

What to do about Ukraine's rigged election

BY ANDREW ROBINSON, OTTAWA CITIZEN NOVEMBER 5, 2012 8:10 AM

Canada does not just have to sit back and accept Ukrainian's rigged parliamentary elections. There are things that can and should be done in response.

Ukraine's parliamentary elections, just completed, have been described by various observer groups as "a step backwards," "regressive", "tilted and undemocratic" and "the worst in Ukraine's history."

All of these descriptions apply, because the conditions for the holding of free and fair elections did not exist. Opposition leaders are in jail, the media (print and broadcast) were heavily tilted toward the government side, there were many incidents of harassment of opposition parties during the campaign, and the government used its "administrative resources" unashamedly to promote the party of President Viktor Yanukovich.

On election day itself, Oct. 28, there were also some serious violations, as reported by the various observers, during the voting. During the subsequent counting and recounting there were some blatant irregularities, with suspicious delays in some individual ridings where an opposition candidate was leading. But these are in fact the less serious irregularities. Yanukovich, who got caught blatantly cheating in the voting and counting stages of the presidential election of 2004, seems to have concluded that no one would notice if he concentrated his cheating during the election campaign itself. Fortunately, international observers have been on the ground since last July, (as well as the domestic non-partisan observer groups) and have detailed the many abuses during the campaign.

Yet, despite all the advantages which the President built into the system, the election failed to deliver him the desired results. His party, the Party of Regions, received in the national poll only 30.25 per cent. Despite the obstacles, the combined opposition forces together mustered on the cusp of 50 per cent.

Yulia Tymoshenko's party, despite her being in prison and her name not appearing on the ballot paper, received one quarter of the votes, and another 25 per cent went to two relative newcomers to the Ukrainian political scene, world heavyweight boxing champion Vitali Klitschko's UDAR (Punch) party, running on what might be called a pro-European ticket, and the upstart far right and nationalist Svoboda (Freedom) party.

This year, Ukraine reverted to a more complicated electoral system, with half the seats being chosen on a constituency basis, as in Canada. This opened enormous possibilities for skulduggery on a local level, and produced many successful so-called independent candidates. But even when the additional single member constituency results are added in, it is clear that for a majority in the 450-

seat parliament Yanukovich will have to rely on support from the Communist party, as well as a number of the independents and others who can be expected to favour the party in power — if necessary with some “persuasion.” Moreover, the combined opposition forces have significantly more than the 150 seats necessary to deny Yanukovich the power of unilaterally passing constitutional changes — for example to keep himself in power after 2015.

That the combined opposition forces have done so well in an election campaign where all the factors were heavily tilted against them demonstrates the effective illegitimacy of Yanukovich’s claims to have won the elections. By extension, the new “majority” of Parliament is also illegitimate.

What is to be done?

In the first instance, it will be important that Canada respect the findings of its own team of observers as well as the Organization for Security and Co-operation in Europe (OSCE) and other observer groups that these elections were not free and fair. It was already difficult to see how Canada could justify proceeding with negotiations for a free-trade agreement while Yulia Tymoshenko and other politicians are still in prison. The unacceptable conduct of the election campaign, as reported by all credible observers, strengthens this argument.

Nevertheless, for a country like Canada, dialogue is usually a better approach than isolation. While we should make sure that our views on the elections are on the record, we should not shut down our relations with Ukraine or treat Ukrainian leaders (other than Yanukovich himself) as pariahs. Likewise, Canada should resist any calls for the imposition of targeted sanctions, such as visa restrictions on those who have been associated with the imprisonment of Tymoshenko. Such measures would be ineffective, absent a widespread international consensus, and are in any event inappropriate.

What Canada should do is take the long view, recognizing that there will be presidential elections in 2015, in the meantime maintaining programs to support democratic practices, freedom of the media, and the rule of law, co-operating with Ukrainian NGOs and democratically inclined organizations. CIDA has a lot of experience in this respect and it should be mandated (and resourced) to continue its work. We should find ways to promote links with appropriate educational institutions and youth organizations. And Canada should not lose sight of the continued imprisonment of leading opposition figures.

One area in particular is crying out for Canadian leadership in response to these undemocratic elections. In January, 2013, Ukraine is slated to assume the rotating presidency of the OSCE.

As the successor organization of a Cold War process started in the 1970s, the OSCE is the principal international body trying to advance freedom and respect for human rights, the rule of law, and

democratic elections, especially in the post-Soviet space. Over the last 20 years, members of the OSCE have made many commitments to one another, including the holding of free and fair elections. But the large OSCE observer mission itself has called these elections a “step backwards.” It particularly criticized the lack of a level playing field, the abuse of administrative resources, and the lack of balanced media coverage during the campaign. Yet, despite this negative assessment by the OSCE team, Ukraine is about to take on the presidency of the OSCE. What a nice present this will be for President Yanukovych!

To allow this decision to stand is to make a mockery of the OSCE, and indeed of the western community’s support for all these principles. On the other hand, to strip Ukraine of the presidency, or, at a minimum, to have an organized western boycott of any OSCE meetings held in Ukraine, would be a way of sending the signal that we take our commitments to the OSCE principles seriously, and that we expect others to do the same. It would indeed be a very appropriate way of making the punishment fit the crime.

Canada should take a lead on this issue, working with like-minded members of the OSCE to deny Yanukovych this feather in his cap. It would send the signal that, internationally, it is not a “business as usual” relationship with Ukraine after these failed elections, and that there are consequences for failing to live up to the standards set by the OSCE itself.

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