



## Yanukovych Clears Path to Election Fraud International Community Condemns Change to Rules

The prospect of election fraud once more looms large in Ukraine. Just days before voters go to the polls, President Viktor Yushchenko signed into law amendments to rules governing the election process that could pave the way to mass falsifications.



▲ Don't let them steal the election. Prime Minister Yulia Tymoshenko draws the election scandal to the world's attention.

At a parliamentary session on Wednesday, the party of presidential candidate Viktor Yanukovych, with support from the Communist Party and dissidents from the Our-Ukraine-People's Self-Defence bloc, voted in the amendments. The changes scrap the requirement for a quorum of representatives of both contenders to approve the count at individual polling stations.

It means that local election commissions in charge of the country's 38,000 or so voting stations will be able to sign off the results without the approval of commission members nominated by Ms Tymoshenko.

On Wednesday, Prime Minister Yulia Tymoshenko expressed her concerns to EU and US ambassadors and representatives of the OSCE/ODIHR election monitor mission. She also appealed to President Yushchenko not to ratify the law. Hanne Severinsen, the Danish politician and former Head of the PACE Monitoring Committee for 12 years, also urged the president to veto the legislation. Klas Bergman, the director of communications for the OSCE's Parliamentary Assembly, was another to stress the importance of not changing the country's electoral rules between the two rounds.

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But the pleas of the international community went unheeded. Yesterday Mr Yushchenko signed the amendments into law. This led the matter to be raised by the Foreign Affairs Committee of the European Parliament. MEPs Elmar Brok and Charles Tannock (respectively the European People's Party and the ECR's foreign affairs coordinators) issued a press statement saying, "The decision to change the electoral rules in between presidential election rounds now raises serious concerns about the vulnerability of these elections to violations and fraud which could undermine the final result."



Foreign Minister Moratinos, on behalf of the EU Spanish Presidency, passed responsibility for the EU's official response to High Representative Baroness Catherine Ashton. In a statement she said, "I call on all candidates to ensure that the will of the people can once more be expressed at the polls this Sunday." She then went on to express her support for the election monitors.

"Oddly, she seems to have missed the point," remarked one seasoned Ukraine watcher.

Meanwhile, Ms Tymoshenko slammed her opponent's actions. Mr Yanukovich responded dismissively, showing contempt for the democratic process. "This is a sign of her weakness and an indication that she is losing," he said.

At a press conference held yesterday a steely Ms Tymoshenko said, the law "opens a direct path toward the complete falsification of the election." She added, "If we are unable to guarantee the honest expression of the people's will and honest results, we will mobilise the people."

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## **Beauty and the Beast**

### **Examining the Gulf Dividing the Two Candidates**



**The biggest myth of the 2010 presidential elections is the suggestion that there is no difference between the Party of Regions leader Viktor Yanukovich and Prime Minister Yulia Tymoshenko. In reality there are huge differences, especially in areas such as fighting corruption, relationships between big business and politics, and foreign policy.**

#### **Business Relations**

Big business is represented in every faction in the Ukrainian parliament – including, ironically, the Communists. Indeed, the two smallest factions (Volodymyr Lytvyn bloc and Communist Party), which together have 50 deputies both appear to flip-flop their allegiances. But big business and oligarchs do not control either Ms Tymoshenko or her eponymous bloc. This cannot be said for Mr Yanukovich and his Party of Regions.

Mr Yanukovich's limited intellectual capabilities, gaffe-prone political career, reliance on oligarchs and leadership of the most socially populist Ukrainian party, are all testament to a striking lack of independence. A quick analysis of his party list reads like a Who's Who of Eastern Ukrainian industrialists, a significant proportion of whom crave the immunity from prosecution afforded by a seat in parliament.

While Ms Tymoshenko had a highly successful career in the energy industry, she divorced herself from her business when she entered parliament.

#### **Energy**

Policy on energy sharply divides the two presidential hopefuls. Mr Yanukovich backs the return of the opaque gas intermediary RosUkrEnergo (RUE) and to Kuchma era subsidised gas prices, in return for granting geopolitical favours to Russia. These are believed to include bringing Russia



into a gas consortium and adopting the 'Belarusian model' for Ukraine's gas pipelines, where 50 percent of their ownership would be ceded to Russia.

