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Institutional Observation Reports
on the 2004 Ukrainian Presidential Elections

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Contents

List of Tables and Figures	9
----------------------------	---

Introduction

The Institute of International Election Observation in Ukraine <i>Yevgen Shapoval</i>	11
--	----

1 Reports by Non-Governmental Institutions

1.1 The International Republican Institute (IRI)	
Preliminary Statement on the First Round of the Ukrainian Presidential Election (October 31, 2004)	23
Preliminary Statement on the Second Round of the Ukrainian Presidential Election (November 21, 2004)	27
Preliminary Statement on the Third Round of the Ukrainian Presidential Election (December 26, 2004)	30
1.2 Tel Aviv Institute for the Countries of Eastern Europe and CIS (ICEE)	
Conclusions of the Official Mission of International Observers on the Presidential Elections in Ukraine 2004 [Excerpts from the Official Report]	34

1.3	European Network of Election Monitoring Organizations (ENEMO)	
	Statement on the First Round of the Presidential Elections in Ukraine (October 31, 2004)	41
	Statement on the Second Round of the Presidential Elections in Ukraine (October 31 – November 21, 2004)	54
	Statement on the Third Round of the Presidential Elections in Ukraine (December 26, 2004)	66
	Summary Report on the 2004 Presidential Elections in Ukraine	76

2 Reports by Governmental Institutions

2.1	The Parliamentary Assembly of the Council of Europe (PACE)	
	Press Release: PACE Delegation Expects ‘Corrective Action’ in Time for Ukraine Election, Kyiv, 29 September 2004	85
	Observation of the Presidential Election in Ukraine (31 October 2004): Report by the Ad Hoc Committee of the Bureau of the Assembly	87
	APPENDIX – International Election Observation Mission Press Release: Widespread Campaign Irregularities Observed in Ukrainian Presidential Election, Kyiv, 1 November 2004	100
	Observation of the Presidential Elections in Ukraine – Second Round (21 November 2004): Report of the Ad hoc Committee of the Bureau of the Assembly	102
	APPENDIX – International Election Observation Mission Press Release: Second Round of Ukrainian Election Failed to Address Election Irregularities and Lacked Transparency, Kyiv, 22 November 2004	116

Observation of the Presidential Election in Ukraine – Re-run Second Round of the Election (26 December 2004): Report by the Ad hoc Committee of the Bureau of the Assembly	119
APPENDIX – International Election Observation Mission Press Release: Repeat Second Round of Election Brings Ukraine Substantially Closer to Meeting International Standards, Kyiv, 27 December 2004	132
2.2 The Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR)	
Final Report of the OSCE/ODIHR Election Observation Mission on the Presidential Elections in Ukraine on 31 October, 21 November and 26 December 2004 (Warsaw, 11 May 2005)	135
I Executive Summary	135
II Introduction and Acknowledgements	140
III Background	141
IV Legal Framework	143
V Election Administration (31 October and 21 November)	147
VI Participation of Women	157
VII National Minorities	157
VIII Election Campaign (30 August – 21 November 2004)	158
IX Media and Elections	165
X Disputes, Complaints and Appeals Prior to 21 November	171
XI Civil Society and Domestic Observers	174

XII	Observation of the 31 October and 21 November Election Days	174
XIII	Tabulation and Announcement of Results (31 October and 21 November)	181
XIV	Post-Election Events (22 November – 4 December)	184
XV	Repeat Second Round Vote	187
XVI	Recommendations	195
	Annex: Election Results	206
	About the OSCE/ODIHR	208

2.3 The Commonwealth of Independent States (CIS)

	Announcement of the International Observers of the CIS on the Results of the Observation of the Preparation and Conduct of the Elections of the President of Ukraine on 31 October 2004 [Excerpts]	211
--	---	-----

	Announcement of the International Observers of the CIS on the Results of the Observation of the Preparation and Conduct of Repeat Voting during the Elections of the President of Ukraine on 21 November 2004 [Excerpts]	215
--	---	-----

	Announcement of the International Observers of the CIS on the Results of the Observation of the Preparation and Conduct of the Repeat Voting during the Elections of the President of Ukraine on 26 December 2004 [Excerpts]	218
--	---	-----

Conclusions

	Monitoring the Election Monitors <i>Roman Kupchinsky</i>	223
--	---	-----

List of Tables and Figures

<i>Table 1.1:</i> Official election observers from abroad in 2004	14
<i>Table 1.2:</i> Official election observers from international organizations	15
<i>Table 1.3:</i> Criteria for Assessing Elections	22
<i>Table 1.1:</i> ENEMO Observers Evaluation Statistics	81
<i>Table 1.2:</i> Voter Turnout Ukraine and Selected Oblasts	83
<i>Table 2.1:</i> Official First and Second Round Results as Published by the Central Election Commission (CEC)	206
<i>Table 2.2:</i> Official Repeat Second Round Results as Published by the Central Election Commission (CEC)	207
<i>Figure 1.1:</i> Assessments of Election Process by ENEMO Observers	82
<i>Figure 1.2:</i> Turnout in Ukraine, and the Donetsk & Lviv Oblasts Compared	83

