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PRELIMINARY STATEMENT ON UKRAINE'S 1998 PARLIAMENTARY ELECTION

SUMMARY

The 30-member International Republican Institute (IRI) Election Observation mission led by former U.S. Deputy Secretary of Defense William Taft, IV found the March 29, 1998 elections to Ukraine's Verkhovna Rada to be a definite step forward in Ukraine's political party development. In addition, continued refinements in the election law and the seriousness with which the Ukrainian electorate participated in this election demonstrated Ukraine's commitment to continuing democratic development.

IRI'S OBSERVATION

IRI deployed 15 observation teams to 11 oblasts, all of them sites of IRI training missions over the past three years. The deployment oblasts were Cherkasy, Chernivtsi, Chernihiv, Donetsk, Ivano-Frankivsk, Kharkiv, Odesa, Ternopil, Zhytomyr, and the Autonomous Republic of Crimea. Two teams remained in Kyiv to monitor voting in the capital city and to observe the national counting process. In all, more than 100 polling sites across the county were monitored.

Before deploying to their respective oblasts, IRI delegates met with political party and civic organization representatives, issues experts and the Central Election Commission. U.S. Ambassador Steven Pifer and IRI staff also briefed the delegates. In their deployment cities, IRI delegates met with local authorities, representatives of candidates and local election commissions and Ukrainian media.

ELECTION ADMINISTRATION

New Election Law

Ukraine adopted a new parliamentary election law in October 1997, which made significant improvements to the previous election law governing the 1994 parliamentary elections. A number of the recommendations made by IRI following that election have been adopted in the new law. These include providing for a mixed system of single member representation and proportional representation by political parties and electoral blocs, positive voting and elimination of the minimum voter turnout level. These are

important changes, which will have the effect over time of strengthening the role of the major parties in the political life of the country and its democratic institutions. They will also facilitate more accurate recording and counting of votes and assure that all districts are actually represented in the Rada throughout the session.

However, several sections of the new law were challenged for their constitutionality and decisions, which overturned key provisions of the election law, were made by the Constitutional Court in some cases only days before the election. In addition, the Verkhovna Rada was unable to deal with some important election issues, such as the voting rights of some 65,000 Crimean Tatars, in a timely fashion. In this way, the new law, which in itself prescribed a complex combination of ballots involving a large number of parties and candidates, contributed considerably to an atmosphere of confusion, uncertainty and tension both prior to the election and on election day.

Election Administration

IRI recognizes that the Central Election Commission had only a short time in which to prepare for parliamentary elections under a new election law and with inadequate funding. The CEC also had the additional responsibility of overseeing the funding of local election commissions throughout the country. This hampered the CEC's ability to conduct a comprehensive voter education program and ensure enforcement of all elements of the law. The mechanics of the election also merit consideration. Hand counting paper ballots, particularly in multi-ballot elections, too easily leads to mistakes, disputes and delays in reporting, thus undermining confidence in the electoral process.

Overall, delegates reported that polling site election commissioners were dedicated to ensuring free elections. They were, for the most part, knowledgeable about the election process and welcomed both domestic and foreign observers. However, delegates witnessed few election commissioners discouraging community voting --voters discussing balloting choices and voting outside of balloting booths. Community voting, though customary in past elections in Ukraine, could at some point in the future lead to questions of free choice. The increased number of party observers at the polls --in itself a highly commendable development --makes the practice more questionable than in previous elections.

In several instances, IRI delegates witnessed irregularities involving the military. They observed military officers assisting enlisted men in filling in their ballots outside the voting booth. Worse, IRI delegates observed a military commander marking ballots for his soldiers in Crimea. Efforts to encourage effective voter turnout by Ukrainian military are to be welcomed, but command influence on voter choices or compulsory participation is not.

In addition, delegates witnessed numerous instances of couples voting together in polling booths and ballot boxes located out of view of the election commissioners.

The holding of the elections is a major accomplishment, but room remains for

improvement in election administration. IRI will continue to follow election minutes from the constituency level through the Central Election Commission, and will render a final assessment on the counting in its final report.

Voter Turnout

Voter turnout was 69.6 percent, a measurement that reflects a commitment on the part of Ukrainian voters to the democratic process.

The continued participation of Ukrainians in the political system should be encouraged through further election law and other structural reforms.

ELECTION ENVIRONMENT

The Playing Field

Political parties were fully prepared to compete in these elections, kept abreast of the content of the new election law and remained current with amendments to the law. Political parties had advantages in the new election law that allowed them to participate more easily than in the 1994 election. Many, though not all, parties appear to have had ample funds to carry on their campaigns. Reports have raised significant concerns about the sources of some of these funds, both private and public, and certainly the financial reporting practices of the parties in the course of the campaign have not satisfactorily answered the charges that parties have made against each other in this regard.

Political Parties

Since the 1994 parliamentary elections, political parties have gained a foothold in Ukraine's developing democracy, in some areas of the country building democratic coalitions to work together to back a single candidate. Many parties' campaign techniques reflect a greater understanding of the need to communicate their views to voters. Further, numerous parties participated in these elections by fielding pollwatchers in polling sites across the country.

The proliferation of personality-based parties with only modest policy differences combined with the 4 percent threshold for representation in the parliament may in this election produce a legislative body in which the weight of a few parties surpassing the threshold is disproportionate to their electoral showing. However, democracy will be strengthened in the long term, if the experience encourages the formation of broader-based parties in the future. These will provide the essential foundation of political stability in Ukraine as they do in other democratic states. IRI recommends retaining the 4 percent threshold.

Media

In its report on the 1994 Ukrainian parliamentary elections, IRI noted the critical role that a free and independent press plays in elections and, more generally, the maintenance of

democratic institutions. IRI recommended that greater protections be created to guarantee a free press and steps be taken to encourage the development of independent sources of information.

Overall, reports of media coverage of these elections show an absence of serious debate. IRI's delegation teams noted political parties and candidates received the limited access to media coverage required by law, but in some regions delegates reported that individual candidates received favorable treatment by media outlets and that some journalists demanded pay for favorable coverage.

More generally, our review of the relationships that have been established between the media, the government and the various political parties and their operation during the 1998 election campaign suggests that improvements are still needed in this field. Reports of intimidation of journalists (for example, delegates observing in Chernihiv reported police accosting a journalist following an IRI interview), government closure of certain media, the exclusive focus of specific media on activities, and views of their financial backers --including the government, and the limited access of disfavored political views to certain media cause concern and require attention in the new parliament.