The Negative Consequences of Proportional Representation in Ukraine

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Abstract: Ukraine has changed its electoral law numerous times. The first two elections to the parliament in 1990 and 1994 employed a single-member district majoritarian system. The Verkhovna Rada elections in 1998 and 2002 used a mixed system with single-member districts and proportional representation. The parliamentary elections in 2006 and 2007 were purely proportional representation. Finally, the elections in 2012 went back to the mixed system. This article argues that the use of proportional representation has facilitated extensive manipulation in the Ukrainian political system through the creation of “party projects” and by severing the link between parliamentarians and their constituents.

After Ukraine gained its independence in 1991, it faced an urgent need to reform its electoral legislation to address new political realities – most importantly, the development of a multiparty system in place of the previous one-party system that had ruled the Soviet Union. According to the existing law adopted during the Soviet era, parties other than the Communist Party of the Soviet Union had no legal basis. That law laid out a first past the post majoritarian system in which the winner had to win an absolute majority of the votes.¹

The opposition national-democrat deputies in the People’s Rada group in the first years of independence supported electoral law reform

and backed a mixed system that included single-member districts and proportional representation (PR) or various models of proportional representation. The declining political prospects of the national-democrats stimulated their interest in electoral reform. The standard of living in independent Ukraine was not improving and the deepening economic crisis hurt their popularity. Moreover, these politicians had concentrated all their strength on gaining independence and had no plans for what to do after they succeeded. As a result, several parties formed from their ranks and each of these new parties had its own vision for the future development of Ukraine. Having failed to create a powerful network across Ukraine and constantly fighting among themselves, the national-democrats could not divide the districts among themselves to avoid competition with each other.

At the same time, the leftists, particularly the communists, had developed structures and expected an increase in popularity as Ukrainians became dissatisfied with their newly-won independence. Accordingly, they strongly supported the use of the majoritarian, first–past-the-post system, which they felt would improve their chance of winning more seats. Since they had an absolute majority in the Verkhovna Rada (See Figures 1 and 2)

Figure 1. Political affiliation of Members of Parliament elected in single-mandate districts, 1990

Source: Verkhovna Rada website (rada.gov.ua)

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2), the leftists voted against any electoral law that did not include single-member districts.

**Figure 2. Members of Parliament who belonged to the “Narodna Rada” group (1990)**

![Map showing members of Parliament in Ukraine](image)

Source: Verkhovna Rada website (rada.gov.ua)

After the 1994 elections, the position of the leftists changed despite the fact that they performed better in the elections than the Right. One in four leftist candidates won their elections, whereas only one in ten rightists succeeded. The Left felt that this margin of victory was not enough. The Right’s problem was that it could not divide up the districts so that only one rightist candidate ran in each; the result was that they split their votes and allowed other candidates to win with a plurality. As a consequence of the problems on the left and right, the winners in more than half of the districts were non-partisan candidates who nominated themselves and represented no party (See Figure 3). These candidates represented the business interests, which had begun to appear in the 1990s. Fearing that they would lose their influence, the Communists and the Socialists began to work with the rightists on the electoral law and became advocates of conducting parliamentary elections according to party lists. President Leonid Kuchma opposed such changes as the non-party deputies supported him, as well as representatives of the relatively weak parties.

As a compromise, the deputies adopted a 1997 law based on a mixed proportional-majoritarian system under which half the parliament was

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At roundtable meetings discussing the electoral law, the majority of experts continued. This idea became popular among social organizations. Single-member district system, the campaign to adopt a fully proportional electoral systems: closed party lists and majoritarian districts, which were considered running in both violated the principle of equal voting rights. 2002 the Constitutional Court ruled that a candidate could not simultaneously run in a single-member district and on the party list. In elected in single-member districts using a first-past-the-post system, and half by closed party lists. Under this mixed system one candidate could simultaneously run in a single-member district and on the party list. In 2002 the Constitutional Court ruled that a candidate could not simultaneously run on the party list and in a single-member district since the court considered running in both violated the principle of equal voting rights. Therefore the 2002 elections were conducted according to two parallel electoral systems: closed party lists and majoritarian districts, which were not connected in any way.

Following the adoption of the 50:50 proportional representation/single-member district system, the campaign to adopt a fully proportional system continued. This idea became popular among social organizations. At roundtable meetings discussing the electoral law, the majority of experts supported the transition to a proportional system.4

Notes: * To win these elections, a candidate had to garner more than 50% of the vote and voter turnout in the district had to be at least 50%; thus runoff elections had to be held in many districts; because of these conditions some districts failed to elect anyone.

** The Supreme Council of Ukraine did not recognize the mandates of candidates who won in Districts 300 and 376.

Citing international experience and foreign experts, particularly Maurice Duverger and Arend Lijphart, the supporters of the proportional system used the following arguments: 5

For ordinary citizens:
- The proportional electoral system dominates in countries which have high-quality electoral democracies.
- Majoritarian electoral systems dominate in countries with authoritarian political regimes, while in democratic countries it invariably leads to a two-party system.
- Under mixed systems, there is a clear tendency in which the further a country moves along the path of democracy, the greater the role of the proportional system.

For experts: 6
- The system provides proportional representation in the parliament of the main political preferences of the citizens of Ukraine, which is difficult to achieve under a majoritarian system. As an example they pointed to the 1994 elections, held under the majoritarian system, in which candidates from Rukh won 5.15 percent of the votes, but only received 16 seats in the parliament instead of the 23 they would have won under a proportional representation system.
- The proportional system creates a better-structured parliament, forming long-lasting fractions and a parliamentary majority.
- The proportional system increases the role of political parties and a politically-structured society.
- The introduction of the proportional system fits global trends: almost all countries of western and central Europe use proportional electoral systems.
- The majoritarian system to a greater degree facilitates the misuse


of administrative resources for fraud than do proportional systems.