Introduction

The Institute of International Election Observation in Ukraine

Yevgen Shapoval, National V.N. Karasin University of Kharkiv

Being aware of the importance of the results of the presidential elections, the attention of foreign countries and international organizations to the election processes in Ukraine 2004 was unprecedented. The results of the presidential elections in 2004 – unlike the elections in 1999 – were significantly different. If the foreign policy of the participants of the second round of the presidential elections-1999 – Leonid Kuchma and Petro Symonenko – was oriented to the Russian Federation, in 2004 Viktor Yushchenko and Viktor Yanukovych personified and proclaimed different vectors of Ukrainian foreign policy. To carry one's point, above all, the geopolitical players 'off the stage' made use of different instruments of influence, including the institute of international election observation.

The activity of international election observers in Ukrainian campaigns is still beyond the attention of domestic political experts. However, the latest election processes in many post-Soviet countries illustrated that the current role of international observers consists not only in monitoring of elections to assess their conformity with the legislation and international obligations taken voluntarily by these countries. International observers are used as never before as political agents transmitting geopolitical interests of different actors.

This introduction to the texts of some major institutional reports examines principal tendencies in the activity of official observers of the presidential elections of 2004 from foreign countries and NGOs to ascertain why final reports of different observation missions differ one from another. For this purpose, it is necessary to clarify legislative aspects of international election observation,

international standards of electoral processes, models and aims of international missions for monitoring Ukrainian elections.

The Ukrainian electoral legislature creates equal conditions for official observers from abroad in general as well as from different international organizations, and defines their legal status. Thus, Article 70 of the Law of Ukraine 'On the Elections of President of Ukraine' stipulates that official observers from abroad or international organizations have to be registered by the Central Election Commission. They apply for registration by the Central Election Commission not later than ten days before the day of voting directly in the Ministry of Foreign Affairs of Ukraine. At least five days before voting day, the decision has to be confirmed. International observers exercise their powers on the territory of Ukraine and are authorized:

- 1) to be present at the meetings of the candidates of the elections, their authorized representatives, representatives of parties (blocs) which nominate the candidates with the voters or to attend pre-election meetings and consultations of electoral commissions;
- 2) to make themselves familiar with materials of election campaigns;
- 3) to be present at polling stations during voting and counting procedures and the official declaration of results by the territorial electoral commissions;
- 4) to take pictures, audio and video recording;
- 5) to give propositions concerning the improvement of the Ukrainian legislature taking into account international experience and to hold press-conferences on this behalf;
- 6) to create temporary groups of observers to coordinate their activity within the regulations specified by the Law of Ukraine 'On the Elections of President of Ukraine'.¹

Comparing the rights and duties of international observers provided by the Law of Ukraine 'On the Elections of President of Ukraine' and by the Law of Ukraine 'On the Elections of People's Deputies of Ukraine' there is no significant difference.

1 'Zakon Ukraïny "Pro vybory Prezydenta Ukraïny", *Holos Ukraïny*, no. 71 (2004).

The number of international observers taking part in the Ukrainian presidential elections was higher than ever before. The OSCE was expected to send the greatest delegation of official observers to Ukraine – 1,549 persons (for comparison: 300 observers from this institution worked in Kazakhstan, 400 in Russia). In general, the Central Election Commission registered 3,281 official observers from 31 countries and 8,996 observers representing 42 international organizations and NGOs. It should be noted that the number of international observers in 2004 increased from round to round. While the general number of international observers working during the first round was 4,028 persons, during the second round it was 4,760 and peaked out on 26th of December totaling 12,277. More than 7,000 observers were registered by the Central Election Commission after 21st November. The tables below depict information on official observers from abroad, international organizations and NGOs:

Poland, Canada, USA, Georgia and Russia demonstrated great interest in monitoring the presidential elections. This is quite understandable, as these very countries, except Canada and, possibly, Georgia, have a strong impact on the social and political situation in Ukraine. Poland has proved to be ‘an advocate of Ukraine in Europe’. Russia and the USA are the leading geopolitical players and the results of the Ukrainian presidential elections played a special role in terms of promoting spheres of influence of these countries. The events in Georgia within the period of 2003 – early 2004 inspired the ‘initiators and financiers of the Georgian Rose Revolution’ to repeat this ‘success story’ by strengthening democracy in Ukraine and engaging ‘Georgian experts’. On this occasion, even a joke appeared in Ukrainian political circles that Leonid Kuchma, who had just finished to work on his book ‘Ukraine is not Russia’, proceeded to write another one ‘Ukraine is not Georgia’.