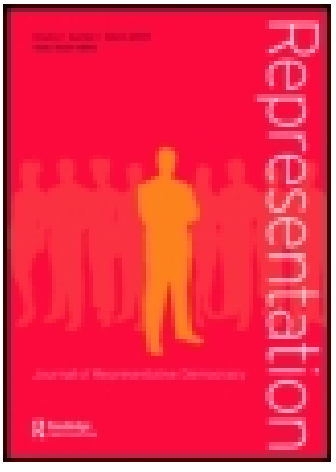

Representation
Publication details, including instructions for authors and subscription information:
http://www.tandfonline.com/loi/rrep20

Electoral reform in Ukraine: The 1998 parliamentary elections

Sarah Birch [a]

[a] Lecturer in the Politics of Ukraine , Essex University

Published online: 06 Jul 2007.

The Ukraine has adopted a two-vote additional member voting system. In remains to be seen whether the new system will help consolidate the political parties.

Electoral Reform in Ukraine: The 1998 Parliamentary Elections

Sarah Birch

In 1994 Ukraine held its first parliamentary elections as an independent state. At that time the economy was in virtual free-fall and there was serious doubt about the country's ability to survive independently at all. The elections were judged relatively 'free and fair', but many observers lamented the strong showing of the Communist Party, which won more seats than any of the new political groupings to have formed in the wake of Soviet communism's collapse. Contemporary commentary placed much of the blame for this result on the single-member double-ballot electoral law which localised competition and stifled party system development. Four years later elections were held under a new mixed law designed to counter these tendencies, yet again the communists performed strongly, and again the electoral law was blamed for their success. Does this mean that electoral engineering is to no avail in the circumstances of post-communism? This article will argue that electoral reform in Ukraine did have significant effects on the outcome of the 1998 elections, but that these must be considered in the context of the overall development of the party system.

Background

By 1998 the Ukrainian economy had more or less bottomed out, but true recovery had yet to be firmly established due to delays in implementing the 1994 reform programme, lack of privatisation, chaotic tax and corporate governance legislation, and endemic corruption. In foreign policy and domestic political terms, however, the post-independence period was one of consolidation and stabilisation. In the summer of 1994 Ukraine elected a new president, Leonid Kuchma, who managed over the next three years to iron out most of Ukraine's differences with Russia, including the status of Crimea, custody of the Black Sea Fleet, energy debts, and the decommissioning of Ukraine's massive stock of nuclear weapons. May 1997 saw the

Sarah Birch is currently Lecturer in the Politics of Ukraine at Essex University, and has published articles on Ukrainian electoral behaviour and the effect of electoral laws on the political process in Ukraine.

signing of a bilateral treaty in which both countries recognised each other's existing borders and agreed to a raft of co-operative measures. The other major accomplishment during this period was the passage in June 1996 of Ukraine's first post-Soviet constitution, defining the relative powers of the president, the parliament and the judiciary, and establishing a constitutional court.

Despite these political accomplishments, the Ukrainian electorate appears to have been quite disillusioned with the country's economic situation, which was their main concern. A nation-wide sample survey conducted during the last two weeks before polling day indicated that 66.2% of respondents believed that the economic reform programme launched in 1994 had been a failure, and 65.5% said that the material state of their family had got 'a lot worse' over the past four or five years. When asked which problems most bothered them, there was a clear tendency to refer to immediate economic issues. A total of 33.5% of respondents listed irregularity of payments as the most pressing problem, while a further 27.2% opted for unemployment. The category that received the next most responses was political corruption, at 9.5%.[1] Under these circumstances it is not surprising that many voters favoured parties and candidates that they perceived, for whatever reason, to be 'outsiders' and political forces staunchly opposed to the political and economic changes that have occurred since 1991. Yet the electoral system had a significant impact on the ways in which their views were translated into parliamentary representation.

