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When Ukrainians went to the polls to vote in parliamentary elections on 31 March 2002, they were choosing the membership of a political institution that is distinctive in the post-Soviet context. Ukraine's 450-seat unicameral legislature, the Verkhovna Rada (Supreme Council), is the only national assembly outside the Baltic states and Georgia where representatives from all the major political forces in the country can consistently express their views and even pass or delay important legislation from time to time. It is one of the few governmental institutions of any kind in the region that has not been completely taken over by the country's president, where some notion of the need to check executive power still survives, and where real discussions take place about different political approaches to national problems.

For these reasons—and despite the country's (accurate) classification by experts as a "superpresidential" regime—parliamentary elections in Ukraine typically feature vigorous electioneering, high turnout, and active participation by all political forces, including groups drawn from civil society. The 2002 elections were no exception: Turnout reached over 60 percent among the country's 38 million registered voters. Civil society organizations were more active than ever before, with several coordinating their efforts and issuing an appeal as early as July 2001 in which they called on politicians, journalists, and activists to promote freedom and fairness in the upcoming elections. In addition to monitoring campaigning in the districts and providing an army of trained poll watchers on election day, NGOs helped voters to overcome gaps and

distortions in official media coverage and to learn more about various candidates and parties. The 2002 campaign was probably the most expensive and hard-fought of the three parliamentary elections that Ukraine has seen since it became independent in 1991. In addition to setting a record in money spent, the elections also featured the strongest performance ever by prodemocratic parties, the leading group of which (ex-premier Viktor Yushchenko's "Our Ukraine" coalition) won nearly a quarter of the vote on the proportional side of the ballot from which half the 450 seats are filled. (The other half are filled by first-past-the-post contests in single-member districts.)

Despite all the public interest and the encouraging election-night results, however, the larger story of the 2002 voting is an instructive if frustrating example of how, in a country where semi-authoritarianism coexists with vibrant elements of a nascent civil society, a genuine election can leave the victors with few institutional means to exercise the mandate that the voters have given to them. For the overbearing executive branch that dominates post-Soviet Ukraine under President Leonid Kuchma not only uses its control over official media and state resources to try and shape electoral outcomes before the fact, but has now also shown itself willing to undermine the outcome of an election whose verdict it does not like. The authorities had been accustomed to influencing election outcomes successfully through pre-election coercion, bribery, and persuasion; through stratagems on election day itself; or else through control over the vote-counting. This time, however, they found these tried and tested methods somewhat risky given the international attention focused on this election and the increasing sophistication of the civil society organizations that were pushing for an honest and transparent process. Therefore, the propresidential forces found it all the more crucial to secure the levers of power within the Rada, outmaneuvering their opponents who, though in the majority, were unprepared to cope with hardball tactics.

According to the Central Election Commission's official results, six parties or blocs of parties surpassed the 4 percent threshold needed to qualify for seats in the Rada (exact figures appear in the Table on the facing page). As noted above, "Our Ukraine" headed the proportional list with 24 percent of the vote. The Communist Party—hardly prodemocratic, yet classifiable as an antipresidential formation—came in second with just under 20 percent, while the opposition "Yulia Tymoshenko Bloc" and Oleksandr Moroz's Socialists gained about 7 percent each, giving forces known for their critical stance toward the *vlada* (presidential ruling apparatus) a clear majority (57.7 percent) of the total party-list vote.

A strong showing in the party-list vote, however, was not enough to guarantee that antipresidential forces would dominate the new parliament. A sign of this can be read in the figures in the Table. These show, for instance, that by the time the "self-nominated" deputies from the

TABLE—RESULTS OF THE 2002 ELECTIONS TO THE UKRAINIAN PARLIAMENT

PARTIES/BLOCS THAT PASSED THE 4% THRESHOLD	1	2	3	4	5	6	7
Our Ukraine	23.52	6,108,088	70	42	5	118	26.2
Communist Party of Ukraine	19.98	5,178,074	59	6	0	64	14.2
For a United Ukraine*	11.77	3,051,056	35	86	56	177	39.3
Yulia Tymoshenko's bloc	7.28	1,882,087	22	0	1	23	5.1
Socialist Party of Ukraine	6.87	1,780,642	20	2	0	22	4.9
United Social Democratic Party of Ukraine	6.27	1,626,721	19	8	4	31	6.9
Independents without a faction	–	–	–	11	–	11	2.4

