

UKRAINE'S PRESIDENTIAL ELECTION: THE TURNING POINT?



NOVEMBER 16, 2004

Briefing of the
Commission on Security and Cooperation in Europe

WASHINGTON : 2006

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
234 FORD HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6460
(202) 225-1901
csce@mail.house.gov
<http://www.csce.gov>

LEGISLATIVE BRANCH COMMISSIONERS

HOUSE	SENATE
CHRISTOPHER H. SMITH, New Jersey Chairman	BEN NIGHTHORSE CAMPBELL, Colorado Co-Chairman
FRANK R. WOLF, Virginia	SAM BROWNBACK, Kansas
JOSEPH R. PITTS, Pennsylvania	GORDON H. SMITH, Oregon
ROBERT B. ADERHOLT, Alabama	KAY BAILEY HUTCHISON, Texas
ANNE M. NORTHUP, Kentucky	SAXBY CHAMBLISS, Georgia
BENJAMIN L. CARDIN, Maryland	CHRISTOPHER J. DODD, Connecticut
LOUISE McINTOSH SLAUGHTER, New York	BOB GRAHAM, Florida
ALCEE L. HASTINGS, Florida	RUSSELL D. FEINGOLD, Wisconsin
MIKE McINTYRE, North Carolina	HILLARY RODHAM CLINTON, New York

EXECUTIVE BRANCH COMMISSIONERS

VACANT, Department of State
VACANT, Department of Defense
WILLIAM HENRY LASH III, Department of Commerce

ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

UKRAINE'S PRESIDENTIAL ELECTION: THE TURNING POINT?

NOVEMBER 16, 2004

PARTICIPANTS

	Page
Ronald J. McNamara, Deputy Chief of Staff, Commission on Security and Cooperation in Europe	1
Jim Slattery, former Member of Congress from the State of Kansas, and Member, Association of Former Members of Congress	3
Anne Duncan, Program Officer, National Democratic Institute	8
Taras Kuzio, Visiting Professor, Elliott School of International Affairs, the George Wash- ington University	10

UKRAINE'S PRESIDENTIAL ELECTION: THE TURNING POINT?

NOVEMBER 16, 2004

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The briefing was held at 10:09 a.m. in Room 2255, Rayburn House Office Building, Washington, DC, Ron McNamara, Deputy Chief of Staff, Commission on Security and Cooperation in Europe, moderating.

Participants present: Ronald J. McNamara, Deputy Chief of Staff, Commission on Security and Cooperation in Europe; Jim Slattery, former Member of Congress from the State of Kansas, and Member, Former Members of Congress; Anne Duncan, Program Officer, National Democratic Institute; and Taras Kuzio, Visiting Professor, Elliott School of International Affairs, the George Washington University.

Mr. McNAMARA. Good morning.

My name is Ron McNamara. I am currently serving as the Deputy Chief of Staff of the Commission on Security and Cooperation in Europe.

Welcome to today's briefing which is part of the Commission's ongoing monitoring of developments in Ukraine. And I would encourage you to visit the Commission's Web site, which is www.csce.gov, and you can click on to a page specifically on Ukraine, as with the other OSCE participating States, and see the various initiatives of our Commission relating to Ukraine. Without question, the stakes are high in Ukraine's Presidential election, not only for Ukrainians, but also for those with interest 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 Kyiv on the eve of the first round—and as we all know he's made a subsequent visit during this period between the first and second round—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 elections.

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 election 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 commitment to OSCE principles regarding democratic elections.

The Ukrainian authorities, in their cynical attempts to hold onto 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 indeed limits to what the authorities can get away with.

A potentially significant factor, one largely lacking elsewhere in the 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, accounting 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 1930s, 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.

Before turning to our panelists, I would note that today's proceedings, as is customary for the Commission's briefings, will be fully transcribed, and within 24 hours there

will be a rough transcript available on the Commission's Web site, which again is www.csce.gov.

How we'll proceed will be we'll hear from all of the panelists this morning, and at the end, again as is customary for our practices at briefings of this nature, we'll invite the audience to come forward to use this mike on the table here and to ask any questions of any of the panelists.

We would ask that you state your name and any affiliation you may have, and then please be succinct in your questions.

Our first panelist this morning is former U.S. Congressman Jim Slattery. He served in the U.S. House of Representatives from the State of Kansas from 1983 to 1995.

Mr. Slattery was a member of the recent Association of Former Members of Congress/U.S.-Ukraine Foundation delegation to monitor the October 2004 Presidential election campaign in Ukraine.

And I would note that his affiliation the Association of Former Members of Congress because there has been some confusion of late given a multiplicity of former Members of Congress being involved in various initiatives funded by various sources.

Mr. Slattery's work in Ukraine is part of the AFMC's longstanding efforts to promote a free and fair election process and democratic government which meets OSCE standards and reflects the will of the people of Ukraine.

Mr. Slattery currently works as a partner in the firm of Wiley, Rein & Fielding, specializing in governmental affairs and international trade.

Prior to being elected to Congress, he was a member in the Kansas State House of Representatives and president of Brosius, Slattery & Meyer Inc., a realty firm.

In addition, Mr. Slattery served as the chairman of the Childhood Disability Commission, which worked to review assistance given to disabled children under the supplementary security income program.

I will now turn to Mr. Slattery, but would ask a gentle reminder for those who may have cell phones, pagers, or other sophisticated electronic devices to please turn them into a silent mode.

Mr. SLATTERY. I better do that myself, certainly.

[Laughter].

Thank you very much for that reminder. We've got to all go through that drill, don't we?

Listen, thank you very much, Ron, and it's a pleasure to be with you all today.

And first let me say that, as a member of the Association of Former Members of Congress, it was a real honor for me to participate in this recent trip to Kyiv and to have the opportunity to observe the events leading up to the election. We weren't actually there for the election day, but we were there for a week preceding it. And I have come to have a very special interest in Ukraine for a number of reasons, but not the least of which is that I'm from Kansas. And one of the most important and arguably the single most important import that Kansas ever benefited from is red winter wheat and it came from the Ukraine.

And it's so fascinating, because the region around Kyiv reminds me so much of central Kansas—it was absolutely amazing. And I would tell the Ukrainians though that there was one significant difference, and that is I think their black, rich dirt is deeper than ours in Kansas.

But anyway, it was a fascinating election process that we had the opportunity to observe. And let me just begin by saying that those who participated in this trip that we

were on between October 17th and October 23rd were former Congressman James Bilbray and former Congressman Cooper Smith from Arizona and Congresswoman Marjorie Margolies-Mezvinsky from Pennsylvania and Congressman Bob McEwen, who is also from Pennsylvania, and I was the other former Member on this trip.

And we also had the pleasure of having Richard Balfe, who is a member of the European Parliament from the United Kingdom, participating in the trip also.