- The proportional system strengthens the political responsibility of political parties.
- The closed list proportional electoral system in one national district stimulates the formation of national parties and reduces the danger of a regionalization of political forces and a split in the country.

Using the vote of his fraction, Socialist Party leader Oleksandr Moroz supported the adoption of an electoral law exclusively employing proportional representation for the elections to the Verkhovna Rada and local councils in exchange for backing the constitutional amendments of March 25, 2004.7

But the results of switching to a proportional system did not live up to the initial expectations. And new problems rose to the fore after already becoming visible in the mixed system.

The Transformation of Parties into “Political Projects”

One of the main arguments had been that the proportional representation system would optimize the number of political parties. In order to cross the electoral threshold to enter parliament, small parties would be forced to unite with other small parties or join larger parties. At the same time, the system would not lead to an effective two-party system such as the one that defines the majoritarian system of the U.S. However, as practice showed in Ukraine, dropping the majoritarian system not only did not slow the process of creating new parties, but it weakened almost all existing parties.

During elections under the majoritarian system, parties that sought to win a majority of votes had to nominate effective politicians in almost every district. Therefore the political parties were interested in searching out and supporting strong representatives and this process strengthened the party. But the first steps toward dismantling the majoritarian system provoked intra-party battles with renewed intensity. Now the main requirement for winning a seat in parliament was not working in one’s district, but one’s position on the party list. And since the list is formed by the party leaders at the top, the existing party leaders became afraid that newcomers would try to remove them from their positions and therefore sought to ensure that they would not face any potential competitors. As a result, there was fighting and splits within the parties.

Socialist Party of Ukraine

One prominent example is the Socialist Party of Ukraine, led at the time of the adoption of the new law by Moroz, who strongly supported the use of proportional representation. Conflicts with the leadership of the party led to the following splits:

- On February 3, 1996, a group of radical socialists led by Natalia Vitrenko left the party and established the Progressive Socialist Party.
- A new conflict arose in 1999 when Ivan Chizhom and Valerii Arestov created an intra-party “socialist platform.” Inclined to compromise with the president, on February 19, 2000, the Socialist Party of Ukraine political council expelled the organizers from the party for activities that could “lead to a party split and weaken its authority.” The outcasts created the All-Ukrainian Association of Leftists “Justice.”
- In June 2006 Yury Lutsenko left the party in protest against Moroz’s decision to bring the Socialist Party into the “Anti-Crisis Coalition” with the Party of Regions and the Communist Party of Ukraine. Lutsenko in March 2007 created a new social movement called Popular Self-Defense and on April 15, 2007, on the base of the party Forward Ukraine and the Christian Democratic Union, created the electoral bloc entitled Yury Lutsenko’s Popular Self-Defense. Also, the Socialist Party expelled Iosif Vinsky on October 17, 2006, for criticizing the formation of the Anti-Crisis Coalition; later he formed the Popular Power party.
- In 2009 Aleksandr Baranivski and Stanislav Nikolaenko left the party over disagreements with Moroz. On April 4, 2009 Nikolenko accepted the invitation of Ivan Chizhto head the left-center party Justice.
- On December 15, 2011 Nikolai Rud’kovsky left the party over disagreements with Moroz. He had been Moroz’s main competitor in the elections for the party chairman in the summer of 2011. Later he joined the Party of the New Generation of Ukraine and won election to the parliament as a non-party candidate.

Losing influential politicians forced the Socialist Party to run lower quality candidates in the single-member districts. Even though
they nominated similar numbers of candidates in the elections of 1994\textsuperscript{8}, 1998\textsuperscript{9} and 2002\textsuperscript{10}, their number of victories fell. In 1994, the party won in 14 districts, in 1998 in 5, and in 2002, only 2. In the majority of cases, candidates won fewer votes in their districts than did the party on the PR portion of the ballot.

“With the exit of Vinsky, Nikolaenko, Tsushko and a host of other people, the Socialist Party of Ukraine (SPU) essentially became a “leadership club” of Oleksandr Moroz,” according to political scientist Vladimir Tsybul’ko.\textsuperscript{11} But the public weight of party leader Moroz soon was not sufficient to compensate for the negative influence of the departures from the party. The consequences were visible in the results of the party lists: In 1998, the SPU-SelPU won 8.5\%\textsuperscript{12}, in 2002, the SPU won 6.87\%\textsuperscript{13}, and in 2006, it won 5.69\%.\textsuperscript{14} Moroz’s decision for the SPU to join the Anti-Crisis Coalition further damaged the party’s rating and in the 2007 elections, it received just 2.86\%\textsuperscript{15} and did not cross the barrier required to enter parliament. Although several small leftist parties merged with the socialists, their support was not enough to overcome the losses. In the parliamentary elections of 2012, the results were even worse: 0.45\% and the party did not win even one single-member district.\textsuperscript{16}

\textit{People’s Movement of Ukraine (Rukh)}

On the other end of the party spectrum, the usurpation of power by the party leader in order to control the formation of the party list led to intra-party conflicts, which weakened the most influential rightist political force in the 1990s – the People’s Movement of Ukraine (Rukh). At the Seventh


\textsuperscript{14} Elections to the Verkhovna Rada. 2006. Results, Central Electoral Commission <http://www.cvk.gov.ua/pls/vnd2006/w6p001>

\textsuperscript{15} Elections to the Verkhovna Rada. 2007. Results, Central Electoral Commission <http://www.cvk.gov.ua/pls/vnd2007/w6p001>

\textsuperscript{16} Elections to the Verkhovna Rada. 2012. Results, Central Electoral Commission <http://www.cvk.gov.ua/pls/vnd2012/wp001>
All-Ukrainian Assembly on October 28-29, 1997, which was devoted to the upcoming parliamentary elections, Vyacheslav Chornovil, the chairman of the party who had been elected without opposition for yet another term, blocked the proposal to rank the future Rukh parliamentarians on the party list based on their popularity. He received colossal power in securing the right to name the members of the Central Council at his discretion and this body gained the exclusive right to determine the make-up of the party list.  

