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parliamentary elections 2012

UKRAINE

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Monitoring of the pre-election situation in Ukraine (15.06.2012—15.07.2012)

Domestic policy

20.06.2012

The "Civil Position" party joined the united opposition. This was announced by O. Turchinov, A. Yatseniuk and A. Gritsenko at a press briefing. According to Gritsenko, the decision on the number of seats in the general lists will be made at the party's convention. However, soon afterwards, the leader of the united opposition, A. Yatseniuk, stated that the process of unification of the opposition was over.

Sources:

<http://www.pravda.com.ua/news/2012/06/20/6967112/>

http://news.dt.ua/POLITICS/yatsenyuk_zayaviv_pro_zavershennya_obednannya_opozitsiyi_pid_praporom_batkivschini-104830.html

21.06.2012

Leaders of the opposition signed the Declaration "on ensuring fair and transparent elections", which defines the principles of creating party lists, as well as lists of candidates from majority districts. Provisions of the Declaration state that the lists will not include people involved in violation of human rights and freedoms, corrupt acts, and those who changed their political stance against the will of the voters. Candidates submitting lists should not change their political stance during the validity of the mandates. They should also undertake to regularly participate in meetings of the parliament and vote only in person.

Source:

http://news.dt.ua/POLITICS/obyednana_opozitsiya_v_svoji_spysky_na_vyborah_tyshok_brary_ne_byde-104231.html

02.07.2012

Prime Minister Mykola Azarov stated that 34 000 web cameras will be installed in the polling stations to monitor the voting process. Soon, the deputy head of the Central Election Commission, Andriy Magera, expressed his personal opinion that the cameras will be ineffective, as they will not allow viewers to see how the votes are being marked on the ballot papers. Besides, some of the experts point out that (according to electoral law) the voters are only allowed to watch the voting process itself online, not the counting of votes.

Sources:

<http://gazeta.ua/ru/articles/politics/azarov-pooobeschal-ustanovit-34-tysyachi-veb-kamer-na-izbiratelnyh-uchastkah/443626>

<http://www.pravda.com.ua/news/2012/07/4/6968069/>

<http://censor.net.ua/news/211216/>

[na_vyborah_v_radu_ukraintsy_daje_s_kamerami_ne_smogut_kontrolirovat_podschet_golosov_smi](http://news.dt.ua/POLITICS/na_vyborah_v_radu_ukraintsy_daje_s_kamerami_ne_smogut_kontrolirovat_podschet_golosov_smi)

03.07.2012

The Supreme Council adopted the Kolesnichenko bill "on the foundations of state language policy" at the second reading. MPs from the opposition asserted to the government that the voting took place with violations, without taking into account the amendments to the bill. In fact, the bill was adopted in the wording of the first reading. MPs from the Party of Regions took over the hall and did not allow the opposition to disrupt the voting. Speaker Volodymyr Lytvyn, who had been absent in the parliament hall during the voting on the law, said that he would not sign it — and tendered in his resignation. However, the MPs refused to put this issue on the agenda.

At the Ukrainian House (National Centre for business and cultural life, where the press conference of the President has been expected) protests were raised by the opponents of the bill, and also people supporting the initiative of Vladimir Kolesnichenko began to arrive. The use of tear gas was prevalent both by protesters and the police. The protests spread across the entire territory of Ukraine.

Sources:

<http://www.segodnya.ua/news/14403948.html>

<http://podrobnosti.ua/podrobnosti/2012/07/06/845706.html>

<http://www.pravda.com.ua/rus/news/2012/07/4/6968034/>

07.07.2012

"Our Ukraine" political party, Ukrainian People's Party and the Congress of Ukrainian Nationalists signed a declaration of unification. More than 30 non-governmental organisations joined the declaration, with "Prosvita", "Memorial", Union of Officers of Ukraine, and other youth, non-governmental organisations of patriotic persuasion among them. The national-patriotic forces who signed the declaration will go to the polls under the name of "Our Ukraine".