Our focus was really on the oblast of Kyiv, and also Chernihiv, which is very near Kyiv. And we broke up into pairs and we traveled out to a number of cities in those two oblasts, and generally speaking we were probably traveling no more than a couple of hours out to the cities that we observed.

You know, I think it's safe to say that all incumbent governments will do whatever they can to preserve their power. We see it in our government. We see it with our own administration. We see it with Members of Congress. And that's, sort of, a given in any democracy.

But I must also say that, in all candor, when you look at the situation in Ukraine today and look at the advantages that the incumbent government enjoys and actually implements and takes advantage of, it's pretty overwhelming. Not the least of which is that clearly the control of the media, with the exception of one TV station, is in the hands of the government. In fact, probably three of the largest TV stations in the country are owned and operated by President Kuchma's son-in-law.

So I think all participants and all observers would conclude that the media is not what would be called fair and balanced. The media is really more in the role of advocates, and I would say there are four or five on one side and one on the other side, and one being with the opposition.

So from the standpoint of just the presentation of the information to the population and the people of Ukraine, I would say that most of the people that we talked to—in fact, everyone that we talked to would concede that the media was anything but balanced.

The other thing that I think is really intriguing—and it's impossible to really fully understand what's going on in Ukraine without understanding the unique relationship with Russia. And one of the things that I found fascinating was that we were told by a number of experts and people that we visited with that Vladimir Putin is probably the most popular politician in Ukraine and has significant influence, especially in the eastern part of Ukraine.

But the unique relationship here between Kuchma and Yanukovych and Putin is very open. Clearly Putin is actively involved in this election process. And it's something I think we all need to keep our eye on.

But, having said that, I thought it was also interesting, while we were in Ukraine, Putin also made statements that some would construe as an endorsement of President Bush too. So, I mean, Putin is playing an active role in global politics, I guess you might conclude.

But clearly his presence in Ukraine is one that's very active, and he's using all the influence he has to affect the outcome of this election.

In addition to that, we were advised by several people with whom we visited that government agencies are certainly using their power to affect people's participation in the election process also.

Specifically, we were told of a number of instances where various tax collectors were treating supporters of Yanukovych one way and supporters of opposition candidates another way and using that sort of intimidation to affect their participation in the process.

We were also advised that teachers working at state schools and state universities are encouraging and were, sort of, coerced to attract crowds. And they were told they were expected to attract 30 or 40 students per teacher to participate and observe various rallies by government candidates.

And even last night I got an e-mail from one of the people who I met in Kyiv, and he was advising me that yesterday, apparently, at Kharkiv Veterinarian Academy, some of the professors there announced yesterday that if students promised to support and participate in the election by attending rallies and doing volunteer work, what have you for Mr. Yanukovych, that they would waive their final exams.

Mr. McNAMARA. Sign me up.

Mr. SLATTERY. Sign me up. That's right.

So, I mean, you know, we heard repeated examples of this sort of activity going on.

And the other thing that Yanukovych is doing that I think is—again, I'm reminded of the days when Nixon and Wilbur Mills used to raise the cost of living adjustments on Social Security right before election. But in the case of Mr. Yanukovych now, he is doubling the pension payments to the pensioners in Ukraine. And, I mean, this is very significant because we were advised that there are as many as 14 million, 15 million pensioners in Ukraine, which seems like a staggering number given the population of approximately 47 million, 48 million.

So, again, another example of the government really exercising a tremendous amount of influence in this process.

The other thing that I find very interesting is that Mr. Yanukovych and the incumbent government have enough resources to really retain consultants in the United States and pay for, apparently, trips of observers—at least partially pay for—to participate and observe this process too.

So there seems to be no lack of resources on the incumbent government's side of this election.

And I'm even advised that some American consultants have been retained to advise the government on how to really conduct the election effectively and communicate with the people in Ukraine.

The other thing that I just want to just draw to your attention is that, you know, the U.S.-Ukraine Foundation, the Association of Former Members of Congress, USAID, and other nonprofit organizations are doing everything they can to try and recruit observers to go and watch this election.

We are not the only ones doing that. The Commonwealth of Independent States are also recruiting their own observers for this election. So you'll have CIS observers and probably a number of observers in Western Ukraine that are coming from Eastern Ukraine.

So there's going to be an awful lot of observers; there were at the first round, and there'll probably be even more this coming Sunday. So I hope that some of you in this room will have the opportunity to participate as observers even.

In a conversation that we had with Anatoliy Kinakh, who was another Presidential candidate, he advised us that workers in a number of locations had been told that if they didn't vote for the government that their jobs were in jeopardy, in, sort of, the clearly

spoken threat that the job in a particular plant were tied to contracts with the government and that if the government wasn't reelected, that these jobs would go away.

So another example of the kind of direct, very active sort of intimidation—call it what you like—on the part of the incumbent government.

The other thing that we were told about was, sort of, a systematic attempt to interrupt various opposition party rallies. So, for example, there were examples of where students were trying to get to Kyiv by buses, and the buses would be stopped and turned around. There were situations where roads would be mysteriously repaired shortly before rallies, situations where bridges would also have to be, sort of, immediately repaired, and they would have a convenient way of disrupting the flow of traffic to various political rallies.

So I cite all of this as examples of clearly the incumbent government using, not what would not be called a legitimate advantage of that as an incumbent government, but in my judgment and the judgment of those that participated in this observation team that I led clearly went way beyond what would be normal practice in Western democracies.

And we think it's very important for there to be full awareness of what is going on. We believe it's extremely important for us to have as many observers on the ground as possible in Ukraine this coming Sunday.

And one of the things that I think we really need to focus on is what's going on on election day.

And wherever I travel there, I try to help the people, especially in the rural areas. And I've found that in the rural areas there was a lot more sensitivity to the government's view than there were in the areas immediately around Kyiv. It just seemed like in Kyiv there was, you know, less concern about maybe what the government officials thought.

But we found in the areas that we visited—for example, I think nearly all of the mayors with the exception of one was an open, strong supporter of Mr. Yanukovych. And there were others, though, that came to the meetings that we participated in who openly expressed support for other candidates. So there was clearly—even in the rural communities, there was a change of ideas and some strong opinions expressed.

In fact, you might be amazed to know that there are some of the older folks that I ran into, two in particular that I remember, that came to one of our meetings with all of their World War II regalia and medals on.

And they pulled me aside after the end of one of the meetings. And I cite this as an example to show you the spectrum of political thought in Ukraine today. But these older veterans pulled me aside and they said to me in, sort of, broken English. They said, "What we need today is Stalin."

You know, and I was going, "I don't think we want to go there."

But, I mean, that is the kind of—you know, that thought is there. And, I mean, these people came to the meeting and pulled me aside and expressed that thought of they want a strong leader and they don't see that in these candidates today.