Chornovil’s authoritarian actions were one of the reasons that led some of the local leaders to form an intraparty opposition. As a result, on February 28, 1999, the party’s deputy leader Yury Kostenko and a group of his supporters who were dissatisfied with the results of the Ninth Congress held what they called the “Tenth All-Ukrainian Assembly of Rukh” at which Kostenko was named party leader. To counter this offensive on March 7, 1999, Rukh held the second step of the Ninth All-Ukraine Assembly. That meeting confirmed Chornovil’s power and Kostenko was deprived of his post as deputy head of the party. Hennadiy Udovenko was named the party’s presidential candidate. At the same time Kostenko’s group continued to call itself the real “Rukh.” The battle for the Rukh brand continued after Chornovil’s death in 1999. That year, however, the Ukrainian Supreme Court finally deprived Kostenko’s group of the right to the Rukh name. Ultimately this group formed its own party – the Ukrainian Popular Party.

A year later, another split took place within the party. On November 25, 2000, party activist Bogdan Boiko and a group of supporters held the First All-Ukraine Congress of People’s Rukh of Ukraine for Unity. Ultimately, this group formed another party – The People’s Rukh of Ukraine for Unity.

On January 25, 2009, the second step of the 18th Extraordinary Assembly took place at which Boris Tarasuk was elected party chairman. But over the course of these intra-party battles, the party excluded the leaders of the L’viv and Ternopil organizations while others, including Chornovil’s widow Athena Pashko, voluntarily left the party. After these splits, Rukh no longer had a serious influence on Ukraine’s political life.

The absence of a tradition of intra-party democracy caused similar problems among other political forces. Of all the parties created in the mid-1990s and remaining active until the present, only the Communist Party of Ukraine consistently wins election to the Verkhovna Rada. Although the party has also lost prominent members, the influence of these departures on

election results was minimal. The party base plays a key role in its ability to consistently win votes since it is made up of older voters who are nostalgic for life in the Soviet Union and have little faith in new political parties. Other parties either ceased to exist or their candidates entered parliament on the party lists of other parties, causing their politicians to switch their party registration.

Green Party of Ukraine

The change of the electoral system transformed the priorities of the political parties, effectively causing them to focus exclusively on advertising campaigns. A representative example is the Green Party of Ukraine. It is one of the oldest political teams in the country, having been created in September 1990 on the basis of the ecological association Green World, which had its roots in the Ukrainian SSR. The ideological banner of the organization was “ecosocialism.” The Greens did not reject socialism, but pointed out that they had their own environmental view on the resolution of many socio-political problems. Their program stressed the environment over the economy, politics, and ideology, and the interest of individuals over the state. The Greens opposed the Union Agreement, which sought to preserve the Soviet Union, and called for the creation of a free, sovereign, and democratic Ukraine.

During the first years of the party’s existence, the Greens were in the opposition. Therefore the most active regional organizations of the party were in the western oblasts, where the Greens played a prominent role. In 1990 the Greens joined the coalition of national-democratic forces and won victories in the L’viv, Ivano-Franko, and Ternopil local governments. The Greens also had a strong position in the capital, where former Green party leader Vitalii Kononov and his future deputy Oleg Shevchuk won elections to the Kyiv city council. However, after Ukraine secured its independence and the population’s social and political activity declined, the green movement lost popularity and the party lost influence. In the 1994 parliamentary elections, party candidates did not win a single district and the party played no role in the presidential elections held that year.

Before the parliamentary elections of 1998 Vasili Khmel’nitskii joined the Green Party. At that time, he was a young, but quickly rising, businessman. Almost immediately after his entrance into the party, he took the position of deputy leader of the Greens for economic questions. Additionally, other entrepreneurs also joined the party, making it possible to finance a powerful advertising campaign. The party sought to gain the most possible from the green brand by positioning themselves in contrast to purely political organizations. Their classic advertisement was an ad that was repeatedly broadcast on the national television network 1+1. The focus
was on apocalyptic ecological pictures accompanied by the slogan that “politicians are engaged in demagoguery.” The party successfully chose the methodology of influencing the thinking of viewers and produced an effective video. It was not surprising therefore that the strongly social and resolutely apolitical ad was one of the most popular of the campaign. Another successful tactic of the Green campaign was focusing their attention on youth. To gain their attention, the greens conducted numerous events, the most memorable of which were concerts with famous stage stars. The most effective of these was a 26-city tour by the rock group Skryabin in 1997. Thanks to these efforts, 1,444,264 (5.44%) people voted for the Greens, giving them 19 seats in the parliament.

Reforms and Order Party

Less successful was the Reforms and Order Party’s (PRP) campaign. In contrast to the Greens, who had no parliamentarians before the elections, PRP was created by a group of deputies who were part of the Reforms faction (Viktor Pinzenik, Sergei Sobolev, Sergei Terekhin, and others). And further unlike the Greens, the Reforms and Order Party was established just six months before the election. Initially these center-right politicians had sought to participate in the elections as part of the Forward, Ukraine! bloc, but there was a split caused by personal rather than ideological conflicts because the supporters of Pinzenik – who had just left the deputy prime minister’s post – felt the need to quickly create a new party.18 The party did not have sufficient time to create a party structure, prepare platforms, or plan an electoral campaign. However, thanks to effective advertisements, the party almost crossed the 4% threshold, winning the support of more than 800,000 voters (3.13%) and scoring an honorable 10th place among the 30 parties competing. Despite the party list failure, four PRP candidates won seats in single-member districts.

The success of the Greens and the relatively good results of the Reforms and Order Party drew from the fact that voters were tired of the political battles over Ukraine’s future path – toward capitalism or back to socialism – and voted in favor of parties which offered new, non-conflictual values.

