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SUBJECT: UKRAINE: PARTY OF REGIONS ELECTION STRATEGY: A NEW APPROACH?

Classified By: Charge d'Affaires, a.i., reason 1.4 (b,d)

1. (C) Summary: Ukrainians and outside observers are currently contemplating the increasing possibility that Party of Regions, led by Viktor Yanukovich, may return to power as part of a coalition emerging from the March 26 elections in which Regions will by all accounts win a plurality (an estimated 30 percent). In the wake of then-PM Yanukovich's failed attempt to steal the 2004 Presidential election, application of administrative resource abuses, and advice from the Kremlin's top political consultants, Regions seemingly adopted a different approach to the 2006 elections. Its foreign advisers hail from the U.S., not Russia; its formal party platform reads like an ideal pro-business, pro-investment manifesto; Regions has pledged its election observers will follow a code of conduct and has publicly highlighted potential election process concerns it ignored, or caused, in 2004.

2. (C) The question remains, however: is there a new Regions? Many Ukrainians who remember well the actions of key Regions' figures in office and during the 2004 campaign remain skeptical. Recent Regions actions suggest a two-track strategy. On February 17, local Regions representatives in Crimea used a flawed election law provision to secure a court ruling, since overturned, to shut down a media outlet, Black Sea TV, in the only known such incident of the 2006 cycle, but reminiscent of the pressure the same forces, as incumbents, placed on media in 2004. On March 9, Regions Campaign Chair Kushnaryov unleashed an anti-American diatribe accusing the U.S. of meddling in UKRAINE's internal affairs, posting it on the Regions website. On March 14, the Committee of Voters of the Donbas, a Regions-affiliated NGO created in 2004 to confuse voters and obstruct the work of the genuine Committee of Voters of UKRAINE (CVU), elaborated on Kushnaryov's charges of U.S. interference in the election process. Meanwhile, concerns about potential election day abuses in the Regions base of Donetsk persist, fueled by the Regions' March 14 attempt to secure Rada authorization for

Polling Station Commissions (PSCs) to amend voter lists on site on election day. End summary.



A new Regions to help move past the divisions of 2004?

3. (C) Prematurely written off after the 2004 presidential election cycle, ex-PM and Regions' party leader Yanukovich made a remarkable political comeback in late 2005, as Regions took over the lead of opinion polls when the leading Team Orange accrimoniously split into factions in September. Regions has run a well-organized, active campaign throughout most of the country, in contrast to Our UKRAINE. To help facilitate the possibility of a return to government after the elections, which would require joining a coalition with one of the larger Orange parties, Regions quietly began to build bridges both inside UKRAINE and abroad, hiring image-making consultants, suggesting that it could serve as a reliable coalition partner with a pro-business, minimalist government approach, and stating that its presence in government could help heal the divisive wounds of the 2004 election which divided UKRAINE into "Orange" and "Blue." Amid the continuing fratricidal Orange sniping between Our UKRAINE and the Tymoshenko Bloc (BYuT), conventional wisdom in Kiev's chattering classes have come to believe that an Our UKRAINE-Regions grand coalition was more likely than a post-election Maidan reunion.

4. (SBU) Regions' 2006 campaign has featured a new focus on the integrity of the electoral process. Its American campaign consultants run a "UKRAINE Election Integrity Project" for training campaign workers and raising concerns about election process shortcomings (ref B). On March 13, Regions held a press conference to voice concerns about administrative flaws which they said could undermine the integrity of the March 26 elections, primarily understaffed PSCs and voter list problems, calling on Ukrainians and international forces to support Regions-proposed fixes to the electoral law, some of which were passed March 14 (ref C). Regions also asserted these shortcomings were a part of a concerted strategy by those currently in power, particularly Our UKRAINE, to undermine the election, including creating new voters' lists to replace those used in 2004; and fostering problems in transliteration from Russian to Ukrainian, which disproportionately affects the Regions' bases of support in eastern and southern UKRAINE; and boycotting of PSCs in the east and south to prevent their functioning due to a lack of a quorum. (Note: the claim that the transliteration problem affects Regions' base areas more than others has some merit, though it affects Russian-speaking "Orange" strongholds like Kiev as well).

