

# The Regions Party is due to win in the General Elections in Ukraine

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Analysis

On 28th October the Ukrainians will be appointing the 450 members of their Parliament. Nearly three years after the election of the Viktor Yanukovich (Regions Party) as President, Ukraine, which has been sorely affected by the international economic crisis, but which is wealthy from the point of view of economic potential, finds itself at a cross-road. The recent conviction of former Prime Minister (January-September 2005 and 2007-2010) and opposition leader, Yulia Tymoshenko, (Batkivshina – which means Mother Country), to seven years in prison is of concern to the international community, some of whose members believe that the country is on route to becoming “Putinised”. *“Contrary to what one might think in Ukraine there is not any more freedom than in Russia, the opposition is without any real influence, the judiciary is not independent, and the idea of property does not exist,”* indicates Vitaly Portnikov, a TV host on the independent channel TVi. On 18th September the Ukrainian Parliament approved a law governing the press which anticipates major sanctions (up to 1,500 times the minimum salary and three years in prison) for all acts of defamation or for attacks on honour in the press. The Secretary General of the Council of Europe, Thorbjorn Jagland, has asked for the withdrawal of the text which he qualifies as “a bid to muzzle the freedom of the press.”

*“People are disenchanted. The trust of politicians is at its lowest ebb,”* stresses Vladimir Fesenko, a political scientist at the research centre Penta. According to a poll by IFAK the next general elections will be neither free nor fair for nearly ¾ of the Ukrainians (73%). More than half of those interviewed (57%) say they do not trust any of the political parties. *“The general elections are rigged before they’ve even started. We must now find the means to break the hold of dictatorship before these false elections provide it with unchallengeable power!”* declared Yulia Tymoshenko mid-September.

5,771 people are officially running in the general elections on 28th October next: 2,644 in the constituencies voting by proportional representation and 3,217 in those voting according to a majority system. 114 polling stations will be open in 27 countries for the Ukrainians living abroad. The electoral campaign is taking place in a strange atmosphere since Yulia Tymoshenko is behind bars at present. She has not been allowed to stand in these elections.

## Yulia Tymoshenko

Heroine of the Orange Revolution (the mobilisation

that came after the second round of the presidential election on 14th November 2004, which led to Viktor Yushchenko taking the presidency), Yulia Tymoshenko was also the rival of the present president Viktor Yanukovich in the second round of the presidential election on 7th February 2010. Her government collapsed some days after the election of the head of State after it failed to win a confidence vote. On 14th December 2010 Yulia Tymoshenko, accused of managing public funds poorly, was brought under house arrest as part of an investigation into allegations of abuse of power. She is accused of having embezzled some of the funds that resulted from the sale of Ukrainian gas quotas to Japan (around 250 million €).

On October 11th 2011 the former Prime Minister was sentenced by the court of Petcherski to 7 years in prison for abuse of power to the financial detriment of the Ukraine after the signature of a gas contract (between Naftogas Ukraine and Gazprom) with Russia in January 2009. She is banned from holding any kind of public responsibility for three years. According to the Ukrainian judiciary the acts of which Ms Tymoshenko stands accused are tantamount to high treason: the contract negotiated in 2009 indeed led to a rise in the Russian gas tariffs imported by Kyiv. The former Prime Minister has always argued that the agreement she signed with Moscow was the only way to put an end to the price war which had led the Russians to breaking off their deliveries to Ukraine. Many believe however that Ms Tymoshenko did nothing other than accept the price rises set by Russia, since the company she had managed for a time was in debt to Moscow to a total of 405 million \$. The Ukrainian State is asking her to reimburse 19.5 million hryvnia (1.8 million €). She is also being prosecuted for tax fraud and the embezzlement of public funds because of which she may have to spend 12 years in prison. She is being prosecuted by the Universal Trading Investment Corporation (UTICo) which is demanding 18.3 million € in damages and interest for malpractice linked to her former gas company United Energy Systems of Ukraine (UESU). Yulia Tymoshenko is imprisoned in the re-education camp of Katchanovskaya in Kharkov. On 19th June last the deputy prosecutor Renat Kuzmine declared that he had enough evidence to prosecute her for the murder of MP Evghen Shcherban, who was shot at the airport of Donetsk. He had tried to force the companies in the industrial region of Donetsk to buy gas from his company by using the support of the then Prime Minister, Pavlo Lazarenko, and was therefore in conflict with Yulia Tymoshenko, whose company ensured the distribution of Russian gas in Ukraine. She is accused of having stolen 4.7 million hryvnia (473,400 €) from the tax authorities, of having embezzled more than 2.4 million € via the illegal reimbursement of VAT and of having stolen 69,400 € from the income tax funds. Finally her associate Pavlo Lazarenko has been in prison since 2006 in the USA (9 years sentence) for money laundering and corruption.