Design of the electoral system

The law governing the 1994 elections had not greatly altered the single-member double-ballot system left over from the Soviet period, and it was not well-designed for multi-party politics. The maintenance of 450 single-member constituencies fragmented and localised electoral competition, resulting in a severe regionalisation of legislative support and a parliament in which half the deputies were independents.[2] Moreover, the dual requirements for 50% turnout and a 50% majority win resulted in a quarter of the seats being left vacant after the second ballot in April 1994. Most of these seats were eventually filled in a protracted series of by-elections, but there was agreement across the political spectrum that changes had to be made to rationalise the process and to strengthen the party system. From an early stage there was a wide-spread belief that Ukraine ought to adopt a mixed single-member/proportional system along the lines of that used in Russia since 1993. Though the communists were initially hostile to a move toward PR, they were eventually won over when they realised they stood to gain from the proportional element in the new system. When it was eventually adopted in September 1997, the new law stipulated that half

1. The survey referred to in this paragraph was funded by an ESRC grant, and carried out by the Kyïv International Institute of Sociology. Further details are available from the author upon request.
2. See Sarah Birch, 'Party System Formation and Voting Behaviour in the Ukrainian Parliamentary Elections of 1994' in Taras Kuzio (ed.), *Contemporary Ukraine: Dynamics of Post-Soviet Transformation* (New York and London, ME Sharpe, 1998), pp.139-60.

the seats (225) would be elected through a single-member simple majority formula (with no turnout requirement), and half through largest-remainders PR with nation-wide lists and a 4% threshold for all participants, be they parties or blocs.[3] The other main change in the law was a switch from Soviet-style 'negative' voting, where voters crossed off the names of all but one candidate, to 'positive' voting, where voters marked their preferred option.

3. Like the Russian and Lithuanian systems (but unlike their German and Hungarian counterparts), there is no provision in the Ukrainian system for compensatory distribution of list seats to achieve proportionality in the parliament as a whole.

Consequences of the electoral system

It is possible to identify two types of consequence of electoral reform; these are - to use Duverger's terminology - 'mechanical' effects and 'psychological' effects. The mechanical effects have to do with the ways in which a change in the electoral law affects the shape of the parliamentary party system through vote-to-seat conversions. The 'psychological' effects are of two sorts, firstly how the changed system bears on the behaviour of political actors - party activists and parliamentarians - and secondly, the effects the system has on voters' perceptions of electoral opportunities and their evaluation of the electoral process. From the point of view of the interaction between electoral reform and democratisation, it is perhaps the psychological effects that are most important. The mechanical effects of electoral systems are well-known; what is not well understood are the extent to which political actors will take advantage of the opportunities inherent in a given system, and the ways in which their behaviour will be shaped by the exigencies of vote-to-seat conversion formulae.

There is little evidence that the new Ukrainian electoral system discouraged electoral participation by aspirant political groups. Whereas candidates from 32 parties had contested the 1994 elections, in 1998 30 slates on the list ballot represented 40 parties, including 9 blocs and 21 parties standing alone. There were also a handful of other minor parties which contested small numbers of single-member seats. Mixed systems are not designed to stifle competition *per se*; on the contrary, they diversify incentive structures. Parties that might never have attempted to contest a race when a majority in a given geographical area was required might well have thought their chances higher if they 'only' had to pass the 4% hurdle. At the same time this hurdle posed no disincentive to locally-based parties who could still aim to target a geographically restricted constituency. Yet the number of contestants is a poor indication of the eventual size of the parliamentary party system.

In absolute terms there was a rise in the number of parties that entered parliament from 14 in 1994 to 23 in 1998. But the effective number of parties fell from 13.29 in 1994 to 9.80 in 1998. This decline can be almost entirely attributed to the 4% threshold for the list seats.

4. Many of these appear to have been 'spoiler' parties set up with governmental support to draw votes away from the left and centre-left; see Sarah Birch and Andrew Wilson, 'The Ukrainian Parliamentary Elections of 1998', *Electoral Studies*, forthcoming.

There was in fact a significant rise in party system fragmentation in the constituency elections. Twenty-two parties won in the single-member seats and the effective number of parties in these seats taken separately was 24.1 - almost double the number in 1994, despite the decline in the number of seats available and their corresponding increase in size. There was also an increase in the number of small parties that achieved success in the constituencies. Whereas in 1994 there were only two parties with one seat apiece, in 1998 this number had risen to eight, and twelve of the parties that won in the constituencies failed to break through the 4% threshold. There was also a slight rise in the proportional number of independents who achieved success, from 49.7% in 1994 to 51.6% in 1998. It is thus probable that the 1998 elections would have witnessed a dramatic increase in parliamentary party system fragmentation had it not been for the introduction of the proportional element of the ballot. Whatever the motives of single-member candidates in standing for election, political co-ordination and the prospect of government formation do not appear to have played prominent roles. In neither its mechanical nor its psychological aspects did the single-member component of the system enhance party system consolidation.

