



STATEMENT OF THE NDI ELECTION OBSERVER DELEGATION TO UKRAINE'S 2014 PRESIDENTIAL ELECTION

Kyiv, May 26, 2014

This preliminary statement is offered by the National Democratic Institute (NDI) election observer delegation to Ukraine's May 25, 2014 presidential election. Former Secretary of State Madeleine Albright, NDI's chairman, and Ana Palacio, former foreign minister of Spain, co-chaired the delegation. Other members of the delegation's leadership group included former U.S. Senator Edward "Ted" Kaufman of Delaware; former U.S. Representative Jane Harman of California, director, president and CEO of the Wilson Center; and Matyas Eorsi, former member of parliament from Hungary and former member of the Parliamentary Assembly of the Council of Europe.

This preliminary statement is offered as votes are being tabulated and any electoral complaints that may be lodged are yet to be processed. NDI therefore does not seek to offer its final analysis of the election, and it recognizes that ultimately the people of Ukraine will determine the meaning of the election as they exercise their sovereignty. NDI's mission operated in conformance with the Declaration of Principles for International Election Observation and Ukrainian law, and it cooperated with nonpartisan citizen election monitors and other international observer missions that endorse the Declaration.

The delegation wishes to express its appreciation to the United States Agency for International Development (USAID), which has funded the work of this delegation and, along with the National Endowment for Democracy (NED) and the Swedish International Development Cooperation Agency (SIDA), has supported NDI democracy assistance programs in Ukraine.

SUMMARY

Ukrainians have achieved a democratic milestone. By turning out to vote yesterday across the vast majority of the country, Ukrainians did more than elect a new president. They showed the world their commitment to sovereignty, unity, and democracy. Their votes expressed the clear aspiration that these principles be valued over geopolitical strategy or leaders' personal enrichment. Despite constraints, Ukraine's electoral administrators, campaigns, government authorities, election monitors and voters showed courage and resolve in fulfilling their responsibilities in compliance with Ukraine's laws and international democratic election standards. The candidates deserve commendation for their constructive responses to the results.

The Russian occupation of Crimea prevented any voting in that region. Armed groups interfered

with electoral preparations and voting in large parts of the Donetsk and Luhansk *oblasts* – two of five eastern provinces. The disenfranchisement of voters in these places represents a serious violation of rights. At the same time, it does not negate the legitimacy of the overall election or the mandate it provides. A democratic election process should not be held hostage to foreign occupation or illegal actions by armed separatists seeking to disrupt the democratic process.

In those places where voting took place, the elections were generally well run and proceeded without major incidents. Large numbers of domestic and international observers mobilized across all of Ukraine to safeguard the integrity of the process. In observing elections in more than 60 countries since 1986, including previous polls in Ukraine, rarely has NDI heard such positive commentary from political contestants and monitors.

This democratic election can begin a process to reinforce public confidence in the country's political institutions. The task ahead for the new president, as well as other political and government leaders, will be to pursue open and consultative governing practices that incorporate the interests of Ukrainians from all regions of the country. The leaders must communicate effectively the prospect of short-term sacrifices, and deliver on the longer-term expectations of the Euromaidan movement.

The task is great. These expectations include:

- an accountable government;
- political institutions that channel dissent, facilitate debate and respond effectively to citizens' concerns;
- transparency and integrity in all aspects of public life;
- an open and fair judicial process;
- an electoral system that encourages new faces and ideas; and
- a legislative process that is based on consultation and open debate.

These are ideals to which even established democracies aspire, but Ukraine has reached a moment in history where that path is once again open to it. Some meaningful reforms have already been undertaken; many more are needed for Ukraine to reach its democratic potential.

I. POLITICAL CONTEXT

This was the most important election in Ukraine's independent history. It came at a critical moment following a groundswell of citizen political engagement prompted by the Euromaidan movement and amid challenges to the country's sovereignty and territorial integrity.