Yulia Tymoshenko says she is the victim of a personal vendetta launched by the President of the Republic Viktor Yanukovich and says that her conviction is politically motivated. The former Prime Minister maintains she has been beaten in prison. She claims she has been treated badly, that she is observed on camera 24/24 and that she is not allowed to make telephone calls and that her family is kept at a distance. In spite of her state of health – she is weak to the point of requiring medical care – she undertook a hunger strike for over 22 days. By convicting Yulia Tymoshenko, Viktor Yanukovich's government "*which initially wanted simply to prevent her from taking part in the general elections on 2012,*" according to political expert Vladimir Fesenko, had planned everything except for the uproar that this imprisonment would cause in the Western capitals. "*We are facing a dictatorship,*" declared German Chancellor Angela Merkel. "*The European Union is extremely disappointed about the consequences of the present situation in Ukraine where major opposition personalities have been prevented from standing in the election after the trial, which did not respect international standards as far as being fair, transparent and independent are concerned,*" indicated Michael Mann, Catherine Ashton's spokesperson (the European Union's High Representative for Foreign Affairs and Security Policy) on 29th August last when the Cassation Court confirmed the rejection of the appeal launched by Yulia Tymoshenko. He also said that "*the present problems*" did not help relations between Kyiv and Brussels.

The European Court of Human Rights condemned Kyiv on 3rd July for having imprisoned Yuri Lutsenko, the leader of the People's Self-Defence, accused of embezzling funds, and for having illegally employed his own chauffeur at the Interior Ministry, of having increased the retirement pension of the latter over the legal minimum and for having helped him acquire an apartment free of charge. Yuri Lutsenko has been in prison since 26th December 2010 and was sentenced to four years in prison. In all, four former government ministers who served under Yulia Tymoshenko have been imprisoned since Viktor Yanukovich came to power in February 2010; two of them were sentenced to terms in

prison: Evgueni Kornitchouk, former Deputy Justice Minister and Valery Ivashchenko, former Defence Minister.

At the beginning of August last the Electoral Commission refused to register the former Prime Minister as candidate in the general elections. According to article 76 of the Ukrainian Constitution a candidate with a criminal record cannot be elected to parliament. However nothing can prevent him/her a priori, from taking part in the election. *"Ukraine needs the democratic world whilst there is still time to bring the country back into the European fold. Now not after the elections because it will be too late,"* declared Yulia Tymoshenko on 3rd September last in an interview that was published in Poland. She also said that *"the falsification of the general election results would lead to mass demonstrations and maybe a new revolution that would not be as peaceful as in 2004."* *"The political death of Viktor Yanukovich is just a question of time,"* she added.

*"It would be inadmissible for the election to take place without the opposition leaders, notably the leader of Batkivshina, Yulia Tymoshenko,"* declared Thomas Hammarberg, then Commissioner for Human Rights at the Council of Europe (he was replaced on 1st April by Nils Muiznieks). The European Commissioner for Enlargement and the European Neighbourhood Policy, Stefan Füle, indicated that the general elections were *"a major test"* and that *"all candidates should be allowed to stand"*. Finally in May last the European Parliament took a resolution inviting Ukraine to free all of its political prisoners.

On 19th July journalists demonstrated in Kyiv denouncing government pressure on the media. On 12th July Mykola Kniajitski, director of the independent TV channel was accused of tax fraud to a total of 300,000€. The channel was also withdrawn from several cable TV providers. At the beginning of September the channel was sentenced to pay more than 300,000€ in taxes and fines within 10 days.

*"Not only must these people (political prisoners) be released but also they have to be able to take part in*

*political life and in the elections,"* stressed Thomas Melia, the manager of the Bureau for Democracy and Human Rights at the American Department of State.

