, and since political dynamics are quite fluid, it is difficult to come up with precise divisions):

1. The "*party of power*" -- In large part, this is the post-Soviet nomenklatura/ruling elite -- the so-called national communists who in 1991 broke with the Communist Party of the Soviet Union to support Ukraine's independence. While not a formal party, and while facing deep divisions and internal power struggles, this group represents by far the most powerful political force in Ukraine. Its members include the broad political establishment -- the presidential structures and a majority of the old parliament, as well as the collective and state farm nomenklatura and the managers of state enterprises, especially in eastern Ukraine. While they realize that economic reforms need to move forward, their record in implementing these reforms has been mixed at best.

There are divisions within this political grouping itself. Among the various components of the "party of power" are the dwindling camp of President Kravchuk and his apparatus; the bloc of so-called "red directors" -- managers of state-owned enterprises led by Acting Prime Minister Yefim Zvyahilsky; and the increasingly politically influential agrarian bosses and local government leaders backing the nationalistic (if not especially reformist) former Chairman of Parliament Ivan Plyushch.

2. *Inter-regional Electoral Bloc* of former Prime Minister Kuchma and Volodymyr Hryniiov - There are differing views on whether this bloc should be included as part of the "party of power", as many of its members do wield strong influence. Broadly speaking, this bloc includes parties that could be considered having reformist tendencies as well as some industrialists, employers of large enterprises and private entrepreneurs. Its constituent groups are reform-oriented and most favor closer economic relations with Russia, although some are wary of too close political ties. Many in this bloc favor a federalist system. Their base of support lies among young businessmen in eastern, central and southern Ukraine.

3. *Communists-Socialists-Agrarians* -- This alliance consists largely of the reconstituted Communist Party of Ukraine, the Socialist Party and the Agrarian Party. There are some differences among the three and within the Communist Party. This bloc essentially favors

propping up state industries and slowing, if not halting, privatization; its members lean to a planned economy. They favor strong ties with Russia, and some favor the reestablishment of the Soviet Union. Their strongest support comes from heavily-populated, industrialized eastern Ukraine.

4. *The National-Democratic Forces* -- More than 40 democratically inclined -- and fractious -- groups have united into a bloc/coalition called the "Permanent Coordinating Council of Democratic Parties and Organizations -- Ukraine", led by Lev Lukianenko, former political prisoner and Ambassador to Canada and Serhiy Odarych, a leading Rukh member. The most significant among the some 40 parties and organizations within this group is Rukh, the movement that led the peaceful struggle for Ukraine's independence. Other parties within this coalition include the Democratic Party, Ukrainian Republican Party and the Christian-Democrats. The national democrats advocate both democracy and a strong, unitary Ukrainian state with links to Europe rather than Russia. Their base of support lies in western and central Ukraine. This bloc favors speeding up reforms including the selling of state industries and private property ownership.

5. *The Nationalist-Radical Parties* -- This fifth group is, for the most part, small ultra-nationalist parties. Some favor a free market, but want protectionist measures. Most favor strong executive authority. They oppose ties with Russia and nuclear disarmament, and some are increasingly critical of a U.S. they perceive as being Russo-centric.

Voter concerns center on economic and various social issues, with the poor state of Ukraine's economy being uppermost on the minds of voters. Other issues of concern include crime, relations with Russia, transportation problems, unemployment, health and social security. In recent opinion polls, voters across Ukraine hoped that elections would bring to office reform-minded parliamentary deputies committed to reversing the country's declining living standards. Party affiliation among the citizenry is quite low, however, with a March pre-election poll showing party attachment among only about one-third of the voting public.

CONDUCT OF THE CAMPAIGN

The unsettled political situation in Ukraine appeared to manifest itself in the pre-election period, as illustrated by a series of violent acts against Ukraine's largest democratic party, Rukh. These included the abduction of its campaign manager, Mykhaylo Boychyshyn, on January 15, 1994, as well as break-ins into various regional branches of Rukh. (Note: as of this writing, there was no word on Boychyshyn's fate). In February, 30 members of the Ukrainian Nationalist Assembly were detained during a search of the party's Kiev headquarters, including four candidates for people's deputies, violating the status of immunity given to candidates during the election period.

Vinnytsya Rukh officials reported the arrest and two-week confinement, without

charges, of a local Rukh official, allegedly to prevent her from campaigning against a local official and candidate. During her arrest and solitary confinement she suffered injuries from force-feeding after she began a protest hunger-strike. On the other hand, the Commission received credible reports that one candidate's allegations on the eve of the elections of having been beaten were false, and presumably designed to encourage a sympathy vote.

Campaigning began in earnest on February 19, with candidates pedaling campaign promises that included free funerals. There were also various messages emphasizing the importance of the vote, including from the leadership of Ukraine's parliament and from the hierarchy of the Ukrainian Catholic Church. The Ukrainian Catholic bishops' message strongly encouraged the faithful to vote on election day.

A total of 5,833 candidates were registered, with an average of 13 candidates competing in each of the 450 electoral districts. In Kiev, an average of 21 candidates per district contested the elections. Of the three ways in which candidates could be nominated, 62.3 percent were put forth by "groups of voters," 26.7 percent by "labor collectives," and only 11 percent by political parties. Twenty-eight parties were involved in the election campaign. Among the parties, the largest number of candidates was put forward by the Communist Party -- 6.7 percent, followed by Rukh at 4.1 percent. Many of the candidates nominated by voters' groups or labor collectives were members of parties as well, but they chose not to be put forward by parties, either because political parties in Ukraine are unpopular or because the nomination process for party-forwarded candidates was more complicated. These candidates were expected to align themselves with existing blocs or parties in the new parliament or to form new blocs.