1. % of the PR vote
2. Actual votes for party lists
3. Deputies voted in on PR lists
4. Deputies from single-mandate districts
5. "Independents" joining the parliamentary faction
6. Final total in the parliamentary faction
7. Percentage of seats overall in parliament

** On June 20th, For a United Ukraine divided into seven factions.*

single-member districts had finished joining the various party-list contingents of deputies, the propresidential "For a United Ukraine" (FUU) bloc controlled almost two-fifths of the seats in the Rada even though the FUU's party-list share did not top 12 percent. A lack of coordination among the antipresidential forces, together with skillful maneuvering by the FUU, set the stage for FUU leader Volodymyr Lytvyn, a former head of the Presidential Administration, to be elected speaker of parliament by the margin of a single vote.

After the high hopes of early April, Lytvyn's accession to the speakership came as an abrupt anticlimax for the antipresidential parties. With President Leonid Kuchma and his handpicked prime minister and cabinet firmly in place for two more years in a term of office plagued by allegations of malfeasance that included selling arms to Iraq, subverting the election campaign, and ordering physical assaults on members of parliament and independent journalists, the loss of the speakership disheartened many opposition MPs.

Unique Elements

Ukraine's 2002 parliamentary campaign was in many respects unique among post-Soviet elections to date. Viktor Yushchenko—unlike several other party or bloc leaders—had never declared himself to be in opposition to Kuchma. Yet the still-fresh memory of Yushchenko's April 2001 dismissal from the premiership and his continued high popularity (he had led independent Ukraine into its first-ever period of sustained economic growth) inevitably made him both a symbol of hope for a better life and a rallying point for those who wished to protest against Kuchma and his corrupt government. Without a party of his own, Yushchenko opted to create a coalition; obvious partners were the two wings of Rukh (Ukraine's leading national democratic movement) along with other parties such as Reforms and Order, Solidarity, Forward Ukraine Party, the Liberals, and the Congress of Ukrainian National-

ists. After the creation of Our Ukraine was announced in July 2001, it was not clear for many months how closely the bloc would work with Yulia Tymoshenko and Oleksandr Moroz, or even whether a broader coalition would be formed to include them all.

Yulia Tymoshenko, whom Kuchma had dismissed from her post as vice-premier for energy in January 2001, had declared her radical opposition to the superpresidential regime much earlier and was open to closer cooperation with Our Ukraine right up until campaigning began. Tymoshenko herself suffered two weeks of imprisonment on old corruption charges during the campaign, but this move backfired on the authorities when she emerged from prison more popular then ever. Though Socialist leader Oleksandr Moroz did not share Our Ukraine's free-market agenda, he did have a record of opposing Kuchma: It was Moroz who had first revealed the existence of audiotapes that allegedly recorded the president ordering illegal acts. The Communists—ambivalent opponents of the president at best—chose to run separately, while the United Social Democratic Party of Ukraine neither actively opposed Kuchma nor joined the FUU.

Many of the hallmarks of post-Soviet party politics and party formation are still manifest in Ukraine. Parties are still defined far more by their leaders' personalities than by platform or ideology, and the typical party's prospects rise or fall with its leader's fortunes. In the case of the parties that formed the FUU, these leaders were oligarchs or officials from the president's circle who mouthed reformist-sounding slogans but were clearly in the race to preserve the current opaque and impenetrable system that has enriched so many of those with access to power. Still, voters who wanted to maintain or extend state control over industry and agriculture did not have to vote for the FUU, since the clearly antipresidential Moroz and his Socialists took a similar stand on that issue.

Observers both international and domestic have called the 2002 elections the worst that Ukraine has seen in terms of government efforts to manipulate the vote. In the months prior to the election, the Committee of Voters of Ukraine documented numerous instances of officials using state resources to promote propresidential parties and hinder the opposition. Nongovernmental organizations that follow this issue have amply documented the use of state- and oligarch-owned media to support candidates favorably disposed toward the regime. Although the law mandates equal television time on the state-owned UT-1 network for all parties and blocs, candidates whom the government favors get mentioned favorably in news programs. (Coverage in the oligarchs' media is another story, since these outlets are privately owned.) An experience not to be missed was the FUU's campaign commercial. It featured the usually stiff and phlegmatic Volodymyr Lytvyn and the bloc's top politicians surrounded by a choir of pop stars and sportsmen chanting and swaying along with the bloc's catchy theme song. Conversely, Viktor Yushchenko

was rarely mentioned in a positive way on any of the main channels, Yulia Tymoshenko and Oleksandr Moroz could not get on the air, while propresidential candidates found no lack of access to the media through paid advertising, including text messages sent to mobile-phone owners.