### The Forces Involved

The President of the Republic Viktor Yanukovich, leader of the Regions Party has called on the Ukrainians not to be tempted by the political speculations launched by the opposition during the election on 28th October next, since they are *"dividing the country and society."* The Ukrainian government led by Mykola Azarov has taken several economic measures: tax reductions, improvements in the payment and reimbursement of VAT, a reduction in the number of government employees and a reduction in the requirements necessary to have a professional licence. The programme of the party in power is targeting economic growth of 5% and the country's independence in terms of its energy supplies. Viktor Yanukovich said that he was confident in the free trade treaty signed by Kyiv with the countries of the Community of Independent States (CIS) which was ratified at the end of July by the Verkhovna Rada. The Regions Party wants to achieve a partnership with the European Union (creation of a free trade area) and a political modification of the visa system. But this seems to have started off badly.

The Ukrainian Parliament has approved a law on granting the status of regional language to Russian in 13 of the country's 27 regions. This text was fervently challenged by the opposition and led, as is often the case, to a general dog fight between some MPs. Ukrainian is still the country's only official language but Russian and 17 other languages are spoken by the national minorities (including Bulgarian, Armenian, Gagaouz, Moldavian and Polish) have achieved the status of regional language in the areas where more than 10% of the population are speakers. During the Presidential election in 2010 Viktor Yanukovich promised to provide Russian with the status of second official language. However it proved impossible to do this, since the Head of State did not have enough support in Parliament to push a bill like this through. Those in power are using the

linguistic issue to mobilise its electorate just a few weeks before the election takes place. The leader of Parliament Vladimir Litvin said on 17th September last that the language law will be revised after the upcoming general elections.

On 6th July Parliament approved a law that plans for the installation of at least two cameras per polling station and the broadcast on the internet of videos enabling the supervision of the electoral operations live. According to a poll by the Razumkov Centre half of the Ukrainians believe that the presence of the cameras should help to prevent electoral fraud (47.9%).

The opposition forces comprise six political parties: Batkivshina; the Front for Change led by former Economy Minister (2005-2006) and Foreign Affairs (2007), Arseny Yatsenyuk; People's Self-Defence led by Yuri Lutsenko; the Reform and Order Party; the People's Movement and For Ukraine. Since the electoral law that was approved last year, electoral blocs are no longer allowed to stand in the general elections, a measure that changes matters radically in a country where the opposition is diverse and where party allegiances are a real tradition. The opposition has chosen the slogan "*A fair State, an honest government, a decent life*", for the legislative battle on 28th October.

In Arseny Yatsenyuk's opinion the ratification of the association agreement between the EU and Ukraine is a priority in terms of foreign policy. From a domestic point of view he is asking for the constitution of open candidate lists so that each voter can choose "*those who are most worthy to govern*". He wants to annul all of the advantages and privileges which MPs enjoy and reduce their living allowances. "*A law has to be adopted regarding the impeachment of the President of the Republic which will affect the present head of State first and foremost,*" declared the leader of the Front for Change. The opposition maintains that it will rehabilitate all political prisoners. "*We shall re-establish legal order and justice for every citizen, whatever his political or religious position, his financial or social status. All of the illegal, anti-constitutional decisions*

*adopted by the organisations in power and the courts will be reviewed and annulled,*" reads the programme. "*Unity is the opposition's key to eliminate the regime in office,*" maintains Yulia Tymoshenko. "*The first step towards real change implies a motion of censure against the President of the Republic Viktor Yanukovich and his immediate impeachment after the victory of the opposition forces in the general elections,*" she stressed in the newspaper Zerkalo Nedeli (the Weekly Mirror).

The Ukrainian Democratic Alliance for Reform (Udar – Strike) created in April 2010 by former world boxing champion Vitaly Klitchko defends a pro-European Ukraine, and is suggesting to elect all of the representatives (national and local) by a proportional system. It wants to create an independent agency to counter corruption and is asking for an increase in military spending (it wants the defence budget to total 2% of the GDP) to modernise the Ukrainian army. Valentine Nalyvaichenko, former political counsel to Our Ukraine, Viktor Yushchenko's party and former head of the secret services has joined Udar. Writer Maria Matios also features on its list. The party has ruled out any participation in a government that would include the Regions Party. Vitaly Klitchko believes that his party could win up to 15% of the vote on 28th October next.

Our Ukraine, the party of former President of the Republic (2005-2010) Viktor Yushchenko, is putting 221 candidates forward in the proportional election and 22 in the majority vote. Our Ukraine joined forces with the People's Party led by Yuri Kostenko and the Ukrainian Nationalist Congress led by Stepan Bratsiun. The Alliance of these three parties has been called the Union of Patriotic Forces.