But these are the World War II veterans that showed up. And it was interesting to meet them.

And we also heard from people ranging, you know, to the Communist Party that's in the distinct minority there now, but they were there at the meetings also.

But anyway, I tried to get these people to focus on what election day was really going to look like, because even in these rural communities they've had such little experience—this is the 13th year of their independence—with elections. And, you know, they were all

concerned about the events leading up to the election, but they hadn't focused very much on election day.

And I tried to persuade them that—"Really think about election day and be focused on assuring that the ballots are, number one, secret and to do everything you can to persuade people that there aren't going to be secret cameras in the voting places." Because there was some rumors floating around that that was going to be the case and, you know, to do everything they could to want to prevent that from happening. And two, try to eliminate that fear so that people could be confident that they would go into the voting place and know that they could cast a secret ballot.

The other thing that I thought was very important, and I think it's crucially important as we head into the run-off, and that is that at each polling place the votes should be counted there.

And they should not only be counted there, the outcome should be announced there so that everybody in that room, all the observers, know that in that particular polling place and in every polling place, all 33,000 of them or however many there are in Ukraine in the final election, every one of them announces their returns at that local polling place.

And I think it's a way of, sort of, building a record that will make it much more difficult for there to be games played with the count as they are handed up to the final count. And I think it's very important that that be done.

So in those voting places that we visited in those communities, they were all committed to that. They all agreed that, yes, they were going to do that. And I think that was, in fact, done.

And if that is done in all these polling places, I think it's going to make it a lot more difficult for there to be games played with the final count.

And one of the things that's most troubling to me as I look at this runoff is that there's going to be—what is it?—2 weeks, 3 weeks before they announce the final outcome of the election. And that's something that I'm just thinking we ought to all be keeping our eye on. There's room for rascality there unless there is a very clear record built of all of these polling places along the way.

The last thing that I want to just mention, then I'll turn the mike over to others here, I am really interested in how the Ukrainians in Russia are going to vote in this upcoming election. And while we were there, I was just amazed at the incredible discrepancy in the numbers we were given on the issue of how many Ukrainians there were that were eligible to vote that were abroad and especially how many of them were in Russia and the number of voting places in Russia.

There was just a vast discrepancy in the numbers that we were given. And at one point I was told there was about 100, then I was told there was about 600. And another time I was told there was, like, a million Ukrainians in Russia that could vote and then I was told there was 7 million. So there was just a vast discrepancy in the numbers.

And I was also given a number that was even dramatically less than that, about 300,000 or 400,000 in Russia.

And I still don't know.

I got out of Ukraine without really getting a grip around exactly or even an approximation of how many Ukrainians there were in Russia that were eligible to participate in this election.

And I think that's something that we really need to keep an eye on also is to just be mindful of how those votes are counted and how many there are.

So those are some of my quick observations. I'll be happy to answer your questions here in the next round.

Mr. McNAMARA. Thank you very much, Jim.

It seems, at least, as though one person in Russia has already cast his vote, and perhaps with an apt illusion we'll see hopefully soon after Sunday whether he has egg on his face or not.

We've been informed that Ambassador Ledskey will not be able to be with us this morning. However, he has asked the NDI program officer, Anne Duncan, to present his statement on his behalf.

Ms. DUNCAN. I apologize, Ambassador Ledskey is not feeling well today. He does send his apologies that he could not be here to speak with you. He's asked that I enter his brief statement, and I'm happy to answer any questions in the second half of this briefing.

On behalf of the National Democratic Institute, I'd like to thank the members of the Helsinki Commission for arranging this briefing and inviting us to speak and present our views.

As we all appreciate, Ukraine is at an historic moment in its 13 years of post-Soviet independence. The high voter turnout—75 percent for the first round—demonstrates that the citizens of Ukraine recognize the importance of this event.

The two candidates, Victor Yanukovych, the current prime minister, and Victor Yushchenko, a democratic opposition leader, represent two paths that Ukraine can follow: continued and close integration to the East or a path toward the community of Western democracies and European integration.

The winner of this election will be in position to set the course of Ukraine's political development, as well as for the country's economic and foreign policies for his coming 5-year term and perhaps well beyond. This moment of decision for Ukraine therefore has long-term consequences.

This is further accentuated by Russia exerting its economic and political presence among its post-Soviet neighbors and by the arrival of the European Union and NATO at Ukraine's borders.

It's widely recognized that the stakes in this election are high, and the electoral contest thus far has reinforced this point.

Despite a pre-election effort that was marred by serious violations of Ukrainian legislations, international standards for free and fair elections, the opposition candidate, Viktor Yushchenko, won the first round of voting. He would have come close to winning a majority of votes, the necessary threshold for victory, during the first round had all Ukrainians been allowed to vote and had their votes been counted.

As we enter the final week before the run-off election, the outcome depends largely on the willingness of the government to allow the will of the Ukrainian people to be heard. NDI will do everything to make this possible.

Two of NDI's partner organizations, the Committee of Voters of Ukraine, also known as CVU, and the European Network for Election Monitoring Organizations, also known as ENEMO, are preparing significant monitoring campaigns for the second round.

In addition, NDI's leading an international nonpartisan delegation to observe the November 21st election.

I would like to call your attention to CVU and ENEMO's findings from the pre-election campaign and the first-round elections by way of discussing what changes are neces-

sary to Ukraine's presidential election in the second round to be a representation of the people's will.

NDI has supported CVU since the organization's inception in 1994. CVU is a national nongovernmental organization that has monitored elections in Ukraine for over 10 years.

CVU's efforts during the election campaign period have been focused on conducting a long-term monitoring program in the months leading up to the election, including deploying 94 long-term observers to monitor the pre-election process in the regions.

CVU conducted a parallel vote tabulation, or PVT, and deployed 10,000 trained election observers on October 31st. For the second round of voting, CVU plans to conduct a PVT and again will deploy 10,000 observers across Ukraine.

ENEMO is a group of civic organizations from 16 countries of the former Soviet Union and Eastern Europe. The civic organizations are the leading domestic election monitoring group in their countries and have, in total, observed more than 110 national elections and trained over 100,000 election observers.

ENEMO conducted a monitoring effort during the first round in over 300 polling stations.

For the Presidential election's second round, ENEMO will deploy 1,000 election observers in Ukraine. This is the largest international election monitoring effort that will be available in the second round.

I would like to, in closing, mention some of the recommendations made by CVU and ENEMO in the first round.

One, that the Central Election Commission should take immediate and transparent steps to update voter lists. And on election day, the territorial election commissions and courts should be provided with efficient staff and other resources to timely process all complaints and enable all those wishing to vote to do so.

The government leaders should issue clear and public directives to subordinates that state officials must act in an impartial manner and that state resources must not be used for partisan political activity.