The 4% threshold also appears to have been fairly ineffective in instigating parties to join forces, but it did have a powerful mechanical effect on the size of the parliamentary party system. It might be wondered why so few parties acted 'rationally' and created joint lists. The answer is that there *was* some of this 'rationality' at work, but the party system was still too protean and the electoral system too new for most political organisations to have been able to make a reasonable assessment of their chances on the list ballot. Almost all the blocs that did form were composed of parties that had also contested the 1994 elections but had fared poorly in national terms. Of the 32 parties that had fielded candidates in 1994, six presented lists on their own in 1998, while 17 stood as members of a bloc. This partial consolidation was counteracted, however, by the emergence of new parties who were testing their electoral strength for the first time.[4] Of the 17 new parties in 1998, only one entered into a bloc.

If the prospect of winning the million-odd votes necessary to cross the threshold does not appear to have daunted these new hopefuls, it did ultimately exclude most of them from representation. In so doing it resulted in a large proportion of 'wasted' votes. The situation was not as extreme as in the Russian Duma elections of 1995 when half the electorate voted for parties that failed to cross the threshold, but 34.2% of list votes were nevertheless submerged in parties that fell short of the crucial 4% mark. This figure is quite high by Eastern European standards, where the average was 17.7% in proportional systems

Table 1: Elections to the Ukrainian Parliament (Verkhovna Rada), 29 March 1998

Parties	list votes	list seats	list seats %	SM seats	SM seats %		total seats %
Communist	24.65	84	37.33	38	16.89	122	27.11
Socialist/Rural	8.56	29	12.89	5	2.22	34	7.56
Progressive Socialists	4.05	14	6.22	2	0.89	16	3.56
Working Ukraine	3.06	–	–	1	0.44	1	0.22
Defenders of the Fatherland	0.31	–	–	–	–	–	–
All-Ukrainian Party of Workers	0.79	–	–	–	–	–	–
Total left	**40.63**	**127**	**56.44**	**46**	**20.44**	**173**	**38.44**
Greens	5.44	19	8.44	–	–	19	4.22
Popular Democrats	5.01	17	7.56	12	5.33	29	6.44
Hromada	4.68	16	7.11	7	3.11	23	5.11
Social Democrats (United)	4.01	14	6.22	3	1.33	17	3.78
Agrarians	3.68	–	–	8	3.56	8	1.78
Razom	1.89	–	–	1	0.44	1	0.22
NEP	1.23	–	–	1	0.44	1	0.22
Party of Nat. Econ. Development	0.94	–	–	–	–	–	–
Social Liberal Union (SLOn)	0.91	–	–	1	0.44	1	0.22
Party of Regional Revival	0.91	–	–	2	0.89	2	0.44
Soyuz	0.70	–	–	1	0.44	1	0.22
Party of Womens' Initiatives	0.58	–	–	–	–	–	–
Social Democratic Party	0.32	–	–	–	–	–	–
Party of Muslims	0.20	–	–	–	–	–	–
Spiritual, Econ. and Soc. Progress	0.20	–	–	–	–	–	–
European Choice of Ukraine	0.14	–	–	–	–	–	–
Total Centre	**30.84**	**66**	**29.33**	**36**	**16.00**	**102**	**22.67**
Rukh	9.40	32	14.22	14	6.22	46	10.22
Reforms and Order	3.13	–	–	3	1.33	3	0.67
National Front	2.72	–	–	5	2.22	5	1.11
Forward Ukraine	1.74	–	–	2	0.89	2	0.44
Christian Democratic Party	1.30	–	–	2	0.89	2	0.44
Republican Christian Party	0.54	–	–	–	–	–	–
Ukrainian National Assembly	0.40	–	–	–	–	–	–
Fewer Words	0.17	–	–	1	0.44	1	0.22
Total Right	**19.43**	**32**	**14.22**	**27**	**12.00**	**59**	**13.12**
Against all	**5.26**						
Independent				**116**	**51.56**	**116**	**25.78**
Invalid	**3.09**						
Total	**100**	**225**	**100**	**225**	**100**	**450**	**100**

Sources: *Uryadovyi kyr"yer*, 9 April 1998, p. 5; 21 April 1998 pp. 4-10; *Holos Ukraïny*, 18 April 1998, pp. 3-9; 28 April 1998, p. 3; *Holos Ukraïny*, 18 August 1998, p. 2.