Natalia Korolevskaya, a former member of Batkivshina, will lead her party's list, Ukraine First, on which footballer Andrey Shevchenko features in second place. Ostap Stupka, the son of actor Bogdan Stupka lies in third position.

### The Political System

The Ukrainian Parliament, Verkhovna Rada (Supreme Council), is unicameral, and comprises 450

members elected for five years. It modified the electoral law on 17th November 2011. The next legislative assembly will be elected by a mixed vote: 225 MPs will be appointed using the list system and 225 by a majority vote. The percentage of votes cast which a party has to win to be represented in Parliament has been raised from 3% to 5%. The new electoral law bans electoral blocs and has done away with the possibility of "voting against everyone". The text was approved by 81% of the MPs. The European Commission qualified this development in the law as a positive sign for democracy in Ukraine.

16 parties including 13 that are allied within 4 coalitions are represented in the outgoing Parliament:

- the Regions Party of President of the Republic Viktor Yanukovich (who is the president of honour). Created in 1997 and led by outgoing Prime Minister Mykola Azarov, it has 175 seats;
- the Tymoshenko Bloc that rallies Batkivshina, the Social Democratic Party and the Party for Reform and Order has 156 MPs;

- Our Ukraine-Self Defence of former President of the Republic (2005-2010) Viktor Yushchenko, rallies 9 parties and has 72 seats;

- the Communist Party, led by Petro Symonenko, has 27 MPs;

- the People's Party (formerly the Vladimir Litvin Bloc) which rallies the People's Party and the Labour Party has 20 seats.

Geert Wilders' Freedom Party nor from the crisis. The liberal party (VVD), which showed greater firmness regarding the States in the south of Europe during the electoral campaign ("*We shall continue to work closely with German and Finland to counter the euro crisis. Greece and the other must keep their promises or we shall no longer help them,*" declared Mark Rutte on September 12th), is still the most capable of leading the Netherlands and to command respect within the Union.

"*Tomorrow we shall start work: a stable government has to be formed as quickly as possible in the Netherlands and I shall work with you so that the Netherlands emerges stronger from the crisis,*" declared the outgoing Prime Minister as the results were announced.

#### Reminder of the General Election Results of 30th September 2007 in Ukraine

Turnout 62.02%

Political Parties	No of votes won	% of votes won	No of seats won
<b>Regions Party</b>	8 013 895	34,37	175
<b>Yulia Tymoshenko Bloc</b>	7 162 193	30.71	156
<b>Our Ukraine-Self Defence</b>	3 301 282	14.15	72
<b>Communist Party</b>	1 257 291	5.39	27
<b>Vladimir Litvine Bloc</b>	924 538	3.96	20
<b>Socialist Party</b>	668 234	2.86	0
<b>Progressive Socialist Party</b>	309 008	1.32	0
<b>Others</b>	661 928	2.78	0
<b>Vote against everyone</b>	637 185	2.73	0

Source : Central Electoral Commission of Ukraine

## Results

## The Regions Party is due to win in the General Elections in Ukraine

As forecast by the polls the Regions Party of President Viktor Yanukovich won the general elections that took place on 28th October in Ukraine. It was the first election since the head of State came to power in 2010. The Regions Party won 30.99% of the vote . It drew ahead of the opposition forces which amongst others rallied Batkivshina (Mother Country), of former Prime Minister Yulia Tymoshenko (January to September 2005 and 2007-2010) and the Front for Change led by former Economy Minister (2005-2006) and Foreign Minister (2007), Arseny Yatsenyuk. This bloc won 24.84% of the vote .

The head of the opposition Yulia Tymoshenko, who was sentenced on 11th October 2011 by the Court of Petcherski to seven years in prison was not allowed to stand. Some days before the election, she called on the Ukrainians, by way of her daughter Evguenia, to "chase the mafia from power" and to "reduce the risk of fraud" on 28th October. "Each of us must fight to counter this dictatorship as best we can," she maintained adding, "if, because of your vote Viktor Yanukovich survives politically after these elections he will establish a dictatorship and will no longer relinquish power by pacific means." "I vote that my mother be free and for the freedom of political prisoners, for justice and so that we will not wake up tomorrow behind barbed wire," stressed Evguenia, her daughter.