The prosecutor's office should ensure that the legal provisions against pressuring students and state employees are enforced. It should also enforce prohibitions concerning the misuse of state resources aimed at influencing the outcome of elections.

The presence of domestic and international election missions will demonstrate to the Ukrainian Government and electoral authorities and to the citizens of Ukraine that the conduct and environment in a President election is important.

With Yanukovich and Yushchenko essentially tied, the second round promises to be a closely contested race. There is no aura of inevitability for either candidate. Disillusioned voters who sat out the first round may decide that there is something at stake on November 21st.

Whether this election will be a turning point in Ukraine's development is unclear, but it should be clear to citizens that citizens being permitted to vote freely and without intimidation and, in turn, having their votes counted is a necessary first step in Ukraine's democratic development.

Mr. McNAMARA. Thank you very much, Anne.

Our final panelist is Dr. Taras Kuzio. He is a visiting professor at the Elliott School of International Affairs, George Washington University. Previously, he was a resident fellow at the Center for Russian and East European Studies.

Dr. Kuzio was also head of the NATO Information Office in Kyiv. He was a long-term observer for the Organization for Security and Cooperation in Europe during the 1998 and 2002 parliamentary elections in Ukraine and short-term observer for the NDI in the 2004 elections.

Dr. Kuzio is a prolific writer on matters Ukrainian. He is the author, co-author or editor of eight books and numerous articles that have appeared in academic and print media, including Radio Free Europe/Radio Liberty reports, Oxford Analytica, Jane's Information Group publications, and recently in the Jamestown Foundation's Eurasia Daily Monitor.

Dr. Kuzio?

Dr. KUZIO. Thank you. Thank you again for inviting me to speak of this important occasion on the Ukrainian election campaign or Ukraine elections.

I'd like to start off by putting Ukraine's elections within a broader context. In that way we can see how Ukraine's elections are very important and vital for the entire Eastern European and West Eurasian region.

Since the late 1990s, what we've had, in effect, is that we've had a growth of a gulf between the two groups of former Communist countries, the Central East European and Baltic states, who have successfully implemented reforms, democratization and moved toward EU and NATO membership, and then we have had the CIS countries, which on the whole have regressed in their democratization since the late 1990s, and Russia under Vladimir Putin is one of those examples.

So if we look at the 12 CIS states, only 3 of them have really any democratic potential left in the sense of they have not yet moved into an autocratic or consolidated autocratic phase, and that's Ukraine, Georgia, and Moldova. Georgia, of course, had a successful democratic revolution late last year.

And so in the case of Ukraine, Ukraine's unique in the region, i.e., in the CIS, in that what we have is a very popular pro-Western reformist leader, not corrupted, which is very unusual in that country, in Ukraine and in that part of the world, who's launching a very successful challenge to an authoritarian, oligarchy political system.

So the choice really is in these elections between the consolidation of democracy as we understand it or the consolidation of an autocratic regime.

If Viktor Yushchenko is to be elected in the second round, this would in effect be a democratic revolution to complement Ukraine's national revolution that took place in 1991.

And it is after all a combination of Boris Yeltsin in Moscow and the Ukrainian declaration of independence in August 1991 that laid to rest the former USSR.

And I think if Viktor Yushchenko were to win the election this year, the ramifications for the region and for the CIS would have similar very great, broad implications.

For one thing, there would potentially be a threat to the growth of autocracy in the region, and there would be also the potential for the expansion eastward of democracy and Euro-Atlantic integration.

Let's look now at the 4-month election campaign, which began on July 4th.

Well, first, it was the dirtiest in Ukraine's history. There's absolutely no question of that. Everybody who followed the campaign understood that, especially when they compared it to earlier elections.

Despite the fact that both President Leonid Kuchma and Prime Minister Viktor Yanukovych both guaranteed—and I express that they both guaranteed—to hold free and fair elections, this was purely deception on both of their parts.

There was never any intention to hold a free and fair election in the understanding of what we—the OSCE, Western governments, the Council of Europe, and such like—understand to be a free and fair election. The reason being is that, regardless of whether this would have happened or not, the fear on the part of the authorities would be that if they did hold a free and fair election Viktor Yushchenko would have won in the first round.

And so, hence, there never was a level playing field from July 4th onwards. And so it was already obvious to those following that campaign by September that this was not a free and fair election. And this was confirmed, of course, on election day by the OSCE and other international bodies and the U.S. Government.

The reason why I can argue this is just the range of the violations is so huge, the dirtiness of the campaign was all pre-planned, the smear campaign of Viktor Yushchenko is unprecedented, the range of fake or so-called technical candidates is something in the region of 16 to 20. Ukraine in these elections has 24 Presidential candidates. That's nearly double what was registered for the 1999 elections.

And of course, as we've already heard, overwhelming control of the media with 80 percent of the media covering Yanukovych positively, 20 percent of the media covering Yushchenko, but negatively.

And the most unwelcome and unpleasant aspect of the campaign was of course the alleged poisoning in September of Viktor Yushchenko. U.S.-based experts in biological and chemical warfare do believe that it's something in the region of 70–30 likely that Yushchenko was poisoned. They certainly don't believe it was done by natural causes. The timing is extremely suspicious. He became ill on September 6th. And this was, I think, a reflection, a knee-jerk reaction of panic on the part of the authorities that by the third month of the election campaign they had hoped that Yanukovych would be, because of the dirty tactics used, in the lead. In fact, the gap in favor of Yushchenko was growing. And hence, I think this was a panic on the part of the authorities.

The issue of the poisoning is important because Ukraine could have not done this by itself. Russia had to have involvement if we are talking about biological, chemical issues.

An important aspect of the campaign in addition to the—what we see as a mass mobilization of civil society and young people. Young people traditionally are not part of the world in the CIS and Russia, are very politically apathetic.

What we see in Ukraine is a mass mobilization of young people and civil society on a level unprecedented since the late Soviet era, since the late 1980s, early 1990s.

And that's one of the factors which has prevented the authorities from undertaking the violations that maybe they would have liked to have undertaken.

We have also the importance of the Ukrainian Parliament. Because most regimes in the CIS have superpresidential, autocratic systems where parliaments don't really have any meaning, Ukraine and Moldova are the exceptions to the rule.

And since the early 1990s, the countries which have had more parliamentary systems, of course Communist countries which have had mostly parliamentary systems rather than superpresidential systems, have tended to do better in democratization.

And so Ukraine's Parliament still plays an important role. Russia's Parliament no longer does, since 1993 when Boris Yeltsin reformed it to smithereens.

In September, the speaker of the Ukrainian Parliament, who was just in Washington a few days ago, supported the creation of a parliamentary committee to monitor compliance with election legislation, an important step. And also he supported the creation of a parliamentary committee to investigate the poisoning of Mr. Yushchenko.