Also, Mr Yanukovich has vowed to renegotiate the 2009 gas contract that brought to an end last winter's acrimonious gas dispute with Russia. The EU and Ms Tymoshenko are opposed to its renegotiation, as this is likely to threaten the new-found stability provided by the 10-year contract brokered between Ms Tymoshenko and Russian Prime Minister Vladimir Putin in January 2009.

## Fighting Corruption

Ms Tymoshenko is Ukraine's foremost warrior against energy corruption, having fought it for a decade and spent time in prison for her determination to fight the scourge. During the 1999-2001 Viktor Yushchenko government, she clawed back \$4 billion in annual rents stolen by oligarchs. The monies were used to repay wage and pension arrears. Her record on transparent privatisations, raising state receipts through anti-smuggling initiatives and getting businesses to pay honest taxes are well documented. In addition, her removal of RUE from the gas trade won her plaudits around the world.

Sadly, Mr Yanukovich appears determined to bring such middlemen and energy rents back into Ukrainian politics; backhand deals that would benefit his party elite but not the population. Indeed, RUE lobbyist Serhiy Levochkin is widely tipped to become the head of the presidential secretariat if Mr Yanukovich wins the election.

Interestingly, Mr Yanukovich's official election manifesto does not address rolling back the shadow economy or corruption.

## Snap Parliamentary Election

Should Mr Yanukovich be elected, he would order a snap parliamentary election so that he can consolidate his power base. In contrast, Ms Tymoshenko has vowed not to subject the country to the further instability from yet another election. She vows to work with existing parliamentary forces to form a coalition government. The position of premier has already been offered to Sergey Tihipko, the third placed candidate in the first round of the elections, in return for his support.



## Economic Management

Mr Yanukovich supports policies that undermine Ukraine's relationship with the IMF. He has opposed the terms of the 2008, \$16.4 billion Stand-By Agreement which the Party of Regions undermined by initiating populist legislation that contravened budget conditions agreed with the IMF. Incredibly,

he says that he will resolve the non-compliance issue but fails to explain how. Meanwhile, he refuses to cancel the budget busting 20 percent rise in social spending that his party initiated.

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In contrast, Ms Tymoshenko initiated policies that have curbed inflation, recapitalised banks and steadied the national currency. These policies are seeing the country emerge from recession. And despite the severity of the downturn, the consolidated state budget deficit is likely to be around 4.7 percent of GDP. According to Dragon Capital, the general



government deficit, including also bank recapitalisation, was 8.5 percent of GDP. The current account deficit was reduced to 1 percent of GDP last year and the country has healthy foreign reserves of \$26 billion.

## Separatism

The Party of Regions supports separatism in Georgia and in Ukraine, giving sustenance to regionalist forces in the Crimea and Transcarpathia. The For Yanukovych! bloc in the Crimean Supreme Soviet brings together the Party of Regions and two Russian extremist parties. They, in turn, work with the Communists and national-Bolshevik Progressive Socialist parties that enabled the Crimean Supreme Soviet to support a resolution recognising the independence of South Ossetia and Abkhazia in September 2008.

President Kuchma was the scourge of Crimean separatists and destroyed them in the mid 1990s, when he banned the Crimean presidential institution, driving them to the margins of political life. Mr Yanukovych brought Russian extremists back from the political wilderness and gave them quotas in the For Yanukovych bloc! in the Crimean Supreme Soviet and Crimean local councils.

Now, Mr Yanukovych plans to make Russian a second state language, which will further fuel separatist sentiment.

## NATO

In foreign policy, the contrast between both candidates is even starker as Mr Yanukovych is far more pro-Russian than President Leonid Kuchma ever was. He has long opposed the NATO

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Membership Action Plan (MAP). His Crimean extremist allies and Party of Regions have led anti-American and anti-NATO protests that have cut short joint military maneuvers since 2005. These were held without any interruption during Mr Kuchma's entire presidency. Seemingly,

Mr Yanukovych is not only a threat to Ukraine's NATO membership, but even to high levels of military cooperation under NATO's Partnership for Peace.