The authorities used still other techniques to influence voters that were quite clever and quite dubious. One especially popular tactic was "candidate cloning"—the practice of confusing potential electors by arranging for candidates with the same name as a rival to run in his or her district. Thus the prominent prodemocratic politician Taras Stetskiv found that the ballot for his Lviv constituency contained several other candidates who shared his surname. Taras Chornovil, son of the late Rukh leader Vyacheslav Chornovil, was surprised to discover that his half-brother Andriy, who had never before used the Chornovil name and had no record of any interest in politics, was listed high on the slate of a new party bearing the name Rukh, National Movement of Ukraine (Narodnyi Rukh Ukrainy)—a case of "party cloning" to go along with candidate cloning. There was "bloc cloning" as well. For example, one coalition with no connection whatsoever to the former prime minister was nonetheless registered "in the name of Viktor Yushchenko."

Other new parties and blocs that seemed designed to draw votes away from the popular parties of Yushchenko and his colleagues included Women for the Future, a proregime party that numbered among its official supporters First Lady Lyudmyla Kuchma and Valentyna Dovzhenko, the head of the State Committee on Family and Youth. A more serious and conspicuously well-funded new grouping, the oddly named Winter Crop-Generation Party, was aimed at the youth vote. Despite huge exposure in the media, electors roundly ignored these parties, which garnered 2.11 percent and 2.02 percent of the vote, respectively.

The overt use of Russian campaign advisors was another element that distinguished 2002 from previous election years, when Russian influence was present but better hidden. The United Social Democrats openly employed public-relations experts from Gleb Pavlovsky's Fund for Effective Politics, the masterminds of several of Russian president Vladimir Putin's successful campaigns. The Russians set up an office in Kiev, becoming part of the election campaign through their very presence, in addition to the advice they were recommending. The Russian factor was also obvious in other ways such as the airing of negative and libelous campaign material about Yushchenko in a made-for-Russian-TV documentary, which then became part of the smear campaign against him in Ukraine.

Several media organizations monitored the amount of air time and column space given over to various candidates, parties, and blocs and published their findings on a regular basis. The Freedom of Choice coalition together with Transparency International investigated spending on campaign ads and publicized the results at a press conference in mid-

March. At that time, the United Social Democrats led the field, having spent US$1,175,812, followed by Women for the Future with expenditures of US$722,300 and the Green Party at US$375,914. The United Social Democrats eventually topped the bill, for all the good it did them: They spent US$2.1 million but could manage no better than a poor sixth-place showing in the final tally.

The culmination of the joint efforts of many civil society organizations came when the polls closed at 8 p.m. local time on Sunday, March 31. At that moment, these groups released the results of three nationwide exit polls conducted by independent polling organizations, with a total of 18,000 respondents. These polls showed Our Ukraine definitively in the lead at 25 percent, with the other five blocs and parties following with more or less the percentages that they wound up with in the final official results. Many observers have noted that after the release of these figures at a well-attended press conference, it became all the more difficult for the authorities to falsify the final official returns.

The results merit a few general observations. The most striking is this: Despite all the money, the means of persuasion (whether sophisticated or banal), and the outright illegal manipulations that the presidential forces brought to bear, nearly seven in ten Ukrainian voters opted for the antipresidential side of the spectrum. This shows that Ukrainians are more politically sophisticated—and their level of discontent with the country's current leadership deeper—than their rulers have heretofore reckoned. Manipulative techniques that worked in Russia, such as newly created and heavily publicized proregime parties, do not work in Ukraine. The slick advertising and saturation of the private and state media with campaign programs and commercials for the proregime parties also failed to convince the electorate, which is becoming more practiced at vetting the messages to which it is exposed.