Source:

<http://www.unian.ua/news/513599-unp-i-kun-pidut-na-vibori-pid-brendom-nasha-ukrajina.html>

11.07.2012

Former supporters of Viktor Yushchenko formed a party-based union — Ukrainian Platform "Sobor" — under the chairmanship of people's deputy Pavel Zhebrivskij. The first deputy head of the Ukrainian Platform "Sobor", Deputy, Anatoly Matvienko, stated that his party has started the process of uniting the right-wing political forces who did not enter the alliance established on the basis of Viktor Yushchenko's "Our Ukraine" party.

Source:

<http://www.kommersant.ua/doc/1978152>

Arrest of the ex-Prime Minister Yulia Tymoshenko and ex-Minister of Internal Affairs Yuriy Lutsenko

17.06.2012

Head of Delegation of the European Union to Ukraine, José Manuel Pinto Teixeira, stated that he has not been able to obtain permission to meet with the former Prime Minister since her detention nearly ten months ago, while other members of the European Parliament were being granted such permission. According to his statement, he was only able to go up to the 8th floor of the hospital and talk to the guards next to Tymoshenko's room.

Source:

http://news.zn.ua/POLITICS/teysheyra_prishel_v_bolnitsu_k_tymoshenko_no_ego_tak_i_ne_pustili-103977.html

18.06.2012

First Deputy Prosecutor General, Renat Kuzmin, stated that the General Prosecutor's Office had sufficient evidence to bring charges against Yulia Tymoshenko due to her involvement in the murder of deputy Yevgeny Shcherban in 1996. At the same time, Tymoshenko intends to file a claim

against Viktor Yanukovych to courts of other countries in connection with the President's interview given to the Bloomberg agency, in which he spoke about her possible involvement in the murder of people's deputy Evgeny Shcherban. This was announced by the ex-Prime Minister's defender, Sergei Vlasenko.

Sources:

<http://www.kommersant.ua/doc/1960941>

<http://www.interfax.com.ua/rus/pol/108313/>

22.06.2012

The European Court of Human Rights announced the date for consideration of cases relating to former Prime Minister Yulia Tymoshenko. According to the official website of the court, the session is scheduled for 28th of August this year.

Source:

http://news.liga.net/news/politics/684929-novost_dnya_evropeyskiy_sud_rassmotrit_delo_timoshenko_28_avgusta.htm

25.06.2012

In Kharkiv, the first session in the case regarding United Energy Systems of Ukraine, in which Tymoshenko is accused of corruption, took place. Due to the Tymoshenko's state of health and the necessity to provide an opinion on the forensic medical examination on this issue, the judicial session was postponed several times. At first to the 10th of July, then to the 12th of July, and finally to the 16th of August. The session was postponed despite Yulia Tymoshenko's application to consider her appeal without her participation.

Sources:

http://news.liga.net/news/politics/686067-timoshenko_naznachena_ekspertiza_sud_perenesli.htm http://news.zn.ua/POLITICS/vrachi_porekomendovali_lechit_timoshenko_doma-104480.html

03.07.2012

The European Court of Human Rights recognised the arrest of former Minister of Internal Affairs, Yuriy Lutsenko, as a violation of human rights. This decision was issued on Tuesday in the European Court of Human Rights in Strasbourg, based on consideration of a complaint filed by the "famous opposition politician against his arrest". The court also ordered Ukraine to pay Lutsenko 15 thousand Euros compensation for moral damages. According to information obtained in the Ministry of Justice, the decision made by the European Court of Human Rights in the case of Yuriy Lutsenko will not affect the prison term, and the former Minister of Internal Affairs will continue to serve his sentence in places of detention. Prosecutor General of Ukraine, Viktor Pshonka, insists that all the grounds for arrest of the former Minister were raised in accordance with the Ukrainian court's decision.

Sources:

http://news.zn.ua/POLITICS/evrosud_priznal_arest_lutsenko_nezakonnym_-104752.html

<http://www.kommersant.ua/doc/1972955>

<http://www.interfax.com.ua/rus/pol/110807/>

Reaction of the international community to the political situation in Ukraine

15.06.2012

Sanctions may be imposed against Ukraine if the imprisoned opposition leaders will not take part in the parliamentary election this autumn, says the MEP Werner Schulz. Potential sanctions may include considering the business relations of Viktor Yanukovych or investigating the acts of corruption connected with construction of the "Olympic" National Sports Complex. At the same time, on 03.07.2012, deputy chairman of the German Bundestag, Wolfgang Thierse, said that the integrity of the parliamentary election in Ukraine is now being brought into question. This will last as long as the political opponents of

the Ukrainian government remain outside of the electoral process.