Further Developments

The electoral campaigns of these two political forces fundamentally influenced the further development of the party system. Businessmen, who were interested in politics, saw that it was not necessary to support

a party on a full-time basis. It was sufficient to finance only the electoral campaign, using two scenarios:

- “Television Project” – purchase an old party or create a new one that either has no active members of parliament or just a few; to make the list more attractive, include celebrities, actors, or sports stars; fill the empty slots on the list with passive loyalists; conduct a powerful advertising campaign with non-ideological general slogans.
- “Political Project” – create a new party, or if the law allows it, a new electoral bloc; include in it several well-known members of parliament as the leader and his top associates; also include celebrities and famous sportsmen; fill the empty slots on the list with passive loyalists; conduct a powerful advertising campaign.

Under such scenarios, it is not necessary to have a permanent party network, which could search for supporters between elections and recruit them as volunteer-agitators. Rather, it is sufficient to have several representatives in the regions, who, when necessary, can hire people to work as agitators, members of electoral commissions, or observers during election periods and then let them go once the campaign is over. Before the elections, the sponsors of such projects can conduct polls to determine how much support their project has and, if it seems unlikely to win representation in the parliament, they can create a new party or transfer the deputies involved to another group that has better prospects.

The experience of past elections has shown that “television projects” are not effective. Voters became disaffected with the Greens when they learned that oil company representatives joined the parliament on its list (Sergei Krivosheya, Sergei Rys’, and Igor Kiryushin from the Shelton company) and deputy party head Khmel’nitskii received a controlling share of stocks in the Zaporozhe Metallurgical Combine. Effectively, the party was representing the interests of industries that did harm to the environment. Moreover, the activities of the Greens did not differ from the actions of the other deputies whom they criticized in their campaign advertisements. Therefore in 2002, the Greens won only 338,252 (1.30%) votes.

19 They did not pay the Zhitomir agitators for their PR,” Ukrainian Pravda, November 7, 2012 <http://www.pravda.com.ua/rus/news/2012/11/7/6977003>
Another “television project,” First Lady Lyudmila Kuchma’s Women for the Future, also could not make it into the parliament in 2002, winning only 547,916 (2.11%) votes. This party had also been sponsored by Khmel’nitskii. The bloc Winter Generation Team, led by Valerii Khoroshkovskii and Inna Bogoslavskaya, also fell short with 505,025 (2.02%). Other television projects received even fewer votes. In the last three elections, 2006, 2007, and 2012, similar parties could not overcome the threshold. During the 2012 election, there were numerous campaign television, radio, and billboard ads for the Party of Natalia Korolevskaya Ukraine–Forward! The head of the Agency for Outdoor Advertising Artem Bidenko claimed that the electoral campaign cost $150-200 million. “Even if this sum was closer to $100 million, as my sources close to the Korolevskaya team claim, this money was spent illogically. The party bet on direct ads, but elections are not won in this manner. Communications with specific groups, such as entrepreneurs, for example, were absent,” the expert pointed out.23

The “political projects” were more successful in 2002. The following blocs were built on such principles: Viktor Yushchenko’s Bloc Our Ukraine (23.57%), the Yulia Tymoshenko Bloc (11.77%), and For the Unity of Ukraine! (7.26%), all of which managed to take votes from the traditional parties. The parties also managed to enter the parliament in 200624 and 2007.25 In 2006, Yulia Timoshenko’s Bloc won 22.29% and Our Ukraine won 13.95%. In 2007, Yulia Timoshenko’s Bloc won 30.71%, Our Ukraine-Self Defense won 14.15%, and Lytvyn Bloc 3.96%. The Party of Regions also belongs on the list of political projects. In 2002 it was part of the For a United Ukraine! bloc. In 2006 and 2007, it was the overall vote leader, winning 32.14% and 34.37%, respectively.

Even the traditional parties began to adopt the project approach to their work. In 1996, the Rukh party leadership considered a proposal from Donetsk which called for radical corrections in the party program and personnel policy. The proposal was not adopted, which led to the party further losing popularity in the eastern part of the country.

Beginning in the early 2000s, the media stopped referring to political parties as parties and started calling them “political projects.” Party leaders did not take offense at this designation and even used the terms themselves, demonstrated the depths to which the system had dropped.26


26 “Yatsenyuk explained his new project.” Gazeta.ua, September 22, 2008 <http://gazeta.ua/>
In the 2012 elections, many observers considered it fashionable to call the top three parties – Party of Regions (30%), Bat’kivshchina (25.54%) and UDAR (13.96%) – “technical” parties because they differ from the left and rights parties, such as the Communist Party of Ukraine and Svoboda. Ideology is the most important thing for their regular voters. Since they do not have extensive financial resources, these two parties have to rely on volunteers for their campaign workers.

The project approach reduced the amount of time spent on political activity. Frequently businessmen take the decision to finance a “political project” several months before the start of a campaign. However, in Ukraine, the process of registering a party is relatively complex and long. Therefore, a market for “technical” parties appeared. At first these parties were established and registered with political goals – to become full-blooded players in the system and win power. However, with the growing number of players and rising costs for the campaigns, many understood that they lacked the resources to compete effectively. After the change in the electoral law made it possible for blocs to participate, many leaders of weak parties expressed the hope that they could exchange the participation of their party in a bloc for a spot high enough on the party list to enter the parliament. This situation stimulated the registration of new parties. However, the supply of parties was much greater than the seats available. Accordingly, wealthy individuals could simply buy up parties if they needed them for their purposes. In compensation, the parties would hold new congresses and confirm the proposed leaderships. They even frequently changed their names. Such a procedure was quicker than registering a new party. Some examples include:

- In October 2008 the Popular Labor Party changed its name to Democratic Front. In September 2009, it changed its name to Front of Changes, and in November 2009, Arsenii Yatsenyuk was elected the leader of the party.
- In February 2009 the party European Capital changed its name to New Country. In April 2010 the party changed its name to UDAR (Ukraine Democratic Alliance for Reform) of Vitalii


Klitschko and Klitschko was elected head of the party.  
- In March 2012, the Ukrainian Social-Democratic Party changed its name to the Party of Natalia Korolevskaya Ukraine-Forward! and Korolevskaya was elected head of the party.  
- In August 2011 the Ukrainian Radial-Democratic Party changed its name to the Radical Party of Oleg Lyashko, who became its leader.

