



REPORT
ON
THE ELECTIONS
IN UKRAINE

27 MARCH 1994

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1. Conclusions

These were the first multiparty elections in Ukraine. The country received its independence in conjunction with the collapse of the Soviet Union and it is still in the process of developing and consolidating the institutions of an independent state. The holding of democratic multiparty parliamentary elections is an essential part in this process.

Understandably, lack of experience and an absence of democratic tradition could be seen in carrying out the elections. This was particularly visible in the campaign.

It is widely recognized that there are weaknesses in the electoral law which need to be considered and then corrected. However, the present law provided conditions in which a free and fair election could take place.

The authorities in general, and the officers in the polling stations in particular, appeared to implement the law in a competent and efficient manner.

Based on the observations made up until the beginning of the counting of votes on March 27, the Delegation of the Parliamentary Assembly of the CSCE concludes that the first round of these elections was carried out in a free and fair manner. Where observers were present for the counting of votes this was carried out properly, although there does need to be a universally accepted procedure for deciding on a spoiled vote and the clear intention of the voter.

Provided that the second round of these elections will also be carried out in a similar manner, the elections will be an important achievement in the democratization of the Republic of Ukraine.

The Delegation's conclusions were published in the press release issued in Kiev on 28 March 1994. (Annex 1)

2. Delegation

The Delegation of the Parliamentary Assembly of the CSCE monitored the elections in the Republic of Ukraine at the invitation of the Ukrainian Government. The Delegation was composed of the following 23 Parliamentarians from 16 different CSCE countries:

Sir Peter Emery,	United Kingdom, Treasurer of the Assembly, Head of Delegation
Peter Marizzi,	Austria
Alexander Shipko,	Belarus
Michail Zhebrak,	Belarus
Gueorgui Todorov Bozhinov,	Bulgaria
Mikhail Dimitrov Nedelchev,	Bulgaria
Andreas Koukoumas,	Cyprus
Josef Kukbis,	Czech Republic
Miroslav Razka,	Czech Republic
Anette Just,	Denmark
Mart Nutt,	Estonia
Willy Wimmer,	Germany
Karlis Leiskalns,	Latvia
Velta Purina,	Latvia
Laima Liucija Andrikiene,	Lithuania
Rimantas Markauskas,	Lithuania
Ion Borsevici,	Moldova
Maarten van Traa,	Netherlands
Ingval Godal,	Norway
Björg Hope Galtung,	Norway
Erik Solheim,	Norway
Tadeusz Samborski,	Poland
Vladimir Averchev,	Russia

The Delegation was accompanied by the following Members of the International Secretariat:

Vitaly Evseyev,	Deputy Director
Pentti Väänänen,	Deputy Director
Kurt Andersen,	General Services Officer
Camilla Benincasa,	Secretary

This was the largest and most representative of all delegations to monitor these elections.

3. Programme

The programme (Annex 2) was prepared in cooperation with the Working Group on International Observers, created by the Presidential Decree, and other Ukrainian authorities as well as with local authorities in Kiev, Zhitomir, Chernigov and Lviv. Members of the Delegation visited all these towns and regions during their stay in Ukraine. Some Members also visited Odessa, Sumy and Donetsk Region.

The Delegation is also grateful to the CSCE Office for Democratic Institutions and Human Rights for their support and assistance.

Several meetings in the programme were held jointly with other international observers.

4. Background

A review of the political situation prior to the elections in Ukraine was introduced to the Delegation by the Foreign Minister of Ukraine, other representatives of the Government and the Central Electoral Commission (CEC) as well as by representatives of political parties and also by others.

These were the first multi-party elections in Ukraine since its independence after the collapse of the Soviet Union. The country has to choose its direction in such questions as the pace and form of the economic reforms. Its relations with its neighbours, including Russia, also need to be decided. In this respect the future status of the Crimea and the country's participation in the CIS need to be agreed upon. There is also the question of the nuclear weapons in Ukraine and the implementation of the agreement on these weapons.

The electoral law is new. There seemed to be a general feeling that the law needs improvement. Many commentators suggested that some stipulations of the law are a result of dispute between those who support speedy construction of parliamentary democracy and those who want to slow down the process of change.

Some cases of unrest during the campaign, a few of them violent, had been reported. There was even one case where a leading politician had disappeared and the authorities have not been able to conclude their investigation of this matter.

There are 28 registered political parties. They all had access to the state controlled TV. However, the party structures are not yet well developed in Ukraine. Most candidates appeared as independent.

The over-riding issue in most people's minds seemed to be the economic crisis in Ukraine.

5. Observations

5.1. Legal and practical conditions

5.1.1. Electoral law

The electoral law was adopted on November 18, 1993. (Available in English from the Secretariat). According to the law the CEC is responsible for the arrangements. The Government had asked experts from various countries for advice in drafting the electoral law. The Parliament made several changes to the Government's draft.

The country is divided into 450 constituencies. One Member of Parliament is elected from each constituency. If the turn-out in a constituency is less than 50 %, the election is invalid. To be elected the candidate must receive more than half of the votes. If, in the first ballot, the turn-out is under 50 % or no candidate receives more than half of the votes cast, a second ballot will be held between those two candidates who receive most votes. If, in the second ballot, the turn-out is less than 50 %, no one will be elected from that constituency. If less than two thirds (300) of the constituencies succeed in electing members, the whole election is invalid and the previous parliament would continue.