Mr. Lytvyn has also been extremely important in preventing the closing down of parliament during the election campaign, which was the aim of the pro-presidential camp because they didn't want the opposition to have Parliament as a medium through which they could give speeches which would then be broadcast in TV and radio.

Highly unwelcome aspects of the campaign, of the dirtiness of the election campaign, is the growth of anti-Americanism, which is linked to anti-Yushchenko.

For your titillation and amusement, I brought examples of these posters with me. One of my favorites is Taras Shevchenko's, Ukraine poet, with the words, "Yankee, go home," on it. Others, such as this.

And these are not only insulting to Yushchenko, they're insulting to President Bush and U.S. national symbols, with Yushchenko as Uncle Sam talking about, "Are you ready for a new civil war in Ukraine?"

We haven't seen an anti-American campaign on such a level since the Brezhnev era.

Of course, the authorities claim it's nothing to do with them. But somebody who's a Presidential candidate, this is Viktor Yanukovych, who molds himself on the same lines as Vladimir Putin as a hard man, somebody who will bring order to Ukraine, surprising how little he's responsible for in the Ukraine election campaign.

But this anti-Americanism which is being blamed by the Yanukovych camp on these other fake candidates, who of course are working for Yanukovych, reflects the very schizophrenic view of Ukrainian foreign policy.

On the one hand you have Yanukovych lobbying in Washington to the tune of over \$1 million since March 2003, sending Ukrainian troops to Iraq, where they are fourth largest contingent, and at the same time undertaking this highly unusual Brezhnev-era-style, anti-American campaign, which, of course, is linked to the anti-Yushchenko campaign because Yushchenko's wife is an American citizen still.

This campaign has been brought into Ukraine by Russian dirty tricksters, what are called Russian political technologists, who are linked to Vladimir Putin and have worked alongside Yanukovych's campaign.

So the claim that Yanukovych wants good relations with the USA has to be taken with a big bucket of salt, to say the least.

Let's look now at how the election results and the election campaign was reported in round one. There was pretty much unanimity amongst Western organizations and observer missions and governments that the election campaign and the elections did not meet numerous OSCE criteria.

The only two exceptions to this were the CIS election monitoring body, which seems to think that every election of the CIS is held in a free and fair manner, including the one in Belarus last month.

So I think it's even wrong to call this an election monitoring body. And this body was created by Vladimir Putin last year with the aim of countering the OSCE activities in the CIS. It's not really an election monitoring body.

And the second group is a group of former U.S. Congressmen financed by Yanukovich lobbyists in the United States, who also issued a report very similar in tone to the CIS

election monitoring body. This body consists of seven former U.S. Congressmen, led by former Michigan U.S. Congressman Carr.

The violations in round one, some of them we've already heard so I won't really go into any detail, but some of the worst were issues such as tampering with voter lists.

Why there should be a worsening of voter lists since 2002 when we had parliamentary elections is highly suspicious. There are claims and the CVU, the Committee of Voters of the Ukraine, talks in the region of something like 10 percent of voters were unable to maybe vote in the elections.

Some names were removed. There's suspicion that these may have been names who signed up for Viktor Yushchenko when each candidate had to register the minimum of 500,000 signatures for the Central Election Commission in September.

And of course others were so-called dead souls who were added to the list.

We have also the issue of absentee ballots. Unprecedented, for the first time ever, we've had in the region of 300,000, maybe more, individuals paid to go on special trains to western and central Ukraine, with 5 to 10 absentee ballots each, and vote throughout western and central Ukraine. These would be with coal miners, organized crime thugs or cadets from military and police academies.

This is unprecedented. Somebody had to pay for this. Somebody had to organize this. And it wasn't just that they would vote five or 10 times, but also that maybe there would be conflict between eastern Ukrainian Russian speakers and western and central Ukrainian speakers. Thank God there wasn't any conflict and it ended up peacefully. But somebody, obviously, attempted to do that. The aim would have been that if conflict had taken place, that individual regions—and remember, western and central Ukraine are dominated by Yushchenko support—that these regions would then have the election results in those regions annulled, and then, of course, Yushchenko's total would decline.

The third way we've already heard, with the whole question of pre-election bribes, with the increases of pensions, stipends and wages. We've had Ukraine's gold reserves reduced in September by a third.

Yanukovych has spent \$600 million on the election campaign, half of which has come from Russia. This is 1 percent of Ukraine's GDP, the same as what President Bush spent in the campaign this year, but of course Ukraine's economy, GDP, is 100 times smaller than America's.

Another departure in these elections is the whole question of fear and intimidation. Only 12 percent of Ukrainians believed it would be a free and fair election. That's fewer than the number of Belarussians who believed it would be a free and fair election in Belarus.

Fifty-seven percent believed there would be no secret ballot. People really believed that there were cameras in booths and that, especially people who worked for the state, medical, teachers, state officials, that their vote would be heard.

One observation mission which went to eastern Ukraine, to Sumy, saw, actually, academic professors standing in front of the ballot box with video cameras videoing as student came up and showed them what they voted and then they put them in. Obviously they had to vote for Yanukovych.

Opposition members are being expelled and cleaned out from election commissions since round one.

And a very, I think, unpleasant aspect has been the labeling of these youth groups, these very active youth groups and election monitoring groups amongst young people, as

extremists and terrorists. The planting of explosives and others in their offices in Kyiv in mid-October was a highly unpleasant event.

Another aspect has been the highly visible intrusion of the police, the interior ministry.

Again, we haven't seen this on this level before, working against the opposition and in favor of Yanukovych.

Finally, I'd just like to talk a bit about the results from round one. Again, we've heard, and I think it's correct to point out, that it's highly suspicious that the round one results were not released until the last legal day permissible, 10 days after the round one election.

The CVU, Committee of Voters of Ukraine, described the situation of this delayed announcement of voting results as unprecedented, which makes it very suspicious that Yushchenko only has, therefore, a 0.55 percent lead. This is far less than what the exit polls showed Yushchenko's lead was and even less than the parallel vote count undertaken by the Yushchenko camp.

In my view, Yushchenko's final total during these 10 days was massaged downward—I love this word, “massaged,” used this way—Yushchenko's vote was massaged downward and Yanukovych's was massaged upward with the particular purpose to make round one look as though it was a very close race.

The other purpose is to show to the outside world, “What do you mean? How are you complaining about the elections in Ukraine? Round one was democratic. The opposition won.”

The real result, I believe, is something in the region of 37, 38 percent for Yanukovych and 44 to 45 percent for Yushchenko, which shows the degree to which, if there had been a free and fair election, Yushchenko would have won in the first round, because he only would have needed something like 5 or 6 or 7 percent more.