After the transition to a proportional representation system for the local elections in 2006, several non-party deputies and heads of local councils, and candidates who had not joined parties, were able to join technical parties for the fees of filling out the documents either to ballot for them or to form blocs. Generally, the technical parties took part in forming blocs that could be divided into three categories: locality (Native Mirgorod, Zhitomirane), personal name blocs, (Bloc of Leonid Chernovetsky, Bloc of Vladimir Klitschko), and blocs demonstrating their lack of party affiliation (Night Watch, Citizen Activists of Kyiv).

After the ban on blocs for local elections, parties appeared with names like Native City. But in the majority of cases, technical parties worked for the interests of the wealthy and powerful. Typically, they filled the following functions:

- Run parties or candidates to take away votes from competitors. To do that, they would pick party names that were close to the ideology of the competitors. In nominating candidates, they would pick candidates with names that were close, or identical to, the names of the other candidates.
- Run parties or candidates to distribute negative information about competitors.
- Run parties or candidates to register additional observers or commission members from it, making it possible to monitor the

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35 Local electoral blocs have been created. Liberal-Democratic party of Ukraine, <http://www.ldpu.org.ua/party-news/actions/43a8270a4c232/>.
electoral commission and take decisions to guarantee the proper outcome. In some cases, the observers registered by the technical party would actually work for a different party. In others, the technical party representatives were replaced by loyal people.

Eighty-seven parties took part in the parliamentary elections in 2012 and at least 40 of them were technical parties.\(^3^7\) The change in the procedure for determining the membership of the electoral commissions facilitated the use of technical parties. The new system allowed the technical parties to gain control of many of the commissions. Soon after the little-known parties named their representatives, a process began of removing these people in favor of those trusted by the big parties. An analysis conducted by the monitoring group Tsifra showed that two months before the elections, six parties had changed 100 percent of their members in the district electoral commissions.\(^3^8\) These were United Rus, Brotherhood, Russian Bloc, Russian Unity, Union of Anarchists of Ukraine, and United Family. Several other parties replaced many, but not all, of their members. The analysis showed that the district electoral commissions registered 391 members who had, in 2010, represented presidential candidate Viktor Yanukovych in the territorial commissions. However, only 79 members of the district commissions represented the Party of Regions, while the other 312 represented different political parties or fractions.

**Consequences of the Personnel Deficit**

Parties are not just made of ideology, but also of the politicians who fill out their ranks. The main value of a politician is not just his ability to convince voters that he and his party colleagues would make good leaders, but the talent to agree with other politicians and to compromise in order to reach decisions, which make it possible to implement the party program and to deliver on the promises made to the voters. Unfortunately, most Ukrainian politicians do not have such skills. Part of the problem has been the absence of a tradition of parliamentarism and civilized political battle. Additionally, many Ukrainian politicians were previously members of the Communist Party of the Soviet Union, which had a strict system of management in which rank-and-file members could not influence the decisions of the top leadership bodies. As a result, constant personal conflicts within the parties and factions forced frequent changes in the political structure of the

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Verkhovna Rada during its initial terms. The various fractions and deputy groups frequently fell apart and formed new alliances. Changes were particularly frequent before the elections, when the deputies chose which party they would campaign with. The personal battles among representatives of various fractions prevented the creation of a stable majority in the parliament and effective work across deputy groups.

The parties tried to solve these problems through legislation that switched the electoral system over to full proportional representation, banned deputies from leaving their factions once elected, and allowed parties to deprive their deputies of a mandate. Opposition parties, in particular, spoke out for such rules. The deputies elected by party list had particular difficulty coming to agreement with the non-party deputies. In 2002, when there was a mixed electoral system (proportional representation and single-member districts), many deputies were accused of being bought off by President Leonid Kuchma because he had managed to build a pro-presidential coalition even though the opposition parties won more party list slots.

The opposition parties filled their ranks with representatives of other parties or non-party deputies. However, Lesya Orobets explains the limited success of the opposition: “They used to make bitter jokes that in Yushchenko’s staff they drank to victory, while Kuchma’s team actively worked.”

The 2004 amendments to the electoral law and constitution gave the parties the exclusive right to nominate candidates and form fractions in the parliament. But this new power turned the parties into the political projects that we described above. Another consequence was the effective disappearance of politicians from Ukrainian political life. Parties and blocs only had a few public figures who defined the party’s position on issues. But, as we have seen, it is hard to call these public figures real politicians because they spend most of their time blaming their opponents for various transgressions, spending little effort in negotiations or in making decisions. As a result, the parliament was deadlocked.

When the Verkhovna Rada deputies were elected through single-member districts, it was rare that the deputies would block the work of the parliament. When such stoppages did take place, they did not last long. Typically, the blocking deputies demanded the right to make a political statement. But after the transition to a mixed and then proportional system, the use of blocking the parliament’s work became a regular political tool. The leftists organized the first long-term blockade on the parliament’s

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40 PR determined the speakers for conversation with journalists. OstroV, October 27, 2008 <http://www.ostro.org/regions/37/economics/news/article-50730/>
work in 2000 in order to prevent the resignation of the left leadership of the Verkhovna Rada. The greatest quantity of blockages took place in 2008, when the parliament could work only five months with no problems. That year also saw the longest blockage of the parliament – 47 days, with only a one-day break.41

Since the deputies rarely compromised, they often turned to fistfights as a way to resolve problems. Deceit is also a favored approach, such as when deputies promise not to put a controversial bill up for a vote, but then bring it up anyway without warning to the opposition and at an unexpected time. Such deception took place with the controversial bill defining Russian as one of Ukraine’s state languages.

