

ICPS newsletter[®]

The electoral system: Progress or stagnation?

The International Centre for Policy Studies with the support of the MATRA KAP Program of the Royal Embassy of the Netherlands in Ukraine is completing the "Options for the Electoral System" project. As part of this project, ICPS specialists analyzed the previous changes to Ukraine's electoral system and the main options for this system to evolve further. The closing stage of this project was a roundtable of the same name with the participation of Verkhovna Rada factions, political parties not represented in the legislature, leading experts, journalists, and international organizations. Participants discussed the main problems and drawbacks with the current model, the purpose of reforming the electoral model and possible options for a new system for VR elections

Switching to proportional voting structured the Rada

During a discussion of the saturated evolution Ukraine's electoral system has undergone, participants gave overall positive marks to the switch to a proportional electoral system that came into effect in 2006.

At that time, the electoral system suffered from urgent problems that needed to be eliminated. One of them was an unstructured legislature with a huge number of deputies that did not belong to any faction, at the same time as those factions that existed tended to fall apart regularly. "The number of factions and the list of parties in them at the beginning and end of a VR term used to rarely match more than 10%," said one of the participants in this roundtable, VR Deputy Yuriy Kliuchkovskiy.

Participants generally thought that the electoral reform of December 2004 was reasonable and had achieved its goal of making the Verkhovna Rada more structured. Five–six serious parties emerged in Ukraine that have fairly stable support among voters. The single national constituency insured the country against "parties from one region," forcing political forces to seek support at the national level. With a free media and free elections, the pre-conditions for political

accountability among parties were established: voters can now follow the activity of parties in the legislature and, based on their analysis, make a decision to support or not support them. In addition, this change in the electoral system was accompanied by progress with fair and transparent election campaigns and vote counts. The level of ballot-stuffing declined.

The electoral system faces new challenges

When looking at options for improving the electoral system, the goals need to be clearly understood. Participants agreed that, at the moment, Ukraine has several problems that the proportional model in its current form cannot resolve.

First, as Project Manager Viktor Chumak pointed out, although political parties have become stronger and more structured, they still continue to be, as before, closed and undemocratic. Decisions within the parties themselves are not made transparently. There is overly broad scope for political corruption. In particular, Mr. Kliuchkovskiy noted that the way lists of candidates were "formed" at party conventions was a mere formality, while the real lists were formed in backroom deals. "I don't know of a single case where a party list was amended during the party's convention," he

stated. Closed lists result in unequal representation of regional politicians and slower rotation among those in the Verkhovna Rada.

Second, the connection between deputies and voters is growing weaker and weaker because of these closed lists. The current electoral model provides no incentives for deputies to work in their constituencies. There is no systematic work and contact with voters. Deputies pay attention to regional problems only in the shadow of an election. "Although the work in constituencies is envisaged by the VR Rules of Order, five months have passed since the last election, and we still have no information about the assignment of deputies to oblasts or any schedules for work in the regions. The lack of strict oversight in the Verkhovna Rada of the previous convocation resulted in a situation where the time allocated for working with voters simply turned into additional breaks for National Deputies," reported Ihor Popov, Chair of the Board of Management of the Committee of Voters of Ukraine, an NGO.

The evolution of the electoral system should also be oriented towards the preservation and strengthening of national political parties, said Serhiy Datsiuk of Hardaryka Corporation in his speech. If the electoral system provides incentives for regionally-oriented parties to develop, the country could find itself split in two.

This means that priority goals in developing Ukraine's electoral model are:

- to ensure the internal democratization of parties and open electoral lists;
- to strengthen the link between the deputy and the voter;

- to provide incentives for parties to be national in scope;
- to leave the system as simple as possible.

The majority of participants said that further evolution of the electoral system needed to address these problems and support those achievements in the development of the party system and the parliamentary system that resulted from the switch to a proportional model.

How to hold the next elections?