The Ukrainian Democratic Alliance for Reforms (Udar, which means Strike) made its entry into parliament, after taking part in the elections for the very first time. Created in April 2010 by former world boxing champion Vitali Klitschko, it won 13.62% of the vote. Piotr Simonenko's Communist Party came fourth with 13.56% of the vote. "Vitali Klitschko is perceived better by the electorate and corresponds better to the Ukrainian dream. And Batkivshina is handicapped by the absence of its charismatic leader, Yulia Tymoshenko," stresses Mikhaïl Pogrebinski, Director of the Centre for Political Studies in Kyiv. Ukrainian disenchantment with their political leaders undoubtedly explains in part the phenomenon of Vitali Klitschko, a newcomer in the political arena, who has not been involved in corruption affairs. "Vitali Klitschko has won the support of the electorate who are disappointed by the old politicians," indicated Irina Bekechkina, director of the Democratic Initiative Foundation.

Another debut in parliament has been made by the far right nationalist party Svoboda (Freedom), led by Oleg Tygnibok, which won 10.01% of the vote. "Svoboda's entry is the most important event. Ukrainian bortsch is now slightly more spicy. There will be more pepper but its new flavour is still unknown," stresses analyst Vladimir

Fesenko of the think-tank Penta who qualifies the vote in support of the nationalists being "patriotic and also one of protest."

Turnout totalled 57.5% i.e. 4.52 points below the figure recorded in the previous elections on 30th September 2007.

Many anomalies (pressure on the electorate, attempts to purchase votes) were noted in several polling stations. The Ukrainian general elections which were a major test for the country's democratic commitment, were monitored by more than 3,800 foreign observers representing 28 countries and 35 international NGO's and also 240, 000 local scrutineers. "This is the most important mission ever deployed by the Organisation for Co-operation and Security in Europe. From the European Parliament to the Council of Europe via NATO and the OSCE, more than 800 international observers are being mobilised in Ukraine." indicated Neil Simon, Director of Communications at the OSCE Parliamentary Assembly. The OSCE criticised a decline in democracy in Ukraine after these general elections that took place without Yulia Tymoshenko, who is behind bars. It also criticises the abusive use of administrative resources, the lack of transparency during the campaign and in the financing of the parties, as well as an imbalance in the media coverage.

### General Election Results on 28th October in Ukraine

Turnout: 57.50%

Political Parties	% of votes won
Regions Party	30.99
Batkivshina, Front for Change, People's Self-Defence; Reform and Order Party, People's Movement and For Ukraine	24.84
Ukrainian Democratic Alliance for Reforms (Udar)	13.62
Communist Party	13.56
Svoboda	10.01
Vote against everyone	637 185

Source : <http://www.cvk.gov.ua/vnd2012/wp300pt001f01=900.html>

Undeniably the Regions Party emerges strengthened by this general election. It campaigned on the movement from "stability over to well-being". Prime Minister Mykola Azarov had called on the Ukrainians to vote for "a party of people of action and not for a party of chatterboxes." "I voted for stability, economic development and an improvement in living standards," declared President Yanukovich after placing his slip in the ballot box. "I think that this election will lead Ukraine to greater unity," he added.

"I am convinced that we are going to succeed in rallying all of the opposition forces around us in the new parliament," declared Vitali Klitschko in an interview in the German newspaper *Die Frankfurter Allgemeine Sonntagszeitung*. "We are not planning to work with the Party of Regions and its Communist satellite but we do accept talks with the parties that offer a European, democratic path towards development," he said in an interview on the TV channel 1+1.

The union of the opposition parties will however be difficult since they have a great number of differences. They vainly tried to rally before the election on 28th October. "Vitali Klitschko's refusal to sign an agreement

on the creation of a democratic opposition force coalition is in the interest of the Regions Party. This decision has made it an ally of the Regions Party and is helping to dissipate democratic forces instead of strengthening their unity to fight the regime of Viktor Yanukovich," declared Arseni Yatsenyuk after this rapprochement failed to take place.

Ukraine, which is standing at a crossroads, will now have to make some choices. The country is subject to pressure from neighbouring Russia which would like Kyiv to join a customs union that it has created with Belarus and Kazakhstan. Moscow says that it is prepared to grant Ukraine a reduction in its gas prices in exchange for this agreement: 160\$/1000 m<sup>3</sup> instead of 425\$ at present. This would be a godsend for a country whose energy bill has soared over the last few years. But Ukraine hopes to sign an association agreement with the EU thereby establishing a free-trade zone. "The two things match with national interests" declared Prime Minister Mykola Azarov at the beginning of October.

The next government in Kyiv will have to face a sharp reduction in economic growth. Due to a decline in steel prices, the country's main export product, growth dropped to zero in the second half of this year.

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