The absence of high-quality politicians negatively affects Ukraine’s foreign policy. When Ukraine first became independent, Ukrainian diplomats signed agreements that did not serve the state’s interests. Such mistakes could be attributed to the absence of experienced politicians who could not defend Ukraine’s interests at the international level by exercising proper oversight. The failures in the international sphere – notably, the contract with Gazprom and the absence in progress with European integration – provides further evidence that talented politicians who are able to work together for the national interest simply have yet to come forward.

Giving the parties greater power through changes in the electoral laws did not solve Ukraine’s existing problems. Many businessmen seek to become members of the Verkhovna Rada to pursue their own economic advantage. In order to avoid breaking the law, these deputies register their enterprises in the name of their relatives after they win election. After the adoption of the law on protecting personal data in 2010 and the Constitutional Court decision of 2012, deputies or candidates are not required to provide information about the property of their relatives and, without their permission, no one has permission to distribute this information.42 Accordingly, the deputies now basically have the right to hide this information from voters.

When elections were conducted exclusively by single-member districts, entrepreneurs (or their representatives) had to present a public face: providing information about themselves in their campaign literature, giving interviews to journalists, meeting with voters, and occasionally participating in debates. Doing so required a lot of time. Additionally, in most cases, the businessmen-candidates spent a lot of money on charitable acts, such as fixing up schools and hospitals, helping poor citizens, and


other public deeds. Of course, even having done this, they did not always win.

With the introduction of the proportional representation system, running for office became easier for entrepreneurs. Now they just had to give money to the party to win a spot on the party list and wait for the results of the election. The parties took over all political work. Moreover, information that a businessman was running only existed on the site of the Central Electoral Commission. Only the top five candidates on the list figured in the voters’ attention. Using public opinion polls, they evaluated the number of candidates likely to make it into parliament and, on that basis, determined how much each businessman should contribute to the party to win a spot on the list.

However, the opposition was always at a disadvantage. To best promote his interests, a businessman would be better off joining the fraction of the ruling party or its allies. While a businessman-deputy benefits from has personal immunity, the authorities can organize pressure on his business. Also it is easier for such businesspeople to lobby decisions in parliament and other executive branch agencies when they are part of the majority. While serving in opposition fractions, businessmen-deputies often fought with the party leadership, demanding that the opposition party leaders lobby their interests with the administration, which required the opposition leaders to make concessions to those in power. Such a conflict was one of the reasons for the attempt to remove Chornovol from the leadership of Rukh, causing its split in 1999.

For these reasons, businessmen-deputies made up many of those who jumped from fraction to fraction in 2007 and 2010 even though the Constitution forbid such moves. In March 2007, Anatolii Kinakh, together with his deputy group Party of Industrialists and Entrepreneurs of Ukraine, left the Our Ukraine fraction and joined the Coalition of National Unity (Party of Regions + the Communist Party of Ukraine + the Socialist Party of Ukraine) in exchange for an appointment as economics

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minister in the government of Victor Yanukovych. After him, many other opposition deputies began to move into the bloc, making it possible for Aleksandr Moroz to claim that the coalition could have more than 300 deputies. Such a super-majority would have allowed them to override the president’s veto, effectively giving them the ability to adopt laws without his participation. Fearing such an outcome, President Viktor Yushchenko disbanded parliament in 2007.

In 2010 after the victory of Viktor Yanukovych in the presidential elections, defectors from Yushchenko’s and Timoshenko’s parties helped the Party of Regions form a new parliamentary coalition since the existing bloc of Party of Regions + Bloc of Lytvyn + the Communists did not provide the minimum number of deputies to form a majority coalition. Therefore they changed the rules of the parliament, making it possible not only for fractions to join new alliances, but also allowing individual deputies to leave their old fraction and join a new one. Later the Constitutional Court found that the changes to the rules, which allowed the formation of a ruling coalition, were in line with the constitution. Furthermore, on October 1, 2010, the court completely rejected the constitutional reform of 2004, which had required the creation of deputies’ factions. This change led to a second wave of deputies leaving the opposition factions. Overall 80 deputies left their fractions, either joining others or remaining outside of any faction. Among them were those who were considered sponsors of key political forces:

Departees from the Bloc of Yulia Timoshenko, included:

50 “Everything was rejected for the president. Ukraine returned to the 1996 Constitution,” Kommersant Ukraine, №167 (1215), October 4, 2010 <http://www.kommersant.ua/doc/1516018>.
• Aleksandr Fel’dman (AVEK)
• Bogdan Gubskii, banker
• Aleksandr Buryak (Brokbiznesbank)
• Tariel Vasadze (AvtoZAZ) Aleksandr Abdullin (Germes invest holding)
• Evgenii Sigal (Gavrilovskie tsyplyata)
• Andre Verevskii (ZAO Sonyashnik, OOO Agroeksport, OOO Khold-invest, OOO Ukragroeksport)
• Natalia Korolevskaya (Luganskkholod)

Departees from Our Ukraine-Self Defense
• David Zhvania (Brinkford)
• Aleksandr Slobodyan (Obolon’)
• Vladimir Polyachenko (Kievgorstroi)
• Stanislav Dovgii (former chairman of Ukrtelekom)

As practice has shown, the proportional system did not resolve the problem of deputies migrating between fractions. In forming the electoral lists of project parties, businessmen-deputies take up many of the spots, along with celebrities. At the same time, such deputies are not interested in active legislative work and frequently not only do not develop legislation, but ignore work in parliamentary committees and votes for legislation. Many deputies do not show up for work in the parliament. According to answers that Ukrainian Pravda received from the staff of the Verkhovna Rada, deputies working with Rinat Akhmetov (Nurulislam Arkallaev, Sergei Kii, Yurii Cherkov, Vladimir Mal’tsev) between November 23, 2007, and May 18, 2012, missed 99 percent of the parliamentary sessions. Akhmetov himself only came to the parliament one time during this period.53

On the basis of information about deputy registrations in parliamentary plenary meetings on the official web site of the Verkhovna Rada, the group Chestno determined that in 2011, 24 deputies missed more than 90 percent of the meetings in the parliament.54 Practically all of them were businessmen: 17 were from the Party of Regions and 7 from the Bloc of Yulia Timoshenko.