Sources:

<http://www.unian.net/news/509583-shults-ukraine-grozyat-sanktsii-esli-lideryi-oppozitsii-ne-primut-uchastiya-v-vyiborah.html>
<http://www.dw.de/dw/article/0,,16069935,00.html>

18-21.06.2012

The European Union, in order to accept the agreement on association, expects Ukraine to make decisions on matters concerning the former members of the government, as well as fair elections. Signing the agreement on association before the parliamentary election is ruled out. Such a statement was made by Gunnar Wiegand — head of the European Commission's Unit for Relations with Russia, as well as the acting director for Eastern Europe, Southern Caucasus, and Central Asia in the Commission's Directorate-General for External Relations.

Sources:

<http://obkom.net.ua/news/2012-06-18/1946.shtml>

26.06.2012

The President of PACE, Jean-Claude Mignon, stated that the organisation will send 41 observers to monitor the election in Ukraine. The PACE delegation will be headed by Swiss deputy Andreas Gross. On the 11th of July, the Chairman of the board of the Institute of Ukrainian Politics, Kost Bondarenko, said that Ukraine expects a large number of international observers: over three thousand people. This is nearly 5 times the number of people monitoring the Russian elections in October.

Sources:

http://news.dt.ua/POLITICS/pare_napravit_na_vibori_v_ukrayinu_41_sposterigacha-104472.html
<http://focus.ua/politics/238173/>

05.07.2012

An international organisation "Freedom House" calls on the authorities to release the imprisoned leaders of the opposition — Yulia Tymoshenko and Yuriy Lutsenko and allow them to take part in the election. According to the organisation, this will allow the authorities to avoid international isolation. At the same time, "Freedom House" believes that there are factors which threaten the legitimacy of the upcoming election: provisions of the law, according to which the Central Election Commission has the power to decide which candidates have the right to run for single-mandate districts, and the district election commissions are not only responsible for overseeing the counting of votes, but they are authorised to eject observers at their own discretion.

Source:

http://www.irf.ua/files/ukr/programs/irf/freedom_house_report_ukr.pdf

11.07.2012

The OSCE Parliamentary Assembly calls on Ukraine to revise Articles 364 and 365 of the Criminal Code, in order to ensure medical care for Yulia Tymoshenko, Yuriy Lutsenko and former Defence Minister Valeriy Ivashchenko, and to allow them to take part in the 2012 election, as stated in the resolution adopted at the session of the OSCE. The resolution also states that the OSCE Parliamentary Assembly is concerned about the general deterioration of the political situation in Ukraine in terms of meeting its commitments to upholding human rights, supremacy of law and democracy, and, in particular, concerning the continued detention of former Prime Minister of Ukraine Yulia Tymoshenko and instances of her mistreatment.

Source:

<http://www.pravda.com.ua/rus/news/2012/07/11/6968592/>

The political echo of the "language"

A new wave of raising the 'language issue' has become critical to the election and, in general, to the socio-political situation in Ukraine during the last month. The escalation of this conflict has slightly diverted public attention away from other important events: from the ruling of the European Court of Human Rights on the case of Lutsenko, from the trial of Yulia Tymoshenko and from the new processes of association among the opposition. The 'language issue' has been a pre-election strategy, it has no serious social support, as it is not relevant for the majority of citizens of Ukraine. However, the political game surrounding this problem is dangerous to the integrity of society.

The electoral chessboard: the pieces are lined up on the board

At the time when 'the language opposition' began to escalate in Ukraine, the electoral map and the relationship between the main political actors became more or less clear. A. Gritsenko's party, the 'Civic opposition' became a part of the United Opposition, and thus it ended the process of unification of opposition forces [1].

The association of Yulia Tymoshenko, A.Yatseniuk and A. Gritsenko proves that the main opposition players are trying to create a monolithic image that is easily identified in the minds of voters as "anti-establishmentarianism." Maybe some opposition forces decided not to repeat the former, age old mistakes we see time and time again? Perhaps it was the mixed system of holding elections that essentially contributed to the association of different opposition forces. Subsequently, there is more room for maneuver for political forces because the potential loss due to "infusion" of nominees in the general list can be compensated by the candidates from majority districts.