Yanukovych's main base of 37 percent or 38 percent is from his own homebase of Donbas, 15 percent which he took from the Communist Party—the Communist candidate only obtained 4.5 percent in the end because of the pension raises—and then 7 to 10 percent of violations.

The second round will be important in the sense of particularly who's voting for who.

At the current rate, Yanukovych has only been able to attract one candidate from round one, Nataliya Vitrenko, the Progressive Socialist leader who obtained 1.55 percent in round one—not a great catch.

Yushchenko, on the other hand, has attracted the socialist leader who came third in the elections, and Anatoliy Kinakh, who we've already heard about, the head of the powerful union of industrialists and entrepreneurs; the mayor of Kyiv, Oleksandr Omelchenko, highly popular; and also, the head of a small Christian liberal party.

So, in that sense, Yushchenko's attracted something in the region of nearly 8 percent from round one from other candidates who failed in round one, and Yanukovych has only attracted 1.5 percent.

Again, that, I think, should make us highly suspicious if we see a Yanukovych victory in round two.

Thank you.

Mr. McNAMARA. Thank you very much.

As I indicated earlier, we'll now open up to questions from the audience. Please approach the microphone on the table and indicate your name and any affiliation that you may have, and direct your question to a specific—or the panelists in general.

So please come forward and pose your questions.

QUESTIONER. Good morning. I'm Richard Murphy. I'm a senior associate at the Center for Strategic and International Studies and chairman of its working group on the Ukrainian Presidential elections.

To preface my question to all three of our distinguished panelists, I just wanted to say that I had the privilege of accompanying Dr. Zbigniew Brzezinski, who is counselor at CSIS and a member of the board of trustees at CSIS, former presidential national security advisor to Jimmy Carter, last May on a high-level visit, which included meetings with President Kuchma, Prime Minister Yanukovych, Viktor Yushchenko, Oleksandr Moroz, Yulia Tymoshenko, the representatives of about 30 NGOs, the former Ukrainian Ambassadors to the United States and other people.

And I hasten to add that the Brzezinski visit was a part of a three-pronged effort by CSIS, funded by two distinguished American foundations, the Smith Richardson Foundation and the Charles Stewart Mott Foundation, and not funded in any way by any Ukrainian oligarch, as was widely reported in Ukraine.

The other visits were by Ambassador Robert Hunter, former ambassador to NATO, U.S. ambassador to NATO, and Ambassador and former Undersecretary of State Tom Pickering.

My question is this: There have been numerous high-level visits now to Ukraine by prominent American personages, and we're going to have another one coming up in the form of Senator Dick Lugar, who is going as President Bush's personal representative.

What, in your judgment, the judgment of the panelists, what kind of an impact have these visits had, not only on the political leadership of Ukraine but others in Ukraine?

I'd be interested in your answer.

Mr. SLATTERY. Well, if I could lead off, it was my personal experience in the communities that we visited, number one, I would say the overwhelming majority of those that came to the meetings, even those that were supporting Yanukovych, were glad that we were there.

There was some resistance. You would occasionally pick up some expression of "You're sort of arrogant to be here." That sort of, "How dare you come over and sort of look over our shoulder as we conduct this election?"

But, again, I think that the overwhelming majority of people, in the rural areas especially, were very supporting of our participation and our observation efforts. I think that was true also in Kyiv.

So I think that the incumbent government and Yushchenko's team both recognize that acceptance of this election by the Ukrainian people, by the world community is very, very important to the future of Ukraine.

So I think that they both want this election blessed by the international community. And it's very clear to me that they all recognize that if it is not blessed, it forecloses a bunch of options for Ukraine that they don't want to see happen.

Let me just—I neglected to point out one experience that I had, also, in Kyiv that was really very significant, I thought, and it was toward the end of our trip. And we were over visiting with Yushchenko's campaign team and campaign manager, and as we were leav-

ing we had received word that an NGO's headquarters had been occupied by some mysterious characters.

And so we just decided we would just go over to the office of "Znayu!" "I know!" is what it means. I'm mispronouncing that name probably.

But we got word that that headquarters had been occupied, so we decided we would just go over and check it out for ourselves.

And we came and presented our observation credentials, and we were advised by these two characters that refused to present any identity of their own that we were not going to be permitted to enter the office of "Znayu!"

So we sort of challenged them, and one of my colleagues who was with me ended up forcing his way into this room that we were being excluded from and was held, really, in this room for about 2 or 3 hours while we were negotiating on the outside as to who these people were.

And the police came, and the two characters there at the door presented their credentials and come to find out they were state security forces of Ukraine.

And we had a meeting scheduled with Mr. Havrysh, who was one of the parliamentary leaders and a very close ally of Kuchma and Yanukovych, and so that meeting was scheduled. So we went over to this office, and he put on sort of a happy face and everything is wonderful.

And we advised him that at that precise moment one of our colleagues was being held against his will by the security forces, and we thought this was rather Gestapo-like activity and not the kind of activity we would anticipate in the context of a free and open, transparent election.

And it was obviously a very embarrassing moment for Mr. Havrysh. And he got on his cell phone very quickly and contacted the attorney general, I believe, and in a matter of about 15 minutes our colleague was sitting next to us.

So, you know, it was again, for me, corroboration of the fact that there was significant activity going on by the security forces.

And this was another sort of intimidation tactic, in my judgment.

So we had that personal experience in Kyiv, and it tended to, like I say, support some of the rumors that we had heard as we traveled around.

Mr. McNAMARA. Dr. Kuzio?

Dr. KUZIO. Just to briefly comment on what we just heard, the "Znayu!" organization is an election monitoring body. It's not even a radical student or youth group. It's sort of educational.

And if we compare what happened on the same day when security services launched raids on other youth groups, what they did is they raided the office and then told everyone to leave the office and then planted explosives and then launched so-called terrorism charges against these young people.

So I think the presence of the U.S. Congressmen, on this particular occasion, "Znayu!" prevented that because I think that's exactly what they were doing. It's the only raid that day where there wasn't explosives found.

So I think this shows to what degree presence is important. And I think they were just angry because they were caught in the act by you guys when they were about to do that.

Mr. SLATTERY. What was interesting to me, in all fairness, I mean, my colleague was not roughed up or anything inside, but it was a very embarrassing moment, because, clearly,

the security force, like the secret police, had gone and occupied this office of an NGO that was really involved in just trying to help people understand the election process.

Dr. KUZIO. And an NGO funded by various U.S. organizations, including the U.S.-Ukraine Foundation and Freedom House, and whose son—son of this colleague here actually works there and heads the office, but maybe he doesn't want to comment on that.

On the question of the impact of the delegation—

QUESTIONER. Oleksandr Potiekhin, Ukrainian Embassy. He's totally independent.

Dr. KUZIO. Yes, he's independent of the Ukrainian Embassy. The impact of the delegations—I don't think you're going to find anybody saying that they shouldn't be sent. I think they are important.