An Evolving Party System

While signs of evolution are clearly present, Ukraine's party system has a long way to go before it resembles those of Central and Western Europe. Perhaps the most prominent feature that the Ukrainian polity shares with other post-Soviet systems is the presence—or to speak more precisely in the Ukrainian context, the creation and then re-creation—of a "party of power" dedicated to backing the president and defending the superpresidentialist regime against any and all challengers. Then there are the unreconstructed Communists. Although their support has plainly declined since 1998, when they won a quarter of the vote in the parliamentary elections, the Communist Party of Ukraine survives to represent the older, poorer citizens, mostly in the south and east, who still feel nostalgia for the Soviet era. Unlike their Russian counterparts, however, the Ukrainian Communists have not been brought up-to-date by a

charismatic leader, nor do they appeal effectively to nationalist sentiment.

Ukrainian political parties are also still fairly typically post-Soviet in being based on leading personalities rather than a set of principles or an ideology. Parties usually come together and split apart depending on the political fortunes and ambitions of their leader. The 2002 parliamentary elections are widely seen as a dry run for the October 2004 presidential balloting. There has been much speculation as to whether Kuchma himself will run for a third term. Although the 1996 Constitution specifies a two-term limit, he has argued in the past that since his first term began in 1994, this limit does not apply to him. Because of the way in which the parties are structured, it is easy to predict the list of those who will contend for the presidency. Yushchenko figures as the current favorite. Joining him on the ballot will almost certainly be Communist leader Petro Symonenko. Viktor Medvedchuk is known to be keen to run despite having recently become head of the President's Administration. Volodymyr Lytvyn may have lost his position as the Kuchma's favored heir apparent after the poor showing of the FUU bloc. Oleksandr Moroz, who ran for president in 1999, and Yulia Tymoshenko are both known to be looking forward to 2004, but might be persuaded to hold back if it looks as if a united opposition can coalesce behind a single standardbearer who will take on President Kuchma's anointed candidate. However, with two years to go, and the real if remote possibility still open that Kuchma may want to run for a third term, any predictions about who will run can be no more than tentative.

The opposition forces' strong showing at the polls did not ensure their predominance in the new Rada. As noted earlier, many of the candidates who had won election from single-member districts as "independents" showed their true colors as soon as parliament met by flocking to the FUU and boosting its total seat share to 39 percent. Most of these "independents" came from central and eastern Ukraine, where the presidential forces had reportedly spent large sums to manipulate or simply to buy votes. These candidates were not in all cases set up by the regime, but were businessmen who thought it would serve their own best interest to join the presidential faction once in parliament.

The first major political battle was the struggle for the speaker's chair and hence the leadership of parliament. This important post is considered one of the key positions of influence within the Ukrainian ruling hierarchy. The speaker sets the agenda for parliamentary debates and consideration of legislation, determines how long other deputies get to speak, and is himself constantly in the limelight. This struggle consumed nearly the entire month of May and ended with the opposition deftly outmaneuvered and stymied. Coordination on the opposition side was not tight to begin with: The four disparate antipresidential factions—Our Ukraine, Tymoshenko's bloc, the Socialists, and the

Communists—formed a loose coalition that actually backed two or three different slates to fill the speakership as well as the two deputy-speaker posts. Even though the opposition was technically in the majority for a while, its fumbling efforts to muster support and schedule votes went awry, and none of its proposed slates drew the required 226 votes. Then suddenly, on May 28, the FUU bloc and the United Social Democrats put forward a slate that proposed to make Lytvyn speaker with Oleksandr Zinchenko of the United Social Democrats as one of his deputies and Henadii Vasiliyev of the Party Labor Ukraine (which had joined up with the FUU) as the other. This ticket drew the support of 226 deputies—including seven members of Our Ukraine—and so Kuchma's man Lytvyn squeaked into the speakership. As rumors swirled that some MPs had been paid up to US$300,000 for their votes, Our Ukraine moved swiftly to expel the seven Lytvyn supporters from its ranks.

In the next stage of postelection maneuvering within parliament, the opposition fared better. After two weeks of political horse-trading, on June 7, a majority vote of 235 secured ten committee chairs for Our Ukraine, six for the Communists, two for Yulia Tymoshenko's bloc, and one for the Socialists, who also got to chair the special commission on privatization. Even so, the influential committees on finance and banking; building, transport and communication; energy and nuclear policy and safety; and foreign relations went to the FUU. The United Social Democrats were left with the committee responsible for ecology and the elimination of Chernobyl's aftereffects.