Among the candidates, 13 percent were businesspersons, 10 percent were workers of state enterprises, 6 percent representatives of various government councils (*radas*) and 5 percent came from the state bureaucracy. Only 4.6 percent were managers of state enterprises. By profession, 24 percent were engineers and technicians, 15 percent worked in the field of education, 10.4 percent lawyers, 8.5 percent economists, 7 percent agricultural workers, 6 percent medical workers, and 3 percent journalists.

Ukrainians comprised 77 percent of the candidates and Russians 18.6 percent, generally reflecting their percentage in the overall population. The remaining candidates represented some 20 other nationalities. Only 7 percent were women, even though women comprise 54 percent of the population; and 14.5 percent of the candidates were from rural areas, despite the fact that one-third of Ukraine's 38.2 million electorate lives in the countryside. Of the old 450 member parliament, only 150 -- or one-third -- sought re-election.

According to CEC Chairman Ivan Yemets, several candidates were registered improperly by district commissions, including two individuals who reportedly are not Ukrainian citizens -- Eduard Lashutin and Yaroslava Stetsko. Another candidate was simultaneously registered in two constituencies.

Ukrainian public opinion specialists expected that a majority of those voting would probably cast their ballots for personalities rather than specific political programs. They also anticipated large-scale public apathy towards the political process, with polls showing low levels of identification with political parties. Ukrainian as well as Western organizations engaged in efforts to reach out to voters and encourage them to vote. Among the initiatives, for instance, was the staging of rock concerts throughout Ukraine by Youth Alternative, a joint project by several Ukrainian student groups. Western organizations, among them the National Democratic Institute, the International Republican Institute and the International Foundation for Electoral Systems (IFES) also conducted programs on domestic monitoring training, voter education and political party development.

During the campaign, criticisms were leveled regarding TV election coverage, including the selection of off-peak time slots. This, of course, was not surprising given the underdeveloped media environment in Ukraine. Candidates were allotted only six minutes each on state TV and radio. Several candidates filed a protest following the first-round of the elections criticizing inadequate air time on TV and radio. There were also several allegations, including one in Mykolaiv, of candidates being denied air time. More frequently, in some districts with a large number of candidates, candidates had too little time to discuss substantive issues.

With respect to financing, it was generally agreed that campaign spending limits were ludicrously low and violated by many candidates; a glaring example of this was a candidate who ran a lottery, offering cars and 1,000 \$5 bills as prizes. The spending limits particularly affected the ability of candidates to pay for additional media coverage.

A Helsinki Commission staff review of selected regional newspapers indicated a fair amount of coverage of the election campaign and election procedures, as well as the required information on individual candidates. Also, groups such as "Elections 94," an independent, non-partisan press center located in the heart of Kiev, and the National Endowment for Democracy-supported "Democratic Initiatives" provided information in Ukrainian and English on the electoral campaign. Nevertheless, Commission staff heard complaints of insufficient coverage of both candidates and procedures. Furthermore, there were relatively few signs of campaign activity in the form of posters or placards in comparison with several previous Ukrainian elections. Candidates used meetings with voters as one of their primary methods of campaigning. A relatively high percentage of people with whom Commission staff spoke during the week leading up to the elections appeared to be undecided on whom they would be voting for. Their decision-making process was undoubtedly exacerbated by the large number of candidates -- an average of 13 per district.

For the most part, allegations of campaign misconduct centered on the misuse of office, frequently the misuse of official transportation, office space, telephone or personnel. Democratic activists in Chernihiv alleged to Commission staff, for instance, that former Prime Minister Leonid Kuchma was using official cars when campaigning. They also said that Kuchma's people were threatening local/village leaders with loss of employment should

Kuchma not win in their localities by a large margin. (Kuchma won on the first round with 90 percent of the vote).

A sampling of allegations of electoral law violations, compiled by the Democratic Elections in Ukraine Coordination and Observation Center, included: electoral commission denial of registration of prospective candidates without adequate grounds; misuse of office for campaign purposes; local governments or electoral commissions showing favoritism to one candidate over another -- sometimes in conjunction with arranging meetings with voters (including denial of access to voters in factories); a chairman of administration of a village in central Ukraine physically assaulting campaign workers from democratically-oriented organizations; the Minister of Health Yuriy Spizhenko "buying" votes by handing out free medicine; and pressure being exerted by state security on entrepreneurs who assisted Rukh. Other techniques for rounding up votes included that of an underdog candidate in Dnipropetrovsk, whose campaign staff, according to *Intelnews*, allegedly distributed condoms at institutes and the university in Dnipropetrovsk using the campaign slogan: "Make the safe choice." Democratic Elections in Ukraine listed 145 separate allegations of violations of the electoral law following the first round of elections.

Despite the reported violations and instances of "dirty tricks," the pre-election campaign, overall, was relatively low-key. According to the International Republican Institute, the campaign did not appear to lend itself to a vibrant debate of the issues.

The Campaign in Crimea

Meanwhile, in Crimea, pro-Moscow, ethnic Russian forces concentrated in the "Russia's Bloc" coalition called upon voters to ignore the Ukrainian elections and to concentrate on the Crimean parliament and Meshkov's "opinion poll". Citizens on the street echoed their leaders' complaints about Kiev's economic incompetence, fear of Ukrainian nationalism, and the opinion that Crimea was never Ukrainian and never would be. "Khrushchev did a lot of stupid things," said one elderly gentlemen, "why should we pay for his mistake?"

A Ukrainian political activist in Simferopol was critical of President Kravchuk's economic policies and what he saw as a dilatory handling of Meshkov's political challenge. Nevertheless, he noted that the Ukrainian population enjoys nowhere near the cultural and linguistic opportunities that might be expected for a community that makes up about a quarter of the population. There is only one Ukrainian newspaper on the peninsula compared to dozens in Russian -- ranging from the standard *Pravda Kryma*, to the usual selection of business and entertainment tabloids. There had been 15 minutes weekly of Ukrainian-language television broadcasts on Crimean TV, but the editor was beaten up so severely that he quit his job. Radio is limited to two hours weekly. The same activist charged that local authorities delayed the registration of a potential Ukrainian voting coalition, the Congress of Ukrainian Associations, until it was too late to collect enough ballot petition signatures.