In order to adopt a decision, it is necessary to have a majority from the members of parliament – 226 deputies. In order to secure the necessary number of votes, the deputies hand over their voting cards to other deputies, who cast votes for them, sometimes without the deputies even

knowing what measures they are supporting. When votes take place in the Verkhovna Rada, one deputy can vote for 8-9 others who are absent. Sometimes decisions are approved with only 35-40 deputies in the hall. In rare cases, the deputies even use the voting cards of the opposition. Thus on February 1, 2011, opposition member Vladimir Ar’ev voted for changes in the Constitution even though at that time he was part of a delegation flying to meet with members of the U.S. Congress and State Department representatives.55

According to journalist reports, the majority of laws in Ukraine are adopted with the help of voting using other deputies’ cards.56 Among the most important were:

- Amendments to the Ukrainian constitution establishing the date for elections of the president and parliament
- The adoption of a new criminal procedure code for Ukraine (only 50 deputies were in the hall)57
- The law on state language policy (only 172 deputies actually voted for the bill, not the 234 officially claimed.58

Such voting practices violate Article 84 of the Constitution and Article 24 of the law on the status of the deputies. Accordingly, the adoption of these measures is illegal. International courts have ruled such practices violate Ukrainian law. On January 9, 2013, the European Court for Human Rights ruled in Aleksandr Volkov v. Ukraine that Volkov had been illegally removed as the head of the military chamber of the Supreme Court of Ukraine. In part, the court found that

“the decision about firing the applicant was taken in the absence of a majority of deputies. The deputies who were present deliberately voted in place of their colleagues. Therefore the decision was adopted in violation of Article 84 of the Constitution of Ukraine, Article 24 of the law on the status of members of parliament, and Article 47 of the parliament’s own rules. In such conditions, the court finds that firing the applicant from his post does not meet the principle of judicial certainty.

and violates point 1 article 6 of the Convention.**59

The court ordered Ukraine to pay Volkov 18,000 euros and restore his position on the court.

**The Split of Ukraine**

Experts claimed that the introduction of the proportional system would inoculate Ukraine against regionalism and separatism, thereby preventing the division of the country. In contrast to deputies elected under the majoritarian system, proportional representation deputies would not represent separate regions, but country-wide political parties. The electoral threshold would bloc narrowly-defined parties or blocs from entering parliament.

However, even the first elections with a mixed system in 1998 showed that the 4-percent voting barrier was not an insurmountable hurdle for such narrow regional interests. Two parties entered the parliament thanks to high levels of support from their oblasts: Gromada from Dnepropetrovsk60 and the Social Democratic Party of Ukraine (O) in Zakarpatska.61 And even though such one-oblast parties did not make it into the parliament in the next round of elections, the majority of parties which had succeeded in building a strong regional base decided not to conduct full campaigns in other oblasts.

The problem of separatism and the potential division of Ukraine was prominent in the first years after Ukraine gained its independence. In 1990-91 there were numerous calls about the need for creating (or restoring) the Donetsk-Krivorozhskaya Republic. The most active separatists were in the Crimea. In the 1994 elections for the president of Crimea, the victor was the leader of the Rossiya Bloc, Yury Meshkov. His campaign platform called for uniting with Russia. In particular, he intended to introduce a ruble zone into Crimea, form a military-political union with Russia, provide residents of Crimea with Russian citizenship, and introduce Moscow time at the local level. However, thanks to firm opposition from the Ukrainian authorities as well as the Crimean opposition, he only managed to switch Crimea to Moscow time while the other objectives remained unfulfilled. The Ukrainian legislature adopted a law cancelling the Crimean republican constitution and several laws, which effectively ended the Crimean sovereignty that de facto existed from 1992 to 1995. Subsequently, Crimea became an autonomous republic within the

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framework of Ukraine, and Meshkov was removed from his post.

Ukraine’s ability to quash Crimean separatism was possible because the Ukrainian legislature had a high percentage of non-party deputies and even more unaffiliated politicians served in the local councils. Their main concern was with questions connected to reforming the economy, which was a major problem in the 1990s and important to residents of any region in Ukraine. Therefore questions that could divide society mostly did not arise in the legislature and most local politicians ignored ideological issues.

This situation changed dramatically with the presidential election of 2004 and the Orange Revolution. In the race, both sides demonized the other, and the elections revived and greatly exacerbated divisions between the Ukrainian-speaking and Russian-speaking regions. Viktor Yanukovych’s team distributed campaign material which showed the division of Ukraine into three sorts. The height of the battle was the congress of local government representatives in Severodonetsk that called for a referendum about creating a South-Eastern Autonomous Republic. Although this idea was not realized, it proved impossible to return to the status quo ante. One of the reasons why the regional divide became more important was the conduct of the 2006 elections by the proportional system.

In such a system, the emotions of the voters play a large role. Therefore campaign spin doctors often chose to boost their parties by using themes that played on voters’ emotions rather than their interests. The easiest of these tactics was to pit the residents of one region against another by focusing on minor themes, such as the status of the Russian language. During the 2006 and 2007 elections, the Party of Regions ran negative campaigns, calling on voters to oppose the political forces that allegedly had stolen victory from the residents of south-east Ukraine in 2004.