5. Sarah Birch, 'Elections and Representation in Post-Communist Eastern Europe', in Kenneth Newton and Hans-Dieter Klingemann (eds.), *Founding Elections in Central and Eastern Europe* (Berlin, Sigma, forthcoming, 1998).

between 1989 and 1997.[5] Yet pollsters had predicted more vote wastage, and many were surprised when eight parties were successful in crossing the threshold. Of these, three were on the left, four in the centre, and one on the right (see Table 1). In ideological terms, the list vote was divided approximately according to a 40:30:20 ratio, with the final tenth of the ballots being either against all parties or invalid.

In terms of seat distribution, there was remarkably little ideological swing from 1994 to 1998. The main inter-electoral change was the decline of independents (due to the reduced number of single-member seats) and the rise of centrist parties. Whereas centrist parties won fewer than 4% of the seats in 1994, they gained over 20% four years later. Many members of the so-called 'party of power' - a mythical grouping of non-party apparatchiki and firm directors - have evidently been encouraged by the opportunities and exigencies of the electoral system to align themselves along official party lines. Of the four centrist parties to clear the threshold, three had been established since the previous elections, and the fourth - the Greens - had undergone a major overhaul. All of these parties are well-known associates of specific business interests, and the rise of the centre in these elections can be interpreted as the partification of the business community. But though this development was undoubtedly influenced by the recent electoral reforms, it is not clear that business leaders would not have felt it to be in their interest to align with official parties anyway, given the organisational infrastructure a party affords. The most that can be said is that the new electoral system facilitated this process. Electoral reform also coincided with a doubling of the proportion of women represented in parliament, from 17 (3.9%) in 1994 to 35 (7.8%) in 1998. But again, the change in electoral system cannot account entirely for this rise; only slightly more women entered parliament through the list ballot (19) than through single-member seats (16), and of those elected on lists, nearly half (9) were Communists. Though it is frequently claimed that list-PR provides an incentive for parties to nominate women in order to achieve a 'balanced' list, this does not appear to have been a high priority for most Ukrainian parties in 1998.

The representation of the political right was little changed overall; right-wing parties gained 13.1% of the seats in 1998, as against 11.5% four years previously. There was, however, a notable shift of seats away from the far right and toward the more moderate 'national-democratic' parties, especially the largest party in this camp - Rukh - which saw its representation rise from 6% of seats in 1994 to 10% in 1998.

The situation on the left was more complex. Of all the parties to enter the distribution of list seats, the Communists did best out of the magnifying effect of the threshold, gaining from its existence twenty seats more than they would otherwise have had. This was a boon to the

6. See Sarah Birch, 'The Ukrainian Parliamentary and Presidential Elections of 1994' *Electoral Studies*, 14:1 (1995); 'The Ukrainian Repeat Elections of 1995' *Electoral Studies*, 15:2 (1996).

left as a whole, which maintained its position in parliament largely due to the workings of the proportional component of the system. Does this mean that the mixed system worked to entrench the post-communist parties? In a sense, yes, but at the same time the increase in the number of leftist deputies may not actually indicate an increase in 'support' for the left. The means through which a deputy is elected to parliament has a strong bearing on the nature of the link between voter and candidate. In the post-communist context party affiliation is rarely the most important criterion on which voters evaluate candidates. When asked which factor had the most influence on their choice of constituency candidate, only 3% of survey respondents listed the candidate's party. More voters were swayed by candidates' ability to support 'people like [them]' (42%), by their professional experience (26%), or by their personal qualities (13%). In this situation the number of candidates elected from a given party is a poor indication of the electoral support of the party *qua* party. Before 1998 Ukrainians had never been asked explicitly in an election which party they supported, and it is difficult to judge how the Communists might have done on a list ballot if one had been held in 1994. The most we can do is compare like with approximate like (bearing in mind changes to the law governing constituency elections). If we do this, we find that the Communists, and the left in general, performed significantly *worse* in constituency elections in 1998 than they had four years earlier. In 1994 the Communist candidates won 25.4% of the seats (23.9% after the series of by-elections in 1994 and 1995), and the left as a whole won 34.8% (35.6% by the end of 1995).[6] In 1998, by contrast, Communists picked up only 16.9% of the single-member seats, and the left as a whole 20.4%. Given that the proportion of constituencies won by independents remained almost exactly the same, this change must be attributed to gains made by candidates from other parties at the expense of leftists. It appears that centrist parties supported by the government - mainly the Popular Democratic Party and the Agrarian Party, both formed since 1994 - were the main beneficiaries in this instance. Whereas candidates of centrist parties had won only a handful of seats in the first elections, they took 32 in 1998, 20 of which went to the aforementioned two. What the left appear to have lost from increased competition in the single-member constituencies, they made up for in the list voting, where they garnered over 40% of the votes and 38% of seats. This indicates that underlying the apparent stability in the left's ability to win seats there has been a significant change in the nature of their electoral strength. Though their grass-roots organisational structures seem to have been eroded somewhat by government-based patronage networks, they have established themselves firmly at the national level.