The Crimean Tatars are supportive of Kiev, and distrustful of the Simferopol administration. Some have threatened to declare their own independence in Tatar-majority areas, if Crimea itself were to attempt to secede from Ukraine. While sympathetic to Ukraine's economic straits, Crimean Tatar leaders are disappointed by what they see as Kiev's lack of attention to the Crimean issue. Four separate Tatar political organizations were campaigning for the ethnic-based "national-territorial seats" in the Crimean parliament (besides 14 Crimean Tatar seats, one place each is reserved to members of the Bulgarian, German, and Armenian community).

OBSERVERS

According to Ukraine's electoral legislation, electoral commissions at all levels are to operate in open session and parties and candidates or their representatives, representatives of labor collectives nominating candidates, domestic monitors as well as "official observers from other states and international organizations" can observe voting, tallying and tabulation of the elections, as well as observe sessions of electoral commissions and the registration of candidates.

International Observers

In addition to three Helsinki Commission staff members -- two observing the March 27 elections and one the April 10 run-offs -- other international observers present for the elections included the CSCE Parliamentary Assembly, the CSCE Office of Democratic Institutions and Human Rights (ODIHR), Council of Europe, North Atlantic Assembly (NAA), the UN, Congressional Research Service (CRS), International Republican Institute (IRI), International Foundation for Electoral Systems (IFES), National Democratic Institute (NDI), the Ukrainian Congress Committee of America (UCCA) and other Ukrainian-American and Ukrainian-Canadian organizations. Some of these organizations were also involved in a variety of efforts to assist the election process in Ukraine. According to the CEC, there were more than 500 international observers present from 53 countries for the March 27 elections, and 140 for the April 10 run-offs.

International election observers, for the most part, had open access to polling stations and were received well -- and even enthusiastically on occasion -- by local electoral officials. There were a few isolated instances, however, of obstacles placed in the way of international observers -- for instance, a case where observers were denied access to a polling station by the head of the local electoral commission, who was later overruled by the CEC. Furthermore, several foreign NGOs initially encountered problems obtaining the necessary accreditation, and only did so after coming under the umbrella of intergovernmental organizations such as the CSCE. Also, international observers faced difficulties in obtaining accurate information about aspects of the election. According to CSCE's ODIHR: "Despite repeated requests by the ODIHR and other organizations, an official, authoritative national list of candidates was not provided to international observers, nor was a list of decrees

(issued by the CEC to explain the electoral law and administration), as had been promised by the CEC."

Domestic Observers

Domestic observers, however, faced a number of difficulties. While observers representing various candidates or parties appeared not to face problems, Ukraine's Non-Partisan Committee of Voters, the largest prospective domestic observer group, was denied registration at the national level and in many districts. A resolution issued by the CEC limited, for all practical purposes, the creation of non-partisan observer groups to the level of the polling station site.

The Central Electoral Commission's refusal to register the Non-Partisan Committee as an organization accredited to monitor the elections, and subsequent statements by CEC Chair Yemets declaring it and its work illegal, reflect poorly on the CEC's willingness to see independent assurances of the fairness of the elections. Non-partisan group officials worked for months in advance of the election to obtain national registration and, when this failed, created polling-site level affiliates which were able to monitor the first round of elections in some 120 sites. The need for, and popular support for the idea of, non-partisan domestic monitoring was demonstrated by the Non-Partisan Committees' receipt from the whole spectrum of political parties of complaints. Unfortunately, as a non-national organization, the CEC told these committees that they were unable to pursue complaints.

THE VOTING

General Observations

Helsinki Commission staff observed voting in Cherkasy oblast, including Cherkasy city and Chyhyryn in central Ukraine, as well as Feodosiya, Sary Krym and Simferopol in Crimea.

Commission staff assessment of the first-round voting was consistent with that of most international and domestic observers. While Commission staff witnessed some irregularities, for the most part the conduct of the voting day procedures was proper and voting at polling stations visited was well-organized, orderly and efficient. Polling station officials were helpful and open both to voters as well as to domestic and international observers. Irregularities - - or technical violations -- appeared to be more the result of inexperience or of old Soviet-era habits (such as the practice of voting for others) rather than blatant attempts to influence voting. Commission staff, for instance, saw an official invitation to vote sent to a U.S. citizen who resides in Ukraine and does not hold Ukrainian citizenship. Staff observed such hold-over customs as voting outside the voting booth and were also told of instances in which individuals voted for other family members, mostly spouses. There were reports of people showing up with more than one passport (in at least one instance -- about a

dozen), and voting for family and friends.

During the April 2,3,9 and 10 run-offs, a greater number of violations were reported and several international observers present noted that the electoral law was not being taken seriously by some election officials. Commission staff and other international observers also noted the potential for fraud and undue pressure produced by the vague and limited provisions of the election law itself. For example, the lack of procedures for early/absentee voting allowed some polling stations, during the run-offs, to collect over 10 percent of ballots in advance with little or no supervision. Allegations of informal workplace polling preceding the run-offs were also made to international and domestic observers. Similarly, the procedures governing in-home balloting for invalids did not foresee supervision of the boxes; sometimes they were left in separate rooms out of view of observers. Moreover, although the law specified that the mobile ballot box be used only upon a voter's advance request, officials at several electoral commissions told Commission staff that they had canvassed in search of voters wishing to vote at home. The Non-Partisan Committee of Voters noted that this practice, in effect, constituted selective agitation among an older and likely more conservative group of potential voters. There were also several allegations of polling stations permitting voting past the mandated hour as well as ballot tampering following the voting.