After the strong results of the Party of Regions in the parliamentary elections of 2006 and 2007 and the victory of Yanukovych in the presidential elections of 2010, Orange politicians began to express the idea of separatism. The most prominent of these statements came from a group of writers who saw the root of all of Ukraine’s problems in two regions: the Donbass and Crimea. According to Yury Andrukhovich, “our pro-Ukraine politicum would have more than 70 percent support in every election without these two regions. There would be a strong pro-Ukrainian majority in parliament, strong pro-Ukrainian power, and the Western direction would be beyond discussion.”

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63 “Andrukhovich: If the oranges win, then it is necessary to give the Crimea and Donbass a chance to separate,” UNIAN, July 22, 2010 <http://www.unian.net/news/387859-andruhovich-esli-pobedyat-oranjevyie-to-kryimu-i-donbassu-nujno-dat-vozmojnost-otdelitsya.html>.
to overcome. “If the nationalists are prepared to fight for the Donbass and Crimea, I don’t need this, I need a country within the confines of my language.”

Many problems connected to these issues arose because of the introduction of proportional representation into local government. In some cases, parties nominated fewer candidates than received mandates, meaning that empty seats remained in some local councils. A more serious problem was that central and oblast party leaders determined who was on each party list for the local councils meaning that in several local councils only 10 percent of the deputies were local residents. The other deputies were from different regions and were not interested in the problems facing the regions where they served. Additionally, many new deputies joined the councils. In many cases, they had little experience working in legislatures and often politicized the work unnecessarily.

In 2006, a wave of “language separatism” swept through many local councils, including city councils in Khar’kov, Sevastopol’, Donetsk, Lugansk, Nikolaev, Dnipropetrovsk, and Odessa. Additionally, several regional legislatures gave Russian regional status, however, most of these decisions were later overturned by the courts. In 2006, the Feodosii city council and the Crimean legislature declared Crimea a NATO-free zone to block the conduct of naval training exercises there.

Rather than addressing local problems, the councils became ensnared in battles over statues. In 2007-2010, Crimea, Lugansk, and Sumsk oblasts backed statues in honor of the victims of the Organization of Ukrainian Nationalists-Ukrainian Insurgent Army, while these fighters are often considered heroes in Western Ukraine.

Oblast and raion councils in the eastern oblasts voted no confidence in regional executives appointed by President Viktor Yushchenko. After the victory in 2010 of Yanukovych, western councils began to vote no confidence in the appointees of the new president.

The greatest problems appeared in cities where the mayor either


represented political parties that did not have a majority in the soviet or were independent. In these cases, the deputies blocked his work in order to lower his popularity among local residents. Investors, particularly from outside the region, became hostages of these games. As a result, billions of dollars in potential investments were lost, as were the jobs and other economic benefits that went with them.

Additionally, the introduction of the proportional system of elections negatively influenced the representation of several oblasts in parliament. Ukrainian legislation did not require candidates elected from specific regions to actually live in them. Therefore, when elections were held in single-member districts, deputies frequently lived in other areas than the ones they represented. Typically these were residents of Kyiv or other big cities (See Tables 1 and 2). But after their election, they had to work in the region they represented and lobby its interests in the parliament. This situation meant that big parties or fractions had among their members representatives of nearly all regions. In the parliament, there were often groups formed that represented the interests of particular regions.

After the adoption of the proportional representation system, regional representation in the parliament was skewed. This disbalance in representation had a strong impact on the ability of the regions to lobby their interests, particularly their ability to receive subsidies from the state budget. As a rule, finances are now directed toward the regions that are important to the ruling party. As a result, according to the research of the Laboratory of Legislative Initiatives, in 2011 three regions – Kyiv, Donetsk, and Lugansk – received 56% of all subsidies and transfers (31.2 billion hryvna). In 2012, when parliamentary elections took place, this disproportion was smoothed out slightly, but the preferences remained, though then the three top regions were Kyiv, Donetsk, and Dnepropetrovsk.

Problems in the Social Sector

The proportional system became a divider that separates the deputies from their voters. Earlier every deputy had an office in his or her district where citizens or groups could appeal for help. Parties have now set up a network of such offices, but they are fewer and there is less information about them available to voters.

The system has also practically paralyzed the work of social organizations. Since they have authority and influence over voters in specific regions, deputies from those regions had to take the opinions of these organizations into account. Similarly, they were able to influence the decisions

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### Table 1

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### Table 2: Number of Deputies by Place of Residence, 2007-2012

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of the councils and lobby the interests of their members. But no organization can boast of an ability to exert influence across all of Ukraine, and therefore under the proportional representation system parties can overlook the interests of social organizations in most legislative policy-making. The absence of ties between voters and deputies and the resulting inability of voters to use such ties to lobby their interests has led to the phenomenon of simply buying voters. Many citizens have decided that they should get something from political parties since they anticipate that they will be forgotten after the elections.

The weakened social organizations no longer have the ability to protect citizens from pressure exerted by their employers, though promises were made that the proportional electoral system would solve this problem as well. One can check these possibilities by examining the electoral performance of the socialists, who were the main advocates of the proportional system. In the 2007 parliamentary elections, their best performance, over 10 percent of the vote, was in the district that contains the Il’ich Metallurgical Combine (See Figure 4). However, after Rinat Akhmetov purchased this plant, the socialists’ performance fell to less than 1 percent in the 2012 parliamentary elections.72

Overall, the introduction of the proportional system did not resolve even one of the problems that it was supposed to address. Accordingly, the only way to improve the political situation in Ukraine is to increase the level of political culture among citizens.

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Figure 4. The Socialist Party of Ukraine’s electoral results (%) by regions and cities of regional significance (2007)

Source: Official website of the Central Election Committee (CVK) of Ukraine (cvk.gov.ua).

Note: Chairman of the Board Volodymyr Boyko was running for parliament on the Socialist Party of Ukraine party list as No. 8 in 2006 and as No. 3 in 2007.