The Euromaidan demonstrations that began in November 2013 fundamentally altered the political dynamics in Ukraine. They highlighted Ukrainians' demands for change, including more transparent, accountable and uncorrupted political practices as well as respect for basic civil and political rights. Euromaidan was sparked by anger over the government's abrupt refusal to sign the EU-Ukraine Association Agreement, but it was sustained for three months by a more basic demand for dignity and respect from government. Euromaidan drew participants from across the country and spawned similar demonstrations in cities in all regions, reflecting widespread consensus on these issues. Public opinion research by several respected sources through April and May also demonstrates that Ukrainians across regions share a desire for

national unity, more responsive governance and greater public integrity.

Tragically, the Euromaidan demonstrations culminated in the deaths of more than 100 Ukrainians and injuries to many more. Other deaths in the East and South, including those in a fire in Odessa, present the need for a concerted reconciliation process.

The country is facing serious challenges: an economic crisis; an inherited deficit of confidence in political institutions; internal differences of opinion about the country's future course; and most significantly, occupation of territory and, in other regions, armed insurrections aimed at disrupting political processes. An inclusive public mandate will help the government address these challenges.

In the aftermath of the May 25 vote, it is hoped that the national dialogue on ensuring rights and representation for all Ukrainians will accelerate and deepen. The best legacy of Euromaidan would be a politically active and engaged citizenry combined with responsive and accountable institutions that together preclude the need for future Maidans. It will take concerted efforts from all citizens of the country to address the many economic, political and security challenges facing Ukraine in the days and months ahead.

The international community has a critical responsibility to be engaged over the long term with assistance -- financial, diplomatic, and technical. This support must be set in the context of respect for territorial integrity, promotion of fundamental rights, and a commitment to the country's democratic and economic development. Ukrainians have said that they welcome technical assistance, which would be integrated into their reform efforts.

II. ELECTION DAY

Three types of elections were held on May 25: the presidential vote; one single-mandate parliamentary race; and a series of local polls (more than 40 mayors, including Kyiv, 27 settlement executives, 200 village executives, plus two city councils, including Kyiv, and three village councils).

In 23 of Ukraine's 27 administrative units (24 *oblasts*, the republic of Crimea, and the cities of Kyiv and Sevastopol), the elections were generally well run and proceeded without major incidents. Overall turnout is now estimated at 60 percent. By contrast, in Crimea, Donetsk and Luhansk, representing just under 20 percent of the electorate, most voters were denied the opportunity to exercise their franchise.

In most of the country, voting proceeded unhindered. The pre-election period and presidential election were virtually free of formal candidate complaints. Political party representatives comprising the polling station commissions (PECs) cooperated with each other to facilitate voting and address issues, while large numbers of nonpartisan citizen observers and party poll watchers witnessed the procedures, including many women among their ranks. Across the country, voters often stood in long lines waiting patiently to cast their votes.

Isolated problems were significant in some places, including, for example, Molotov cocktails thrown at three PECs the night before the elections in the southern city of Kherson, though all

opened on time for voting, and in Mykolaiv, also in the South, bomb threats briefly closed at least seven PECs, though voting resumed in each of them. The delegation did observe incidents of overcrowding at polling sites (particularly in Kyiv, Lviv and Sumy), police presence inside polling stations (in Zaporizhia), and late arrival of mobile ballot boxes (Odessa). Also, most polling places were not easily accessible by voters with disabilities. There were concerns prior to the elections about a possible lack of quorums of polling site officials, problems related to large-scale substitutions of those officials immediately prior to the elections, and the inability of security forces to respond to disruptions. These concerns, however, were not realized.

No polling took place in Crimea due to the Russian occupation. Crimea is home to 1.5 million registered voters, representing 5 percent of the Ukrainian electorate. The Central Election Commission (CEC) reported that approximately 6,000 Crimean residents registered to vote in other parts of the country, which was the only procedure available to them.

In Donetsk and Luhansk, illegal actions by armed groups -- including seizures of government buildings and electoral facilities, abductions and killings of journalists and widespread intimidation -- aimed to derail the elections. Even in the face of such violations of people's fundamental rights, electoral officials opened nearly 20 percent of polling stations in those two oblasts. International and nonpartisan Ukrainian election observers witnessed their brave and determined efforts by these officials.