The Commission staff observer in Crimea did not note flagrant or repeated violations of the election law (other than a campaign poster visibly posted on the entrance to a polling station), but did compare notes with observers who covered other areas of Crimea. While many observers reported little or no problems, other reported attempts at multiple voting, such as the case of one individual who showed up with 10 passports and received 10 ballots. An abundance of observers from the Communist Party and "Russia's Bloc" was noticeable.

Following the run-offs, CSCE and United Nations observers raised serious concerns about the election, citing the pressuring of rural voters in some collective farm districts, questionable accounting of mobile boxes used to give invalids the opportunity to vote, a politicized Central Electoral Commission that was not always forthcoming with information to the media and observers, and some instances where access to polling stations was denied to official observers. Especially troubling were allegations of possible manipulation, or undue pressure on voters, especially on collective farms.

First Round: March 27

Cherkasy oblast -- Cherkasy and surrounding villages, Chyhyryn: Helsinki Commission staff, along with Congressional Research Service staff, visited polling sites in Cherkasy oblast south of Kiev, an agrarian-industrial region in the black earth region of central Ukraine. Among the places visited were Cherkasy, the oblast's center and a city of 260,000 people, and Chyhyryn, a town of 15,000 perhaps most famous as the capital of the Ukrainian Hetman state in the mid-17th century. While Commission staff did witness some irregularities, there were no serious anomalies in either the voting or counting.

Some individuals outside polling stations appeared to be making up their minds at the last minute, studying the candidate posters that included the candidate's photo, bio, and platform. Some voters, especially the older ones, appeared to be confused by the proliferation of candidates -- between 12 and 24 in the three separate electoral districts visited. At one polling station in a village outside of Cherkasy, Commission staff witnessed voters completing their ballots outside the voting booth. At several polling stations, Commission staff observed multiple voters in one booth, usually spouses. Commission and accompanying Congressional Research Service (CRS) staff witnessed nothing that suggested any kind of vote fraud.

Importantly, there were domestic observers at every polling station visited, usually representatives of democratic parties, especially of the Ukrainian Republican Party or the Democratic Party, as well as the Communist Party, which appeared to be especially well-organized. There was, however, a conspicuous absence of non-partisan domestic observers.

The vote count observed by Commission staff in Cherkasy city was impeccably organized and consistent with election law. Members of the polling station commission often voted on questionable ballots, taking what appeared to be liberal interpretations that took into account intent, if not always the exact letter of procedure. For instance, while the Central Electoral Commission had indicated that only straight horizontal lines would be permitted in crossing out the names of candidates, electoral commission members permitted x's or irregular lines if the choice of candidate was clear. One polling station worker described his experience earlier in the day in taking a ballot box to sick or elderly voters in their homes, commenting to Commission staff on the absurdity of requiring someone who was bedridden, old and sick to make individual straight lines to cross out the names of eleven candidates they did not want. Most so-called "spoiled" ballots were the result of a voter leaving more than one candidate on the list. In the polling station vote count, there were 142 "spoiled" ballots out of a total of 1,604 votes cast.

Turnout was high at polling stations visited, especially in towns and villages. In only one of ten polling sites visited did it appear as if the 50 percent turnout threshold might not be met. There was a disproportionately large share of elderly voters, and several democratically-inclined domestic observers lamented to Commission staff the comparatively low turnout and lack of interest of young people in the elections. Commission staff did note, however, a significant number of relatively young workers at some polling stations.

Crimea: Crimea is divided into a total of 23 election districts for the Ukrainian parliament: four for the city of Sevastopol and 19 throughout the peninsula. There are an estimated 1,555,600 registered voters.

Simferopol - District 14 Electoral Commission: A Helsinki Commission representative, together with an Embassy officer from the U.S. Embassy in Kiev, visited a district election commission in Simferopol on the day before election day to observe the procedures for distribution of ballots to local commissions. While the commission personnel

seemed conscientious and competent, there appeared to be little ballot accountability. Asked about the future destination of one particular pile of blank ballots on a table, an election official said that "if someone needs them, they're available." (These were ballots for the Crimean parliamentary elections, and technically outside the purview of the observer.)

Simferopol: The setting up was late at the first polling place visited, and only a few members of the election commission were present. As far as observers could see, there was no inspection of the ballot box by local commission members prior to sealing. There were also no voters. (As it happened, Meshkov's decree to align Crimea with Moscow time coincided with the one-hour move forward to Daylight Savings Time throughout Ukraine, meaning that clocks in Crimea on the night before the elections had been moved forward by two hours, producing tired observers and fewer voters up at the crack of dawn.)

At another polling station in Simferopol, the chairperson of the local precinct commission was less than enthusiastic about the presence of international observers and inquired why they had not registered prior to Thursday (the day when local observers were required by law to be officially registered). Nevertheless, the voting was orderly. There were three domestic observers: Communist Party, "Russia's Bloc," and a member of a local veterans social organization. An election poster for the "Russia's Choice" bloc in the Crimea parliamentary elections had been placed on the door leading into the building.

Feodosiya: Feodosiya is a major city on the Black Sea about 120 kilometers directly east of Simferopol. Observers checked three polling stations. In all places, voting was orderly -- by post-Soviet standards. In one polling place, an officers club, there appeared to be no election official monitoring insertion of ballots into the ballot box, as is generally the practice. (In theory, this lack of monitoring the ballot box could have assisted "ballot stuffing," especially with so many ballots being carried out of the polling station by voters heeding Meshkov's and Russia Bloc's advice to "take it with you." The mechanism is as follows: one or more individuals outside the polling station acquires unmarked ballots from voters, gathers them together, and "votes" for the desired candidate (s). Then a voter who has not yet voted goes into the polling place, picks up one ballot for him/herself, and stuffs the previously filled out ballots into the box. While the "acquisition" of unmarked ballots may incur some costs, this method is more reliable than bribing voters, who may either have qualms about directly selling their vote, or may take the money and still vote for someone else.) There was occasional "conferencing" over ballots, and multiple voting in the booths.