But I think where the problem is made with these delegations has been possibly none of us maybe expected the degree of the deception that the Ukraine authorities talked about in the election campaign, because we were told throughout the year that President Kuchma guarantees free and fair elections.

We were told that Prime Minister Yanukovych guarantees free and fair elections. And of course we see that that's not the case, that they were basically lying. I mean, this was a deception all along.

So I think we should learn to think not in our understanding of the term—this is a political cultural problem, that this is Soviet political culture at work here.

The second problem, I think, which was present with these allegations, not all of them, but was there, was maybe the misjudgment that Ukraine's leaders would agree to a free and fair election with the carrot of Euro-Atlantic integration, with U.S. supporting a speeding up of Ukraine's Euro-Atlantic integration.

Ukraine's leaders are not interested in election year Euro-Atlantic integration. They're interested in survival. They're interested in surviving to the post-Kuchma era. NATO-EU membership is not on their minds. And EU membership isn't even being offered, so we're only talking about NATO membership. And if it's a choice between survival and NATO membership, you know very well what Kuchma, Yanukovych and others are going to support.

So I think we should have maybe taken the carrot from state national interests and moved it more toward their own personal interests, which the U.S. Government, the Bush administration, the State Department began only talking about in October, something Madeleine Albright began talking about back in March in her opinion piece in The New York Times.

What's important to understand from the viewpoint of the Ukrainian ruling elites is that they do not want to become a Belarus.

Becoming a Belarus, with the way that Russia looks upon Belarus and Ukraine as basically not really separate ethnic groups, but as really younger Russians or little Russians, then if Ukraine's internationally isolated, particularly from the United States, then that would mean coming completely under Russia's sphere of influence.

That's not something that most of Ukraine's oligarchs and ruling elites particularly want.

That, in turn, is leverage on the part of the West and means that the Ukrainian authorities can't do the whole range of violations, a la, shall we say, Turkmenistan or Azerbaijan even, that maybe they would in principle like to do. So it constrains them. And that international constraint is doubled by the mass mobilization domestically of civil society.

So they're caught. They can't do the huge massaging that maybe they want to of the results.

And that is proven by the fact that Yanukovych has this big lobbying operation in Washington. I mean, why would he be spending \$1 million in Washington since March of last year if he's not interested in U.S. public opinion?

Mr. McNAMARA. Thank you.

QUESTIONER. Oleksandr Potiekhin, Embassy of Ukraine.

Very short about one point of Representative Slattery. I cannot speak on behalf of Ukrainian veterans. I never was in war properly. I am veteran of cold war. But at least two of decorated veterans I know very well, my stepfather and my father-in-law. They didn't vote for Hitler or Stalin.

And this is my question: According to very preliminary information, President Bush is going now to Moscow. Do you think that Ukrainian elections will be the topic for discussion or not at all? If it will be the topic for discussion, what do you think that President Bush has to make as the message?

Thank you.

Mr. SLATTERY. Well, first of all, when I made the comment about the two veterans that I met, I was only attempting to report the vast spectrum of political thought that we were exposed to, and I was just reporting what I saw.

Frankly, I am mindful of the fact that in 1920 the population of Ukraine was about 40 million, and by 1945 about 15 million Ukrainians had perished either in the famines and in the collectivization efforts and in the war. And it's unthinkable, the suffering that the Ukrainian people have endured in the last century.

And it's unbelievable to me that there would be a significant number of people that would have any interest in a person of Stalin's ilk. But I did run into those, too, you know, and I'm just reporting what I saw.

As far as President Bush's trip to Russia is concerned, I don't know much about it, but I would hope that he would certainly be emphasizing the importance of the Ukrainian people having the opportunity to make a free and democratic choice as to the direction they want their country to go. And I would hope that he would be rather forceful in presenting that point of view to his friend Putin.

Dr. KUZIO. Well, we don't know whether President Bush is going to be seeing inside Vladimir Putin's soul again. I mean, God forbid what he'll find there.

But I think that the—I'm sure that one of the issues which will come up is the massive intrusion—again, unprecedented. I didn't really talk about this in my presentation, but you've had an unprecedentedly massive intervention of Russia in the election campaign, not only Putin's visit, but also the use of these Russian dirty-tricksters—Gleb Pavlovsky, Marat Gelman and others.

Many of those have been behind these anti-American posters and such like, an anti-Yushchenko smear campaign, and, I think, even the suspicion that they were behind the poisoning. After all, Ukraine never had, even in the cold war, in the Soviet era, biological or chemical weapons.

So one would suspect that this issue would certainly come up. It has certainly been a topic of the Washington media, complaints about the revival of Russian imperialism in the CIS.

On the question of Stalin, a surprising 45 percent of Russians in Russia, not in Ukraine, think of Stalin positively. They mainly do that by referring to World War II, because Stalin built up Russia, or the Soviet Union, as a great power during that time.

I think those would be—the main issues would be Russia’s involvement.

Russia’s changed very sharply. Russia is no longer as confident of a Yanukovich victory in round two. Both ambassador of Russia to Ukraine, Viktor Chernomyrdin, and one of the dirty-tricksters, Gleb Pavlovsky, have both stated that Russia can work with either of the two candidates who wins the elections. And Pavlovsky has gone on record, in the last few days, even saying that Yanukovich is going to lose. So there’s no longer the confidence that maybe they had in round one about this. But we’ll see.

QUESTIONER. George Sajewych, Voice of America.

How credible are the recent reports that the Central Elections Committee said that it’s not ready for the second round of elections, and therefore the elections, the second round, might have to be postponed?

To anybody on the panel.

Mr. SLATTERY. I’m not in a position to really respond to that. I mean, I’m making plans to be in Kyiv on Sunday, and I hope there’s an election. As much as I enjoy Kyiv, there’s other things I’d rather be doing this Sunday than traveling halfway around the world just for the fun of it.

So, to make a long story short, I hope the election goes forward. And I don’t know anything specifically that I could offer in response to your question.

Dr. KUZIO. I’d be surprised if the elections are going to be postponed. I mean, I think the money will be provided unless there’s another pay increase for pensions or teachers ahead of Sunday and the the whole—I mean, the hryvna rate to the U.S. dollar has gone up from five to seven. And the inflation rate now is projected at 10 percent because of these pay increases.

I think the money will be there. I’m sure this was just kind of bargaining going on between the Central Election Commission.

Mr. SLATTERY. Where did you hear that? I’m just curious. Is this—

Mr. SAJEWYCH. Oh, I just heard it yesterday on some Internet site.

Mr. SLATTERY. Really. Well, that’s news to me, because every indication I have is that the election is going forward.

Ms. DUNCAN. NDI, which of course is bringing an international delegation, is definitely planning to put people on the plane tonight.