In contrast, in January 2008, Ms Tymoshenko signed, together with President Yushchenko and parliamentary speaker Arseniy Yatseniuk, a letter to NATO seeking a MAP. Within the Bloc of Yulia Tymoshenko there are many pro-NATO personalities, such as the head of Rukh and former Foreign Minister Borys Tarasiuk and Andriy Shkil. Ms Tymoshenko has called for a referendum on NATO membership after a public information campaign.

## EU Integration

There will not be any re-set of relations between Kyiv and Brussels under a Yanukovych presidency – and not only because Brussels remembers his ostrich and crocodile skin shoes that he wore during his 2006 visit. For Mr Yanukovych has never bothered to lobby his interests in Brussels – unlike Ms Tymoshenko. EU integration will quickly be put on the backburner if he is elected president.

Mr Yanukovych's allegiances are clear to see. His Party of Regions has a five year cooperation agreement with the Unified Russia party that Prime Minister Vladimir Putin leads – but not with any



political group in the European Parliament. In comparison, Ms Tymoshenko's Batkivshchyna party is the most active Ukrainian party in Europe. It has been an enthusiastic member of the largest party in Europe – the European Peoples Party (EPP) – since 2006. The EPP formally endorsed Ms Tymoshenko's candidacy and has called on democratic forces to support her in the second round.



## Relations with Russia

In adopting Russia-centric policies, Mr Yanukovich is again very different to Ms Tymoshenko. This is why Russian elites and Russian public opinion support him in the 2010 elections. The Russian Public Opinion Foundation found that 53 percent of Russians believe that Mr Yanukovich will be elected as Ukraine's next president, whereas only 14 percent expect that Ms Tymoshenko will triumph. Some 47 percent consider that relations with Ukraine will improve if Mr Yanukovich is elected while only 8 percent expect the same from Ms Tymoshenko's election.

This is because Mr Yanukovich will adopt policies that Russia endorses. These include making Russian the second state language; transforming Sevastopol into a permanent Black Sea Fleet base; joining the CIS Single Economic Space Customs Union and the CIS Collective Security Treaty Organisation. Add to this Mr Yanukovich's support for a gas consortium and separatism in Georgia and one can understand why the aforementioned poll gives a true reflection that Mr Yanukovich – not Ms Tymoshenko – is Moscow's favourite candidate.

Ms Tymoshenko has a far less obsequious relationship with the Kremlin. She prefers amicable relations between the two countries based upon mutual respect. This is a long way from wanting to join a Moscow-led customs union. Her position is based largely upon pragmatism. She understands that stable energy relations underpin security and prosperity within the region. At the same time she refuses to sacrifice the sovereignty of Ukraine's gas pipeline network and has called for the removal of all foreign bases from Ukrainian territory in line with the constitution.

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The yawning gulf between Ms Tymoshenko on foreign and domestic policy blows a hole through the assertion that there is no substantive difference between the two candidates. It's like saying there was no difference between the Soviet Union's Mikhail Gorbachev and US President Ronald Reagan because they both sought to curb the proliferation of nuclear weapons.

The similarities are few and the differences are stark.



## When is a TV Debate Not a TV Debate?

This was the question posed on Monday when presidential hopeful Viktor Yanukovich shunned a prime-time television debate with Yulia Tymoshenko, ahead of the presidential run-off on 7 February.



▲ Something or someone is missing.

month he even slighted Ms Tymoshenko's gender, saying "you can't argue with a woman," and "she should go to the kitchen."

Ms Tymoshenko certainly did not do that on Monday. "Today I have to look at an empty space and debate with an empty space. It is important that this empty space does not occupy the post of the Ukrainian president," she said.

Andriy Shevchuk, a high school student from Lviv, articulated the views of many, "He's afraid to debate because he's just not smart enough."

Questions or comments? E-mail us at [nlysova@beauty.net.ua](mailto:nlysova@beauty.net.ua)