An election official at one Feodosiya precinct estimated that about half the voters he had seen had taken their Ukrainian parliament ballots away with them, rather than casting a vote. Asked about ballot accountability under such circumstance, another official admitted that missing ballots would complicate the process, but replied that the commission would count the ballots in the box, and report them to the district commission as has always been the process.

Stary Krym and Bogatovo: The villages of Stary Krym and Bogatovo lie on the road between Simferopol and Feodosiya. At a polling station visited in each village, most voters had already cast their votes. An election observer for one of the Crimean parliamentary candidates was present at the Stary Krym location. There were no observers at the Bogatova location, and elections officials reported that there had been none all day.

In both villages, the arrangements and registration procedures appeared orderly. The Stary Krym polling station (a school house) was distinguished by clear instructions for voters placed in visible areas.

The parallel vote in Crimea: The elections for the Ukrainian parliament were complicated by parallel elections for the 98-member Crimean parliament and by Meshkov's "opinion poll." Although the issues and results of these votes are outside the purview of this report, they played one important role in the national parliamentary voting. The Central Election Commission of Crimea had ruled that neither it nor its subordinate bodies would count the results of the opinion polls. That task would be undertaken by the Crimean government administration -- but opinion poll sheets would be available for voters who wanted them. Thus, if a voter wished to vote in the opinion poll, he or she had to sign in on the election register. Meanwhile, in a television broadcast on the eve of the elections, Meshkov had stated that he intended to take his ballot for the Ukrainian parliamentary elections and put it in his pocket -- a position enthusiastically adopted by Meshkov's "Russia's Bloc" allies, who hung up sample ballots around Simferopol marking off their choices for the Crimean parliament seats, but with the phrase "take it with you" next to the space for the Ukrainian parliamentary election. (While taking a ballot out of the polling station rather than dropping it into the ballot box could theoretically increase the chances of voting manipulation, it is unlikely that Meshkov was trying to do this. Rather, he appeared to be signaling his disdain for the entire process and seeking to reduce the number of votes, and thus the validity, of the elections for the national parliament. As it turned out, many of Meshkov's adherents did indeed walk out with their ballots, but in order to receive a ballot and vote in the Crimean parliamentary elections and the so-called "Meshkov referendum", voters had to sign up also for the all-Ukrainian vote, increasing the turnout for the latter, whether the vote was actually cast or not.) While many of Meshkov's supporters did take his advice, the fact is that in order to vote in the Crimean parliament elections and/or the opinion poll, voters had to sign in, thus bringing the turnout total closer to the legitimizing 50 percent.

Run-off elections -- April 2, 3, 9 and 10

Two days after the first-round, March 27 elections, in which only 11 percent of the seats were decided, the CEC announced that run-offs could be held on April 2, 3, 9, or 10. On April 2 and 3, run-off elections were held in 34 districts, many of them in eastern Ukraine (Kharkiv). Deputies were elected in 29 districts, and five did not achieve the required minimum participation resulting in the need for repeat elections. Further run-off elections were held in the remaining districts on April 9 and 10.

Vinnitsya, Kiev oblast: On April 10, Helsinki Commission staff visited polling sites in the central-western city of Vinnitsya, and Bilatserkiv and Vasilkiv, small towns in Kiev oblast. Both communists and their allies and democrats had been active in Vinnitsya. Voters spoken to stressed pragmatic economic issues. Little openly pro- or anti-Russian sentiment was voiced. Young people stayed away.

The run-offs were marred by procedural irregularities and violations, as well as by the vagaries of the election law and perception of large-scale improprieties by the authorities. The announcement by the CEC that run-offs could be held at the region's (*okruh*) convenience prior to April 10 was a first sign of concern as some observers theorized that those districts which chose to go early expected to get their supporters out faster.

In one incident documented by the National Democratic Institute (NDI) and the Non-partisan Committee of Voters, a Zhitomir district issued invitations for the run-off on which was written "Vote for Adam Chikal," the eventual winner of the April 3 run-off. Other allegations included that of advance circulation of ballots in Vinnitsya.

Commission staff observed that certain technical violations occurred with distressing frequency: multiple persons were frequently permitted into voting booths, and multiple ballots issued to single voters with multiple passports. More seriously, ballot boxes in two polling sites visited were positioned out of the view of observers; Commission staff also noted that frequently ballots had been stamped and signed by the electoral commission in advance, contrary to an election law provision that they be validated only as handed to voters. The possibility of validated ballots floating free (as was alleged by domestic observers in some districts) was of great concern.

A positive development was the presence of observers affiliated with the candidates at all but one of the polling sites visited. The number of observers reflects favorably on the openness and relevance of the electoral process to the public. At several sites, observers had only positive comments about the proceedings. Elsewhere, however, a Socialist Party observer noted that "there will be no violations -- because I'm here." A Democratic Party observer in Vinnitsya noted several allegations of more serious violations to Commission staff involving advance balloting.

Commission staff meetings with Rukh officials in Vinnitsya and Kiev also surfaced more serious allegations of improprieties. These included: a district outside Vinnitsya where electoral officials had allegedly forced voters to choose one candidate, an Interior Ministry general; Mykolaiv and Zaporizhya *okruh* refusal to register Rukh observers and subsequent "disappearance" of protocols (polling-site tallies) which should have proceeded directly to regional commissions; and the expulsion of an observer from a hotly-contested Kiev city race for alleged agitation -- the day *before* the vote.