[Laughter].

So we’re taking steps to make sure that if, indeed, there is an election, we’ll have people there.

Mr. McNamara. Any further questions?

QUESTIONER. Alexiy Kuropyatnik, with the Embassy of Ukraine.

Would the distinguished panelists report about the possible scenarios the day after the elections? What we see now from Washington is a bit—the supporters on both sides are growing more agitated and less reluctant to accept the defeat.

So what do you see? Are there any threats to the stability of the country emerging at the moment that might lead to some kind of turmoil and getting the situation out of control of the authorities?

Are there any threats—do you see—do you view them emerging?

Mr. SLATTERY. Threats here in the United States toward—

Mr. KUROPYATNIK. No, no, no. Domestically in Ukraine.

To be more specific, the head of the ... [inaudible] was saying that the margin might be slim, something around, in case Yanukovych wins, he is expecting around 35 percent. Maybe same thing might happen with Yushchenko, in case he wins. So the margin is rather slim, and the supporters are rather reluctant to accept the defeat.

Mr. SLATTERY. Well, I think the losers in an election are oftentimes reluctant to accept the outcome of an election. And the closer the outcome, the tougher it is.

But again, what this does, in my judgment, is even make it more urgent for the government in Ukraine to be committed to, really, the operation of a transparent, free, fair, open election, where people know that they can cast secret ballots and they have a confidence that those ballots are going to be counted fairly and accurately.

And if that is, in fact, what happens and if the multitude of international observers come to that conclusion—and granted, there will probably be some disagreement among the observers as to whether the election was conducted fairly or not—then that is the greatest protection that I think the people of Ukraine have and the government that is selected will have.

And so, I mean, I just want to do everything I can do to encourage the incumbent government that is responsible, really, in large part, for the administration of the election to do so in a fair way and be committed to that and be prepared to lose if, in fact, that's what happens.

Ms. DUNCAN. I would absolutely agree with everything Representative Slattery has said, but also emphasize that in the post-election period, the 15 days by which the Ukrainian Government has said that they will announce the election results, I think on December 6th, that period as well, along with election day, has to be transparent and information has to be fed, so the people don't believe there was massaging of the election results in one direction or another.

Mr. SLATTERY. And, you know, let me just emphasize another very basic point, and that is—and you know, this comes from my own, sort of, election experience, in the sense that I always knew what was going on in the precincts in my district that were swing precincts or important precincts.

So I will just emphasize again that, in all of the polling places, if the results are announced as soon as they are counted, then it's not easy to add up the 33,000 different polling station results and falsify the final count.

Now, the question will be on what happens with the foreign participants in the election. How many voters are there in Russia? How many of them are there abroad? I don't know yet, OK, but there should be some fixed universe on that and some general idea of how many potential voters there are out there.

But if the election results are announced on election night in each of those polling places, I think that's going to be a very important step toward transparency. And all the election observers in that voting place, you know, will understand that candidate A won or candidate B won, and they'll know what the count was.

Dr. KUZIO. There's a number of ways which massaging will be made difficult, and that's true of the first round as well.

Exit polls will be conducted again by reputable Ukrainian sociological organizations. These exit polls have been funded by mainly Western embassies, including the U.S. Embassy in Kyiv.

The Yushchenko camp will be undertaking, again, a parallel vote count, which it successfully did in the first round.

And, of course, you have the international—a huge array of different international observers.

So all of that will, to some degree, prevent kind of blatant fraud, I think.

The authorities, I suspect, will try to drag out the announcing of the final results for two reasons: A, for potential need, maybe, to massage, like in round one; but second, as well—and this relates to your question—to prevent civic disturbances.

Because the thing that provoked massive civic disturbances in Serbia and Georgia in 2000 and 2003 was that the authorities very quickly announced fraudulent results. And this, of course, provoked anger on the streets, and then it led to massive civic disturbances and then democratic revolutions in both countries.

So in order to prevent that, you drag it out, and that makes it difficult for the opposition to organize massive civic protests.

But if fraud is blatant and, for example, if the official result is very difficult from parallel vote count results and exit polling, then of course the population have a right to nonviolent civic protest. I mean, that's guaranteed in the Ukrainian constitution and other legislation.

Mr. McNAMARA. One thought that comes to mind—and I don't know if you've looked into this, Dr. Kuzio, or not—but not knowing what the profile of Ukrainians resident in the Russian Federation would be, but it would be interesting to know whether they experienced the types of difficulties in terms of voter lists and things of that nature as their compatriots in Ukraine proper did.

Dr. KUZIO. The election campaign in Russia was strange, to say the least. You had the whole of Moscow filled with billboards supporting Yanukovych, no Yushchenko billboards. And you had a newly created organization quickly created—something called the Union of Ukrainians in Russia, which declared its support to Yanukovych. The traditional Ukrainian organizations in Russia said that we were never consulted about this.

And so this was part and parcel of Putin organizing support in Russia for Yanukovych.

And hence, while the opposition was very strongly opposed to the creation of additional polling stations in Russia, the authorities in Ukraine wanted to create something in the region of 500 additional polling stations in Russia in October.

That was squashed by the intervention of the opposition. In the end, the Central Election Commission agreed to create only 40. The opposition protested that in the supreme court of Ukraine, and then the supreme court overturned even that.

So, in the end, there weren't additional polling stations created, and only as far as I understand, there's in the region of 200,000 registered voters in Russia in the Ukrainian elections. There are upwards of 10 million Ukrainians, or people from Ukraine, living in Russia, the second largest minority after Tatars in Russia, but only 200,000 of them are registered voters.

I suspect that what's very noticeable is when you look at voting outside Ukraine is that voting in Russia by the Ukraine diaspora tend to be for Yanukovych, voting everywhere else was for Yushchenko.

Mr. McNAMARA. Any further questions?

If not, I want to express on behalf of our Commission leadership our appreciation for your being here today.

And again, a full transcription of today's proceedings will be available on the Commission's Web site by the close of business tomorrow.

Thank you very much.

[Whereupon, the briefing concluded at 11:32 a.m.]

This is a U.S. Government publication produced by
the **Commission on Security and Cooperation
in Europe (CSCE).**

This publication is intended to inform interested
individuals and organizations about developments
within and among the participating States of the
Organization for Security and Cooperation in Europe
(OSCE).

All CSCE publications may be freely reproduced,
with appropriate credit, in any form. The CSCE
encourages the widest possible dissemination of its
publications.

Visit our site on the World Wide Web at

<http://www.csce.gov>

The Commission's web site provides instant access
to the agency's latest press releases and reports
on recent hearings and briefings in addition to
an electronic subscription service. Using the
Commission's subscription page, readers with
e-mail may choose to receive press releases, notices,
reports, and other documents on issues in
which they are most interested.

Please subscribe today.