The delegation deeply regrets any violations of voters' rights to exercise their franchise, including those which occurred in Crimea, Donetsk and Luhansk. Universal and equal suffrage for eligible citizens is fundamental to democratic elections. However, these three cases should not negate the fact that the vast majority of the electorate -- well more than 80 percent -- had the opportunity to cast their ballots for the candidate of their choice.

Also, it is important to note the source of voter disenfranchisement. In most countries where NDI has observed disenfranchisement, it has been caused by authorities or political contestants interfering with the process for electoral advantage. In Crimea, Donetsk and Luhansk, the responsibility lies with the foreign forces occupying Ukrainian territory and armed groups seeking to derail the electoral process, despite good faith efforts of election officials. Such disenfranchisement cannot be allowed to negate the legitimacy of elections or the mandate they provide. Unfortunately, disenfranchisement has occurred in parts of Afghanistan, Pakistan and Georgia in recent elections due to terrorism by non-state actors or foreign occupation. Nevertheless, those actions did not delegitimize those elections.

Election Observation Large numbers of nonpartisan citizen election observers mobilized across all of Ukraine to safeguard the integrity of the election process and promote public confidence. The Civic Network Opora and the Committee of Voters of Ukraine (CVU) each mobilized approximately 150 long-term monitors and issued reports leading to the elections; each group fielded approximately 2,000 election-day observers in all regions. Opora also mounted systematic election-day observation of the voting, counting and tabulation processes through deploying monitors to a representative statistical sample of polling stations that allowed it to issue reports on the quality of the opening of polls, turnout and critical aspects of the processes.

These observers had full access to the processes under the law, the authority to lodge official

electoral complaints and witness entry of results at the district election commissions (DECs) into the CEC's computerized results tabulation system. This level of transparency added to confidence in election day procedures. Ukrainian citizen observers courageously deployed to all parts of the country except Crimea. At times they faced difficult circumstances.

The OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) was responsible for organizing approximately 1,000 election-day observers, including 100 long-term observers (LTOs) who were in place across the country beginning on March 27, except in Crimea. This effort was joined by the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE) and other bodies. The European Network of Election Monitoring Organizations (ENEMO) deployed 50 LTOs and 300 additional election-day observers. The International Republican Institute (IRI) also observed the election. These observer missions, along with NDI, cooperated in their observation efforts. Each of these missions reported that they received cooperation from election authorities at all levels.

III. ELECTORAL FRAMEWORK AND PRE-ELECTION ENVIRONMENT

The pre-election period was compressed due to the constitutional requirement to hold elections within 90 days of a president being unable to fulfill the duties of the office. Nonetheless, NDI has rarely heard such positive commentary on the election process as it has from contestants and observers in these elections. This includes the Institute's monitoring of elections in more than 60 countries since 1986, including previous polls in Ukraine. Traditional violations, such as misuse of state resources for electoral advantage, vote buying and intimidation were not raised as issues by the candidates, observers or election officials, though they were prominent in several past Ukrainian elections.

Electoral Framework and Administration March 2014 amendments to the presidential election law brought the framework into compliance with international standards and responded to many previous recommendations from domestic and international observers. The CEC as well as most district and precinct commissions performed professionally and, in some cases, with notable courage. Election commissioners and precinct premises were targeted with threats and violence in Donetsk and Luhansk. Those who fulfilled their responsibilities in the face of significant security risks in some parts of the country deserve particular commendation.

Campaigns and Candidates The 21 presidential candidates on the ballot represented a broad range of political perspectives and parties, including the former ruling party. Campaigning was muted compared to previous presidential elections, due to events in parts of the East, but the candidates and their teams were able to communicate with voters freely in most parts of the country. Campaign messages overwhelmingly focused on peace, stability and Ukrainian unity. More traditional "pocketbook" issues like jobs, education and healthcare were not central to the campaigns. Violence and instability prevented normal campaigning in Donetsk and Luhansk.

Media Environment In most of the country, media freedoms were generally respected. Journalists were able to operate without interference and voters had access to multiple media perspectives, although coverage of the campaign was downplayed in favor of events in the South and East. There were some reports of unattributed paid advertising and so-called "black PR," and some media outlets were seen to favor particular candidates.