All candidates are entitled to a fixed amount of government funding for their campaign and an equal amount of time on the state-controlled media.

There are no limitations to how many candidates can be nominated in a constituency. Registered parties and their electoral blocs have the right to nominate one candidate in each constituency. Independent candidates can also be nominated. The constituency electoral commissions approve the list of candidates. There were altogether 5,839 candidates in the 450 constituencies. Some ten nominated candidates had been rejected. The main reasons had been that the nominated candidate was not a Ukrainian citizen; had not lived in the country for two years; the application was late or presented in an incorrect form. The number of candidates in some constituencies created problems. In Kiev, one constituency had 32 candidates and another 27.

The names of all candidates are printed on one single ballot paper. The voter must cross out the names of all candidates except the one he/she votes for.

All voters were registered. A register was available in all polling stations of those who were entitled to vote at that station.

The electoral law does provide a framework for free and fair elections. However, it is not comprehensive enough and includes a possibility of invalid elections.

There are areas that need to be reviewed with reconsideration on the possibility of an invalid election.

5.1.2. Special conditions in the Crimea

The authorities in the Crimea organized, in connection with the elections, a "referendum" on the future status of their territory. The Ukrainian Government considered that anything which was not within the limits of the electoral law, was illegal. In their opinion the "referendum" was only a "sociological survey" and it had no legal standing.

5.1.3. Other conditions

There were several allegations, in particular from parties and candidates who were critical of the present Government, that the Government and the authorities used their position to promote their campaign. This included, according to complaints, more media coverage and use of public facilities. It was not possible for the Delegation to verify these allegations but this concern seemed to be shared by many. However it must be accepted that news bulletins during a campaign are bound to feature those who are making the news.

5.2. Observations at polling stations

On Election Day the Delegation was divided into 7 groups (Annex 3) which visited some 80 polling stations in different parts of the country. These polling stations included 2 closed military units. The first visits were made before the opening of the stations and the opening procedures were observed. The last visits were made at the closing time and the closing procedures and the beginning of the counting of votes were observed. The Delegation did not make observations after the election day. Therefore the rest of the counting of votes or any event after that point of time is not reflected in this report.

In almost all stations the arrangements were satisfactory and in accordance with the law. The officials appeared competent in their work. Good order was maintained, ballot papers were available, the identity of voters was controlled, the ballot boxes were sealed and properly guarded.

The observers did, however, make the following observations on some problems and breaches of proper procedures:

In some cases the law and other regulations were not sufficient. For instance, there were no clear rules concerning how to administrate the portable ballot-boxes. There were also different ways of sealing the boxes. In most cases they were sealed with wax. In a few cases the seal was a stamped piece of paper.

There were cases when a person was given more than one ballot and he/she was able to cast other persons' votes as well.

There were several cases when two or even more people went together into the same booth.

There were cases when voters marked their ballot-papers outside the booths, sometimes consulting each other.

Occasionally, more often in rural areas, passports were not shown. (When asked, the officials claimed that they knew the person and therefore it was not necessary to check his/her identity.)

In a few cases the ballot-boxes were not under the constant supervision of the officials.

In particular in those constituencies where the number of candidates was high, in some cases it was more than 30, the voting was complicated since the voter had to cross out all other names and leave only the one he/she wanted to vote for. The Delegation felt that this might have caused confusion. (This view was rejected by some officials. In their opinion the system is clear enough since the voters were used to this system from the previous one-party-elections.)

In some cases the polling stations were crowded, at times making maintenance of order difficult, but we had no reports of any incidents.

These breaches and problems appeared, however, not to have been made intentionally by any official and they were far from being so frequent that they could place the freedom and fairness of the elections in question.

Several election observers of Ukrainian political parties and also of independent candidates were present in polling stations. This was also the case in closed military units. The possibility of their presence did contribute to the credibility of the elections.

Police officers were also present in polling stations to maintain public order.

6. Recommendations

To improve the electoral system the Ukraine Government and Parliament might consider the following recommendations:

Equal opportunities should be guaranteed by the authorities for all candidates in the campaign.

The electoral law should be developed further to make sure that elections will always produce a legal parliament. It would also be important to regulate in advance and in a unified manner, all situations, such as handling of the portable ballot-boxes and the sealing of the box used for persons voting before

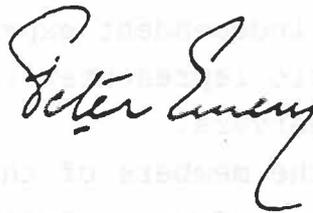
election day so that no extra votes could be inserted on election day.

Voting procedures should be made as simple as possible, perhaps allowing a simple indication of the candidate to be voted for rather than crossing off all the names individually of candidates not voted for.

Officials and voters should be well informed about the need for secrecy. Proper facilities should be guaranteed for polling stations as some were overcrowded, and the ballot-boxes should be carefully guarded at all times.

The ballot papers should only be stamped when handed to voters and pre-stamped ballot papers should not be kept in polling stations.

In closing, congratulations should be given to the thousands of officials and recruits who manned the polling stations efficiently, with good grace and always seeming to want to help the voter understand the election.



Sir Peter Emery
Head of Delegation

Annexes

Further information and documents are available from the Secretariat