International observers in Cherkasy and Odesa also reported serious procedural irregularities, including roadside use of mobile ballot-boxes to solicit voting.

RESULTS

Voter turnout for the March 27 first-round approached 76 percent, considerably higher than expected, despite strong pre-election indications of voter apathy. The highest turnout, not surprisingly, was in the more nationally conscious western oblasts/okruhs of Ternopil, Lviv, Ivano-Frankivsk and Rivne, and the lowest in Crimea and Kiev city. All 450 parliamentary districts passed the necessary 50 percent threshold.

However, only 49 seats -- or 11 percent -- were filled after the first round, as candidates were required to obtain more than 50 percent of the vote to win a seat. In the remaining 401 districts, the two top vote-getters faced each other in run-offs.

The runoffs elections, held on April 2,3,9 and 10, resulted in the filling of an additional 289 seats, for a total of 338 out of the 450 seats. The 338 newly-elected deputies will not receive their mandate from the Central Electoral Commission until all complaints and alleged violations of the election law have been investigated by the CEC. Overall voter turnout for the run-offs again was higher than many had predicted, at 67 percent.

The Communist Party won the single largest bloc of seats -- 86. Together with the Socialist Party and Agrarian Party, they will constitute the so-called Left-Wing Bloc, which appears to have at least 110 seats. Their base of strength lies in eastern and southern Ukraine. Democratic-nationalists and centrists, led by Rukh (26 seats), obtained about 60 seats, mostly from western and central Ukraine. Only about five radical nationalists were elected, despite fears of growing extreme nationalism among some Western analysts.

The largest number of seats -- 169 -- was taken by non-party independents. It is unclear where their allegiances lie, although both communists and moderate nationalists will undoubtedly find allies among them. Many of the non-aligned "independents" come from various state structures -- the so-called post-Soviet nomenklatura and "party of power." These candidates did well in the large cities of Kharkiv and Odesa as well as in parts of central and western Ukraine.

According to *Update on Ukraine*, a publication of the Council of Advisors to the Parliament of Ukraine, the newly elected deputies are better educated and younger than the outgoing group, with lawyers and economists constituting 18 percent (as opposed to 7 percent in the old parliament). Ethnically, 75 percent of the deputies are Ukrainian and 21 percent Russian, while the remaining 4 percent includes Jews, Poles, Belarusians, and a single Moldovan, Romanian, Hungarian, Bulgarian and German.

The remaining 112 electoral districts remain unfilled. In districts in which turnout in the run-offs was too low, not reaching the 50 percent threshold, candidates should be able to run again. Candidates who ran in districts where voter turnout was greater than 50 percent but did not receive more than the 25 percent of the district's registered voters, are disqualified from running again.

According to the Central Electoral Commission, in 20 districts run-off elections were not valid because 50 percent of the electorate did not vote. In 92 districts no single candidate obtained the required 25 percent of the eligible vote. These seats will face repeat elections in July. According to the election law, repeat elections are to be scheduled (not necessarily held) within 30 days of the election.

One of the biggest puzzles of the elections was the low voter turnout in Kiev, with only eight of its 21 districts electing deputies. One reason cited by the Central Electoral Commission for the low turnout was that people were traveling to do spring planting in their garden plots outside the city.

Despite the unfilled seats, there are enough members to form a new parliament, belying earlier fears that a low voter turnout would not secure the 301 seats needed to constitute a constitutional majority able to deal with the major questions confronting the legislature as opposed to mere house-keeping functions.

Among those not doing as well as expected in the elections were the "party of power" -- a blow to President Kravchuk -- and former Prime Minister Kuchma's center-left Inter-regional bloc, whose electoral performance was mediocre. Nevertheless, they will be forces to contend with in the new parliament.

The overall vote, then, produced a mix of democrats, communists, and some "new wave" younger business-oriented non-communists. Communists did well in the east, and national-democrats in the west. Only 56 members of the old parliament were re-elected.

In plebiscites in Crimea and Donetsk oblast, voters overwhelmingly supported proposals to improve links with Russia. In Russian-speaking Donetsk, 91 percent favored making Russian an official language alongside Ukrainian, 84 percent favored establishing a federal system, and 93 percent favored Ukraine's joining the economic union of the Commonwealth of Independent States.

CONCLUSIONS AND RECOMMENDATIONS

In both electoral mechanisms and societal approach, pluralistic electoral politics have made considerable progress in Ukraine since the election of the previous, Soviet-era parliament in 1990. The level of interest in contesting, observing and voting in the 1994 elections was a particularly hopeful sign of democratic development. The shortcomings of the electoral law, the Central Electoral Commission's lack of transparency and lack of interest in enforcement, and widespread local laxity and in some cases wrong-doing underscore the work that remains to be done before the norms of the democratic electoral process are fully assimilated.

Future electoral laws should include clear provisions for ballot security prior to the

beginning of voting and restrictions on advance voting and provisions for its observation. The process of in-home balloting should be further limited and supervised. The cumbersome process of "negative voting" on ballots needs to be replaced to facilitate ease in actual voting.

Campaign finance limits should be relaxed, and registration procedures for political parties must be simplified. Since, in the view of many, the first round of these elections was too clogged with candidates for most voters to make a fully-informed choice, the numbers of signatures required for independent candidates to run should be considerably raised. At the same time, however, consideration should be given to changing both the turnout threshold requirement of 50 percent of eligible voters to validate the elections in each district and the requirement that a winning candidate receive an absolute majority of votes cast in that district.

Enforcement of procedures must also be improved. Perhaps most importantly, all stripes of domestic observer -- party, non-party and non-partisan -- should be permitted to monitor voting and counting. Additionally, a greater and more prompt response from the Central Electoral Commission to citizen complaints will be necessary to convince citizens of the transparency and fairness of the electoral process.