In Crimea, Donetsk and Luhansk, however, media freedoms came under attack. Journalists faced censorship, harassment, violence, and kidnapping. On the eve of the election, a journalist was murdered. In addition, a pro-Russia disinformation campaign aimed at discrediting the Ukrainian government and its supporters permeated the pre-election environment.

Women's Participation Women represent 54 percent of the Ukrainian population, but they are underrepresented in politics as leaders. Only two presidential candidates were women. The delegation did not see strong evidence that presidential or local government campaigns systematically promoted women as candidates or campaigners, nor systematically targeted support from women voters.

Campaign Financing The corrosive role of money in politics is a major area of concern that has not yet been adequately addressed in legislation or practice. The amendments to the presidential election law do little to control or bring transparency to campaign finances. Some presidential candidates voluntarily disclosed on their websites sources and amounts of donations and expenditures. These are welcome steps, but before any future elections, consideration should be given to regulatory and legislative frameworks that would address these longstanding concerns.

IV. THE DELEGATION AND ITS WORK

The NDI delegation's co-leaders, Albright and Palacio, symbolize the importance of a trans-Atlantic commitment to a democratic Ukraine. The delegation arrived in Kyiv on May 21 and held meetings with national political leaders, presidential candidates, election officials, senior government officials, representatives of nongovernmental organizations, the media and the diplomatic community. On May 24-25, observers deployed in teams to 11 regions across Ukraine, including Kyiv, where they met with regional and local government representatives, election administrators, and political and civic leaders. On election day, the NDI teams observed voting and counting processes in polling stations across the country.

In addition to Albright, Palacio, Harman, Kaufman and Eorsi, members of the delegation included:

- Brian Atwood, former administrator of the U.S. Agency for International Development (USAID) and former president of NDI;
- Hattie Babbitt, former U.S. ambassador to the Organization of American States, former deputy administrator of USAID and a member of the NDI Board;
- Richard Blum, chairman and president of Blum Capital Partners and a member of the NDI Board;
- Patrick Griffin, former assistant to the president and director for legislative affairs under President Clinton and member of the NDI Board;
- Rick Inderfurth, former assistant secretary of state for South Asian affairs and former U.S. representative for special political affairs at the UN;
- Kurt MacLeod, vice president for Asia and Eurasia at Pact;
- Sarah Mendelson, former deputy assistant administrator at USAID;
- Sharon Nazarian, president of the Y&S Nazarian Family Foundation;
- James O'Brien, vice chair of the Albright Stonebridge Group;

- Stephen Sestanovich, former U.S. ambassador at large for the former Soviet Union and a professor of international diplomacy at Columbia University;
- William Taylor, former U.S. ambassador to Ukraine and vice president for the Middle East and Africa at the U.S. Institute of Peace;
- Kenneth Wollack, president of NDI;
- Pat Merloe, director of electoral programs at NDI;
- Ermek Adylbekov, program manager in NDI's Kyrgyzstan office;
- Catherine Cecil, NDI's resident director in Ukraine;
- Kathy Gest, director of public affairs at NDI;
- Laura Jewett, NDI's regional director for Eurasia;
- Teona Kupunia, senior program officer in NDI's Georgia office;
- Tinatin Museridze, senior administrative and financial manager in NDI's Georgia office;
- Gegham Sargsyanm NDI's resident country director in Armenia;
- Andrei Strah, a consultant to NDI in Moldova; and
- Aida Suyundueva, formerly of NDI's offices in Kyrgyzstan and Azerbaijan.

The mission builds on the ongoing observations of NDI's long-term analysts, who have worked with the Institute's Kyiv-based staff since April, and the findings of NDI's [April 7-11 pre-election assessment](#) mission. Ted Kaufman and Matyas Eorsi, members of this delegation, also participated in the pre-election assessment. NDI also issued a May 9 [statement on separatist referendums](#) and a second pre-election statement on [May 19](#). NDI's 38 observers visited polling stations in districts across Ukraine. In addition to its international observation activities, NDI supported the election monitoring efforts of Opora and ENEMO.

NDI is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. NDI has monitored 340 elections and organized more than 150 international election observer missions in 63 countries, including four pre-election and election day assessments in Ukraine.

V. NDI CONTACT INFORMATION

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