However, the ex-president Viktor Yushchenko has been excluded from the Committee for resistance against the dictatorship because of the systematic (according to opposition leaders) collaboration with the regime of Viktor Yanukovich. Instead, V. Yushchenko and "Our Ukraine" associated with the Ukrainian People's Party and the Congress of Ukrainian Nationalists. The leaders of these parties stated that they would not only take part in elections under the brand of "Our Ukraine", but they also intend to establish a common Ukrainian political force [2]. Meanwhile, former associates of Mr. Yushchenko formed a new centre-right party on the basis of the

Ukrainian Platform 'Cathedral' association, chaired by a people's deputy: Pavel Zhebrivskyi. V. Ogryzko, V. Matchuk and other former members of the "Our Ukraine" are participating in the negotiation process. [3].

As you can see, several parties are running for the election, and they are all determined to fight the current authorities, for example, the United Opposition, the Our Ukraine, the Freedom, the 'Blow' of V. Klitschko. What is going to sway the voters who do not support the current regime? We can assume that, in line with tradition in Ukrainian politics, preference for political personalities will have a considerable influence. The differences of policies between, for example, the 'Freedom' and the 'United Opposition' are quite significant. But when choosing between the "Our Ukraine", the United Opposition Party and the 'Blow', voters are likely to be guided by the personality of individuals who are the leaders of these parties. Meanwhile, as the results of a poll conducted by the Razumkov Centre at the end of June prove, nearly 40% of Ukrainians believe that the opposition leader is Yulia Tymoshenko, while 20% ascribe this status to A. Yatseniuk, and 4% - to V. Klitschko. [4].

The 'language issue' - a new wave

The political echo of the 'language issue' has been so strong that it even overshadowed the ruling of the European Court of Human Rights on Lutsenko's case. According to this decision, the arrest of former Minister of the Interior was deemed a violation of human rights [5]. The decision of the European Court was reached through concern only over the observance of human rights during Lutsenko's apprehension. Does this mean that political prisoners officially appeared in Ukraine? The question is controversial. On the basis of this ruling, it is impossible to release Lutsenko from custody, and even political motives for his prosecution can be taken into consideration only indirectly in this case. Despite this, the importance of the decision which was made at such a level high, is great. However, the "linguistic" battles have drawn all the attention.

The subject of 'language' also somewhat distracted public attention from the imprisonment of Yulia Tymoshenko, whose case is also going to be reviewed by the European Court of Justice on the 28th of August. And meanwhile, the first meeting of the Kharkov Court on the case of the Unified Energy Systems of Ukraine, in which Tymoshenko was accused of corruption, has already been held. Due to Yulia

Tymoshenko's health condition and the necessity to provide forensic evidence on this matter, the judicial hearing has been postponed several times - it was first scheduled for the 10th of July, then - for the 12th of July, and finally - for the 16th of August. [6].

Maybe this is what the country's leadership really needs - to divert the attention from the danger of its international isolation [7], as well as from the problems in the socio-economic area. And so, the issue of language - a very predictable, but invariably effective issue came to the rescue. For the "language issue" is one of those issues that appeal to the deep value orientations of different segments of the Ukraine population and in some cases, to civilisational orientations. It is this instrument of a 'watershed divide' that the political system particularly needed before the election.

The course of the 'language' conflict

We will briefly resume the chronology of events that received some significant press coverage during the last month. On the 5th of June, a draft law "On State Language Policy", initiated by V. Kolesnichenko and S. Kivalov was adopted in the first reading. The law provides for the strengthening of the position of regional languages. This event triggered a conflict between politicians as well as protest actions in the streets. On the 20th of June, during the committee hearings, more than 2,000 amendments were added to the law. But Kolsnichenko left the committee meeting, calling the majority of its members biased [8].