IMPLICATIONS

Internal

The higher than predicted voter turnout for the parliamentary elections underscored the disaffection with the old parliament and, given the decline in the average voter's standard of living, the desire for change. Whether change, however, means market reforms or a retreat from them is an altogether different matter. Of critical importance will be what kind of new Prime Minister and cabinet emerges, given the government's key role in running the economy and implementing reforms.

The elections highlighted distinctions between different regions of the country, with western-oriented national-democrats doing well in western Ukraine and Russia-leaning communists and their allies showing considerable strength in the east. The implications of these differences give rise to concern, although not alarm. They do not signal any impending break-up of Ukraine. What they do reinforce, however, is that both the economy and the question of national identity, or commitment to genuine independence, remain critical issues in Ukraine.

A critical issue facing the new parliament is its ability to break the deadlock that has hindered economic and political reforms thus far. Since independence, Ukraine has been paralyzed by in-fighting among the post-Soviet elite that holds the reins of power. This elite repeatedly has shown its inability or unwillingness to engage in substantive economic reform.

That inability, of course, has only exacerbated what already would have been a difficult economic transition.

While the poor state of the economy, with its high inflation and falling production resulting in a reduced standard of living, has affected all regions of the country, the east has been especially hard hit. Much of the Soviet Union's military-industrial complex, and a large portion of inefficient, Soviet-era state industry and coal-mining are located in eastern Ukraine. This, coupled with a low level of commitment to Ukrainian nationhood among a large number of Russians and Russified Ukrainians, has produced nostalgia for some form of re-association with Russia. Together with anxieties that economic reform may have an especially negative impact on the industrialized east, at least in the short-term, it is not surprising that the well-organized communists won a large number of seats.

What is clear is that no one party or group will have a straightforward majority in the new parliament, but both the communists and their allies -- with their current one-third of seats -- and the national-democrats will be formidable forces to contend with. As a result, one can expect at least some degree of polarization in the new parliament. This will complicate legislative initiatives on issues that will require a constitutional majority of at least 301 deputies. It will be more difficult to pass legislation, as obtaining a constitutional majority on some issues may not be possible, and will be easier for opponents to bloc passage of legislation. Especially pressing is the adoption of a new constitution, to replace the present oft-amended Soviet one with its damaging lack of clarity, especially on the issue of separation of powers.

While the left will have the upper hand, the national-democrats and reform-minded centrists may constitute a sufficient numerical base to block any especially unpalatable Communist initiatives. The large group of newly elected independents represent somewhat of an unknown. They are a diverse group which includes government officials, businessmen, enterprise directors and collective farmers. Many are part of the so-called "party of power", Ukraine's post-Soviet nomenklatura. Some undoubtedly, especially among enterprise directors and officials will lean towards the pro-Russian Communists. Others, however, are more reform-oriented centrists and will find common ground on many issues with the national democrats. Coalitions will shift depending on the issue at hand. Some analysts feel that the new parliament will tend to gravitate to the center and take a pragmatic approach in order to resolve Ukraine's myriad problems.

Efforts are reportedly under-way between national-democrats and centrists, such as former Prime-Minister Kuchma and his inter-regional bloc (which had a mediocre showing) to find a consensus on economic reform issues. Reformers and democrats may be able to form a bloc of about one-third of the parliament. But even the communists and their allies who do not espouse the hard-line economic views they did in Soviet times may be more pragmatic and less resistant to certain economic reform measures than generally thought. Moreover, there are fissures within the Communist group. Some are more hard-line and pro-Russian and even want to see a some form of re-constituted Soviet Union. Others,

however, are national-communists, who are committed to Ukraine's independence and not eager to once again take orders from Moscow.

At a minimum, however, the so-called Left-Wing Bloc and a substantial number of non-aligned "independents" will most probably favor closer economic ties, and even economic union, with Moscow and the CIS, even while keeping a modicum of political distance.

Only 56 members of the old parliament are among the 338 thus far elected members of the new parliament elected thus far. Several chairs of important commissions and other experienced parliamentarians in the former legislature lost their seats. Several prominent reformers such as former deputy Prime Ministers Viktor Pynzenyk and Volodymyr Lanoviy, outgoing Economics Minister Roman Shpek, and the old parliament's Economic Committee Chair Volodymyr Pylypchuk are returning to parliament and could be key players in promoting genuine economic reform.

Presidential race

The elections were a defeat for President Kravchuk in several respects: first, candidates from the so-called "party of power" (post-Soviet nomenklatura) did not do as well as expected, in what can readily be interpreted as a renunciation of current government policies.

Furthermore, voter turnout was high enough to ensure a quorum in the new parliament, thwarting any possible efforts to introduce direct presidential rule and complicating Kravchuk's efforts to postpone the scheduled June presidential elections. Prior to the elections, Kravchuk and his aides had been speculating that voter apathy would translate into a parliament of less than the required 301 deputies needed for a quorum, necessitating presidential rule. Prior to the elections, Kravchuk had threatened that the old parliament would remain if there was an insufficient number of new deputies to constitute a quorum.

With the reality of a new parliament, Kravchuk's options become more difficult. The President has said that he will not run in the June elections if the new parliament, scheduled to convene in mid-May, does not define the country's institutions and resolve the issue of the division of powers among the president, government and parliament, as well as between the central and local bodies of power. It is difficult to imagine, with a fresh parliament not convening until mid-May (a mere month before the scheduled elections) that any parliament could act that quickly on such major issues. Furthermore, Kravchuk's main political rivals and likely opponents for the Presidency -- former Parliament Chairman Ivan Plyushch and former Prime Minister Leonid Kuchma -- won parliamentary seats.