7. This figure is based on calculations presented in *Politychnyi kalendar* 7 (April, 1998), p. 6.

It remains to consider the psychological effect of the new system on voters. Like the political parties that competed in the 1998 race, Ukrainian voters do not appear to have been familiar enough with the new electoral system to be able to make 'rational' use of it. The high toll of wasted votes testifies to this, but more curious still is the survey finding that 40% of survey respondents claimed that their vote on the list ballot did *not* depend on that party's chances of clearing the threshold, as opposed to only 21% who asserted that this factor would have some influence. The remaining 39% either did not know or did not answer the question, demonstrating considerable unfamiliarity with the workings of the electoral system. When asked whether they thought the new system was more democratic than the old, 34% were again unable to answer (though there was a three-to-one margin in favour of the new system among those who did respond). These figures suggest that, as Duverger himself conjectured, the psychological effect of an electoral system takes some time to become a major factor in determining outcomes.

Conclusion

The new Ukrainian electoral system was in many senses a risky one. Though eight parties cleared the 4% mark, only three received as much as 6% of the vote; a re-distribution of only several hundred thousand of the 27 million votes cast could have radically altered the outcome, virtually wiping out the representation of centrist parties in list seats. As it was, vote wastage accounted for the distribution of 54 seats to parties that cleared the 4% threshold,[7] and the reduction of the number of single-member seats decreased by half the number of seats won by independents. These 'mechanical' effects of the new law did more than the psychological effects of the system to re-distribute seats in the new parliament. The main psychological effect of the system was to encourage party-formation in the centre of the political spectrum. Though this did little to change the basic left-right balance, it did have the result of reducing party-political polarisation and structuring an ideological space that had been occupied in the last parliament by an amorphous and fluid group of weakly-aligned independent deputies. The factions that formed when parliament met for the first time in mid-May were based around the parties that had participated in the distribution of list seats; this meant that the total number of factions was reduced from eleven at the close of the old parliament to eight in the new. This change greatly increases the transparency of the representative process and creates lines of accountability which were heretofore almost entirely absent. At the same time, the centre is by no means united, comprised as it is of competing business groups fighting over the spoils of economic re-structuring; it took 19 rounds of

voting for the new parliament to elect a left-wing speaker.

A second effect of the new electoral system was that it went some way toward counter-acting the extreme regionalisation of Ukrainian politics that had been manifest since the late 1980s; unlike the main left and right parties whose support is disproportionately concentrated respectively in east and west Ukraine, the centrist parties can claim supporters across the country. Though a certain amount of regional clumping is evident for most of them, the distribution of the centrist electorate cuts across rather than reinforces existing regional cleavages.

That the mechanical effects of the new system are more important than the psychological effects has an important consequence for the democratisation process. It leads to considerable vote wastage in list voting because parties fail to form joint lists and because voters fail to take their electoral chances into consideration. This in turn magnifies the seat share of those parties that clear the threshold, which has a powerful structuring effect on the parliament and on the party system. Yet it can also introduce an element of arbitrariness into the process of party system consolidation - parties that fall just below the threshold are for all practical purposes shut out of the system unless they can attract considerable numbers of single-member seats. With a distribution of single-member seats that is highly fragmented, those who win on the list ballot are in a position to dominate the process of faction-formation. The real winner in this process has been the organised centre, which has seen its parliamentary clout rise dramatically as a result of the recent elections. It remains to be seen whether the centrist parties created to this end will in time acquire the ideological coherence required to guide the political process, or whether in-fighting among Ukraine's business élites will continue to leave real parliamentary power concentrated in the hands of the left.