With the speakership secure, the next major victory for the presidential forces came with the confirmation of the new procurator general. With international attention still focused on the unresolved Gongadze case, with the possibility of Kuchma's involvement in other crimes, and with the Ukrainian government launching renewed indictments against opponents such as Yulia Tymoshenko, the procurator's office is at the center of a cluster of contentious issues swirling around the presidency. Having made sure that the president's candidate was confirmed, the web of tactical alliances that undergirded the FUU had outlived its usefulness and the bloc split, creating seven new factions in the Rada. Despite the significant number of committee chairmanships that the opposition gained, Kuchma's ability to supplement his strong constitutional control over the premiership and cabinet with the presence of one of his supporters at the head of the Rada strengthened his hand and dispirited many oppositionists.

A Dismayed Opposition

The sense of frustration and pessimism within the opposition camp deepened after three rerun elections on July 14 were marred by blatant manipulations that included the disqualification of an Our Ukraine can-

didate on the eve of the balloting. More instances of the by now alarmingly familiar phenomenon of sudden and mysterious death intensified the feeling of living in a lawless state: On July 19, a young and theretofore healthy Our Ukraine MP died suddenly after the rapid onset of a mysterious illness. On the same day came the suspicious death by "heart failure"—just two days before he was due to testify at the Supreme Court—of the confessed killer of Ihor Aleksandrov, a journalist who had been beaten to death in 2001. Cases like these, together with the still-unsolved murder of journalist Georgi Gongadze and the evidence of Kuchma's possible involvement, hang like a pall over the political landscape of Ukraine. In late July, an airshow disaster in Lviv that killed 79 spectators and a mining accident that took the lives of 19 men in Donetsk wrapped the closing sessions of parliament in gloom and intensified the distrust that many feel toward a government which appeared to care very little about the lives and safety of its own citizens.

As the parliamentary session closed, it seemed as if the government forces were already gearing up for the 2004 presidential elections. Rumors abounded that the President's Administration was already working out plans to use all the standard manipulative instruments, including pliable courts, punitive tax inspections, control over the media, state resources, and even the services of a newly hired presidential image consultant.

Unable to do much else, opposition leaders have responded with declarations of outrage. Our Ukraine's political coordinator Roman Bezsmertnyi is on the record as saying that "the parliamentary elections and the runoffs have demonstrated that there is no constitutional way to change the government in the reality of Ukraine today."[1] Yulia Tymoshenko issued a statement announcing her bloc's cooperation with the Communists and declaring: "We are convinced that the main objective for conducting a campaign of civic protest in the fall is to resolve the most difficult question for Ukrainian society—the question of establishing an effective political system and a professional leadership team which is loyal to Ukraine. The only way to lead Ukraine out of its crisis is immediately to hold pre-term presidential elections."[2]

Whether there will be a "hot autumn" of civil disobedience and protests depends to a large degree on whether the antipresidential forces will unite and employ a common strategy. On 23 August 2002, the four leaders met and took some concrete steps toward organizing and coordinating their activities. The deeper problem is that not even large public protests will change the reality that Ukraine has reached an impasse. The electoral system is working: It is producing results that reflect genuine and widespread popular discontent with the current incumbents—and perhaps also with the bloated superpresidential system they so opaquely and selfishly command. But the sad irony is that without the political will to democratize on the part of the leadership, the Constitution it-

self—by distributing so much power to the presidency—now stands as the single greatest barrier to the peaceful democratic transition toward which electoral results like those of March 2002 would seem to point.

At the time of this writing in late August 2002, President Kuchma appears finally to have recognized the untenable nature of the situation and to have realized that there is no way for either him or his designated candidate to win the next presidential elections without massive coercion. In his 24 August 2002 televised Independence Day address to the nation, he called for immediate "decisive changes to the political system," claiming to be convinced that Ukraine now needs to become a "parliamentary-presidential republic." With few explanatory details announced, it is difficult to gauge whether this was a tactic to preempt demands from the opposition or whether there will be serious efforts to reform the system by constitutional means. But as always in Ukraine, the critical factor remains the exercise of real control over the executive branch, the courts, and the media, as well as such extraconstitutional instruments as the tax police and the various subunits of the special forces and security troops. This will be the decisive battleground in the struggle ahead.

NOTES

1. This quote was posted on Roman Bezsmertnyi's website, *www.rb.kiev.ua*.

2. Quoted from *www.tymoshenko.com.ua*.