



# HELSINKI COMMISSION BRIEFING

UNITED STATES COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

## Testimony :: Ronald J. McNamara

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Without question the stakes are high in Ukraine's presidential elections not only for Ukrainians, but also for those with interests in that strategically significant country. Indeed, Ukraine's fate will have implications well beyond its borders. Visits by high-level officials and former officials, from east and west, including President Putin's unprecedented visit to Kiev on the eve of the first round and his latest visit between the first and second rounds, attest to the keen interest in the outcome of these elections.

Certainly, the election is the most important event in Ukraine since independence, prompting the Helsinki Commission's leadership to introduce and pass bipartisan resolutions in Congress urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election. Regrettably, the pre-campaign period as well as the campaign and actual balloting were marred by dirty tricks and numerous serious violations and abuses. An added dimension has been the use of spin doctors and their surrogates who have wittingly or not allowed themselves to become pawns in this high stakes contest.

Will Sunday's election be a turning point for Ukraine? Will Ukraine fulfill its quest to become a thriving democracy in which human rights are honored and the rule of law prevails, or will it become an increasingly authoritarian state along the lines of Putin's Russia, or worse, Lukashenka's Belarus. Without exaggeration, Ukraine is facing a critical election, a choice between Euro-Atlantic integration versus reintegration with Eurasia, with all of the implications for Ukraine's independence.

The OSCE Election Observation Mission, with more than 600 observers from the OSCE, and the Parliamentary Assemblies of the OSCE, Council of Europe, NATO and the European Parliament, concluded that the first round did not meet a considerable number of OSCE standards for democratic elections. Placed in context, this represents a step backward from the 2002 elections. Violations included but by no means were limited to overwhelming media bias against Yushchenko, the abuse of administrative resources, obstruction of opposition campaign events, and untoward pressures on state employees, students, and voters to support government candidates. Voting day itself saw significant problems with voter lists, pressure on elections commissions and even outright ballot stuffing.

Indeed, the wide range of abuses and violations during the election campaign and on election day itself seriously calls into question Ukraine's freely undertaken commitments to OSCE principles regarding democratic elections.

The Ukrainian authorities, in their cynical attempts to hold on to power at all costs, appear to have largely ignored calls by the United States and European governments and institutions to conduct free and fair elections. Given the stakes involved, it appears that the powers that be in Ukraine have calculated that they can take the flack for flawed elections if they can ultimately prevail and maintain power. Notwithstanding significant manipulation in the first round, Yushchenko ultimately prevailed, suggesting that there are limits to what the authorities can get away with. A potentially significant factor -- one largely lacking elsewhere in former Soviet Republics -- will be the reaction of the population in the event of outright fraud to maintain the status quo. Ultimately, the consequences of a bad election process will be greatest for the Ukrainian people themselves. Therefore, it is vital that Sunday's elections be conducted in a manner consistent with Ukraine's election law and international obligations and that the authorities ensure a transparent and democratic voting, counting and tabulation process.

Throughout most of the 20th century, the Ukrainian people were the victims of unspeakable suffering, most notably the genocidal Ukrainian Famine of the early 1930's -- perpetrated by brutal dictatorships and various invaders. Toward the end of that century, the promise of independence, for which so many had sacrificed, at long last came to fruition. But the promise of freedom is still a work in progress. The Ukrainian authorities should allow the long-suffering Ukrainian people -- who were so often and so relentlessly denied choices in the past -- the choice of freely and fairly deciding their future.