External Implications

What does the election of a new Ukrainian Parliament mean for the outside world? Inevitable tensions will continue to exist between the more Western-oriented national-democrats and some centrists, on the one hand, and the largely economically conservative, pro-Russian communists. Ukraine ultimately still needs to resolve the question of where its future lies. However, this reality, in and of itself, by no means spells the break-up of Ukraine, with all of its dire implications and ramifications for the CSCE community and rest of the world.

At the same time, however, a strong possibility now exists for closer economic ties with Russia and the rest of the CIS, given Ukraine's difficult economic situation and apparent electoral success of Russia-oriented deputies. At the same time, this does not mean a reconstitution of a Soviet Union or political integration with Russia. As evidenced by the large voter turnout alone, there exists sufficient commitment to the Ukrainian state among large segments of its population to forestall this possibility.

Ukraine-Russia relations

Tensions or differences between Ukraine and Russia over such issues as the distribution of assets of the former Soviet Union, the Black Sea Fleet and Crimea will not disappear, although progress is likely to be slowly made on their resolution. Growing Russian foreign policy assertiveness towards its neighbors, including Ukraine, would also cast a pall on relations. Any change in government in Russia with anti-reform, imperialist forces coming to the fore could spell disaster. By the same token, a restrained, market-oriented Russia would result in improved relations with Ukraine.

The victory of the Russia's Bloc coalition in the Crimean parliament and the continuing charges and counter-charges between President Kravchuk and President Meshkov probably presage low level political warfare over regional authority and taxation policies. Meshkov's position, however, is by no means secure. Having won big over the candidate perceived as Kiev's man, he will be expected to produce an improvement in the economic situation, insofar as he can maneuver between Kiev, Moscow, and local interests. Moreover, while the average Russian (in both Crimea and the Federation) may consider Crimea as historically a part of Russia, official Moscow -- at least with Yeltsin in power -- will probably avoid outright *irredentism*, notwithstanding the previous Russian parliament's 1993 resolution. More likely, Moscow will prefer to use Crimea as another means to keep pressure on Kiev. Meshkov and his allies, in any case, probably do not wish to exchange one master for another, preferring to keep both at arms length while improving their own fortunes.

The Black Sea, and the hardware and property that goes with it -- not just in Crimea but all way up the Black Sea up to Odesa -- will continue to be a contentious issue, whether

for the Fleet's strategic significance, or for its re-sale value. Eventually, Kiev may be forced by economic constraints to arrange a reasonably firm deal that allows it to keep a few more ships and obtain significant debt write-offs.

The presence of a large Russia-oriented component in parliament could help to diminish potential conflicts. Indeed, many Ukrainians accept the need to cooperate economically with Russia. On the other hand, this same component, if it is perceived as moving towards Russia in a way that endangers Ukraine's independent statehood, could foster conflict with the more Western-oriented national-democrats and even with the post-Soviet nomenklatura/"party of power."

Ukraine-U.S. relations

The probable make-up of the new parliament does not signify any wholesale change in U.S.-Ukrainian relations. U.S. policymakers, especially following the December 1993 Russian elections and the electoral successes of the anti-reform forces, as well as Russia's impulse towards empire, have increasingly recognized the geo-strategic importance of Ukraine and are beginning to respond accordingly. Ukraine is increasingly being recognized as a bulwark against potential Russian imperialism, and considerably greater attention is being paid to it by the West. Ukraine's signing, in January 1994, of the trilateral nuclear disarmament agreement marked an important milestone in U.S.-Ukrainian relations. Given the new parliament's make-up (with its substantial number of deputies with a pro-Russian orientation and probability that nationalists will have fewer key relevant committee assignments) it is unlikely that there will be any backpedaling from this agreement, unless, of course, Russia begins to violate the terms of the agreement or is seen as threatening Ukraine's independence and sovereignty.

An important factor, however, in the evolving U.S.-Ukrainian relationship centers on the question of reforms. It is unlikely that a new, inexperienced parliament, will be in a position to undertake immediate major legislative initiatives. But if reform efforts -- whether they be economic or political -- continue to stagnate under the new parliament and government, U.S. assistance efforts in Ukraine could be jeopardized in the future, notwithstanding the current increased willingness of the U.S. and West to engage Ukraine in all aspects of their relations. On the other hand, a new, more pragmatic and reform-oriented Parliament would serve to encourage the evolution of U.S.-Ukrainian relations.

ABOUT THE COMMISSION

The Commission on Security and Cooperation in Europe, also known as the Helsinki or CSCE Commission, is a U.S. Government agency created in 1976 by Public Law 94-304 with a mandate to monitor and encourage compliance with the Final Act of the Conference on Security and Cooperation in Europe (CSCE). The Final Act was signed in Helsinki, Finland, on August 1, 1975, by the leaders of 33 European countries, in addition to the United States and Canada. The CSCE has also added many new members, including Albania, the Baltic States, and most newly independent states in Europe and Central Asia.

The Commission consists of nine members of the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff of approximately 15 persons assists the Commissioners in their work.

The Commission carries out its mandate in a variety of ways. In particular, it gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public and holds public hearings with expert witnesses focusing on these topics. In addition, Commission staff prepare reports on the implementation of CSCE commitments, particularly by the countries of East-Central Europe and the former Soviet Union but also on some other CSCE participating States, including the United States. Recent reports, for example, have extensively covered the elections in emerging democracies and newly independent states. The staff also prepare reports on specific CSCE meetings and efforts by the CSCE community to prevent and manage conflicts that arise in and among the participating States. The views and conclusions in these reports are those of the Commission and/or its staff.

At the same time, the Commission contributes its views in the general formulation of U.S. policy in the CSCE and takes part in its execution, including through Member and staff participation on U.S. delegations to CSCE meetings as well as on certain CSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from CSCE participating States. These contacts are maintained in Washington but also take the form of Commission delegations, usually with the participation of other Members of Congress, to other countries.