Having outlined the goals, participants next focused on an optimal model of electoral system. All agreed that developing the electoral system was a matter of balance. Yet an overly complicated system could strike voters as unfair and cause disenchantment in elections. Some argued that the ability to influence party electoral lists could lead to overly fierce competition and even internal splits within parties. The institution of regional lists might help representatives of different regions across the country make it to the Verkhovna Rada. However, this would also create greater obstacles for smaller parties to be elected to the Rada and might strengthen the positions of political monopolists.

Mr. Popov was generally positive about the option of opening party lists. However, he proposed avoiding some of the possible negative impact from this innovation by instituting a national threshold. This instrument would secure the country against possible “federalization” while making it impossible for parties that won in only a single constituency to gain seats in the Verkhovna Rada.

The second proposal was instituting a quota for leaders. Based on this quota, the party leadership (the top five or ten candidates) can add candidates to the list only if the party gains more than the established threshold in votes. This will provide incentives for party leaders to represent the interests of the entire country and not of specific oblasts. It was pointed out that a new model of electoral system needs to also offer the option for non-party candidates to be nominated in regional constituencies.

The discussion focused somewhat on the German electoral system. According to Mr. Kliuchkovskiy, the “personalized proportional representation” that is typical of this model is not the best option for Ukraine. Firstly, a vote with preferences requires that many technical issues be resolved, in particular the format of the ballot paper. However, the most important thing is that such a system does not guarantee a stable quantitative composition in the legislature, as it allows for additional members, that is, the number of seats in the legislature is not fixed. This would contradict the Ukrainian Constitution, which establishes a fixed number of deputies.

Experts emphasized that regional constituencies should be instituted after administrative and territorial reform has been carried out, as it should establish relatively equal constituencies in terms of voter numbers.

Society should initiate changes

Experts came to a number of final conclusions: there is understanding of the need for change, but there is no desire among those political forces in power to implement such changes. At the moment, neither the coalition, nor the opposition is interested in changing the electoral system. Party of Free Democrats member Andriy Yusov is convinced that none of the current political forces will challenge each other for being undemocratic and untransparent in forming electoral lists because all of them are guilty of this.

The experience of recent years shows that serious changes to the electoral system tend to happen during political crises. Indeed, political crises were the driving force behind the institution of the mixed system in 1998 and the proportional system in 2006. It is possible to change the electoral system without a critical political situation through open debate and consensus among political forces. For this purpose, the country needs a lot of time and the concerted efforts of stakeholders to lobby for the necessary changes. In the process of lobbying for changes to the electoral legislation, civil society and political parties that did not make it to the Verkhovna Rada should take

an active position. Otherwise, these changes may never happen. ■

Participants included: VR Deputies Yuriy Kliuchkovskiy and Anatoliy Matviyenko, Office of the National Security Council Expert Maksym Palamarchuk, Office of the Socialist Party of Ukraine Director Leonid Khodokivskiy, Party of Free Democrats member Andriy Yusov, Andriy Mokhnyk and Andriy Illyenko of the Svoboda All-Ukrainian association, Expert-Ukraine business journal editor Oleh Voloshyn, election specialist Serhiy Kalchenko, CVU Management Board Chair Ihor Popov, Razumkov Center leading expert for political and legal programs Oleksandr Lytvynenko, and Hardarya Corporation’s Serhiy Datsiuk.

To read the policy brief called “Possible ways for the electoral system in Ukraine to evolve” developed by ICPS analysts as part of this project, visit the ICPS website at: http://www.icps.com.ua/doc/2_draft_final_red.doc (in Ukrainian).

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SEPPAC Supervisory Board meets

On 31 January, the Supervisory Board of the “Socio-Economic Performance and Potential Analysis Capacity” (SEPPAC) project met. Present at the meeting were representatives of the Ministry of Economy, the Finance Ministry and the National Bank of Ukraine, as well as Project Manager Olha Romanyuk, Project Coordinator Maksym Boroda, and ICPS Director Volodymyr Nikitin.

The Board approved the project workplan for the current year and chose its communication strategy for presenting the project’s analytical reports. Accordingly, a number of public events are planned for March, where representatives of the President’s Office, the Verkhovna Rada and the Government will be invited to discuss and set out Ukraine’s developmental policy priorities.

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