On the 3rd of July, the Parliament passed V. Kolesnichenko's law at the second reading without consideration of amendments to the law. In fact, the law was adopted in the wording of the first reading. Deputies from the Party of Regions took over the podium and did not allow the opposition to disrupt the vote. The opposition asserted that the government held the ballot in violation of the rules. The speaker Volodymyr Lytvyn, who had been absent during the vote for the law, said that he would not sign it - and sent in his resignation. But the deputies refused to put this issue on the agenda.

On the 7th of July, the President instructed the Cabinet to consider amendments to the law, and he expressed regret that many amendments to the law have not been considered before its adoption. Only after a thorough legal review is done will the President will decide whether he should enact the law or reject it [9].

In fact, the President created the conditions for the

law to be signed by the Speaker at this stage, and thus for a time he withdrew from the responsibility. This will allow the President to count the possible advantages and disadvantages that are borne out of his decision. After all, the electoral consequences of his decision 'for', or 'against' can be very significant. So now the most advantageous strategy for the President is simply to adopt a 'wait-and-see' attitude.

Meanwhile, protests of opponents of the law began near the Ukrainian House. Also, people who support the initiative of Vladimir Kolesnichenko, began to gather there. Protesters and the police reported the use of a tear gas [10]. The protests have spread throughout the territory of Ukraine. As of the 13th of July, approximately 300 people were protesting near the Ukrainian House, and more than 10 people went on hunger strike.

Such a small number of protesters could be explained by the fact that the 'language issue' is not the main priority among the Ukrainians. This is indicated by the results of the poll, conducted by the Razumkov Centre and the 'Democratic Initiatives' Foundation. The problem of the Russian language status is in 31st place among the current issues for Ukrainians and it is only important to 4% of respondents. And every year the dynamics of the decrease of interest in this matter remain on the same level. Most Ukrainians are interested in the issues of unemployment, economic crisis, inflation, social welfare, corruption, etc. [11]. Against this backdrop it is not surprising, why now so many are skeptical of the purported enormity of the supposed 'red rag' "language issue" raised by politicians.

"Language" as a strategy

"Clashes" around the language issue have strategic, rather than ideological motives. The results of the survey conducted by the Razumkov Centre confirm: 65% of Ukrainians believe that the enactment of this law was a pre-election tactic assumed by the Party of Regions with the aim of increasing its popularity [12]. Moreover, the Party of Regions itself actually proves with its working documents which were leaked to the public, that the 'language issue' is merely a pre-election strategy [13].

It is necessary to take into account the fact that questions of value cannot be changed immediately by the adoption of any law. The law cannot impose upon people the language in which they are to think or communicate. What's more - the adoption of this law is not sufficient even for the regulation of the existing language space. This requires a more long-term en-

deavor pertaining to the construction and transformation of values through the education system, culture and social development. Moreover, it is very likely that after the election, the law will be at least revised, and perhaps, as some experts state [14], abolished by the Constitutional Court.

In general, the adoption of Kolesnichenko's law in the second reading mobilised a small radical section of the opposition electorate, and we can assume that it has even aided to consolidate moderate voters who oppose the government. With this action, the authorities strove to strengthen their credibility in the eyes of their constituents, showing that they fulfill their promises. But at the same time, the authorities effectively removed a lot of means of attracting new voters.

Putting the unity of society at stake

The closer the election, the more Ukrainian politicians consider political strategy to be more important than social values. Some problems emerge that cannot unite a society, but just the opposite - they radicalise some elements of it. Indeed, the language is one of the foundations of identity, it expresses historical, ethnic, cultural and ethical differences between different parts of Ukraine.

Instead of unifying the society on the basis of political institutions and socio-economic priorities, Ukrainian politicians traditionally play the 'language card' before the election, and begin to use the advantage of the split society. After all, politicians realise that no matter what decision will be made, this decision will correspond with the value orientations of a large part of Ukrainian population. It is because for the Ukrainians there are no generic criteria for being a 'Ukrainian'. For residents of Western Ukraine, a Ukrainian is defined by the language, culture, as well as by religious and ethnic identity, while for residents of Donbass, a Ukrainian passport is a sufficient reason to call themselves 'Ukrainians'.

But it must be remembered that overall identity does not mean 'uniformity'. And in the short-term perspective, Ukrainians cannot be united so much by shared values, as by common goals. But, as before, politicians before the election bare the old wounds of the society and defer the process of its consolidation.

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