With some familiar faces...

5. (C) For many, memories of the abuses under Kuchma-Yanukovich and during the 2004 presidential election cycle remain fresh; while Yanukovich started denouncing Kuchma and Kuchmaism as early as December 2004, prior to the revote which elected Yushchenko President, Yanukovich has not acknowledged Regions' role in perpetrating the electoral fraud witnessed by thousands of domestic and international observers. Instead, we understand that he continues to rage privately about how the election was stolen from him by Kuchma and Western figures whose "putsch" denied him the Presidency (refs A-B).

6. (C) Regions' Rada list includes many 2004 election mischief makers. The ex-Central Election Committee Chair who presided over the falsification effort and declared Yanukovich the winner, Serhiy Kivalov, is number 27 on the Regions' electoral list, guaranteed a Rada seat that will

give him immunity from criminal prosecution. Many of the former governors/oblast officials who applied administrative resource abuses on behalf of Yanukovych are also prominent Regions list candidates, led by ex-Kharkiv governor and Regions Campaign Chair Yevhen Kushnaryov (number 11) and Donetsk Oblast Council Chair Borys Kolesnikov (number 10), identified by most as the real political brains behind the Donetsk clan and Regions. The ex-Prosecutor General who did not prosecute any high-ranking perpetrators of the 2004 election fraud, Oleksander Piskun, is number 96 on Regions' list, also guaranteed a Rada seat and immunity if current polls prove accurate.

...and Echoes of familiar tactics

7. (SBU) In mid-February, the Crimean branches of Party of Regions and a pro-Russia group of parties called the Russian bloc took advantage of a misguided clause in the election law passed in mid-2005, which experts had warned could be used by those of ill-intent to shut down legitimate media commentary on elections, parties, and candidates, to secure a February 17 ruling by a Simferopol district court to suspend Black Sea TV's broadcast license until after the elections. The pretext was that a program on Black Sea TV, whose owner is affiliated with BYuT, had announced poll results that allegedly were biased in favor of BYuT and thus caused a negative impact on their local Bloc for Yanukovych. (Note: Regions consultants told us that the National Regions party had not authorized the action; ref B).

8. (SBU) To date in the 2006 election cycle, this remains the only effort by any political party to shut down a media outlet, echoing a frequent concern in 2004. After the Crimean Appeals Court invalidated the ruling February 23, local Regions leader Vasyl Kiselyov filed a defamation suit against Black Sea TV March 2, securing a second shutdown ruling by the same Simferopol Court March 7. Black Sea TV Director-General Tetyana Krasikova told us March 15 that the Crimean Court of Appeals threw out the March 7 ruling on March 14. Krasikova had told us March 10 that local cable TV operators across Crimea were illegally dropping Black Sea TV under pressure from pro-Yanukovych municipal officials.

9. (C) The day after the U.S. House of Representatives passed legislation abolishing the Jackson-Vanik amendment for UKRAINE, Regions' Campaign Chair Kushnaryov unleashed a strong anti-American diatribe March 9, belittling "sharply accelerated U.S. actions on the eve of the Ukrainian elections." He alleged that the U.S. was promoting better economic relations with UKRAINE (Market Economy Status, a WTO bilateral accession agreement, Jackson-Vanik) in order to meddle in UKRAINE's election campaign and ensure that a "Maidan team" willing to "take orders from across the Atlantic" stayed in power. The U.S. interference as a "shadowy player" was necessary, according to Kushnaryov, because the Orange parties could not win honestly. Kushnaryov who as Kharkiv governor in 2004 was noted for administrative pressures on state officials to vote for Yanukovych, referenced Ambassador's calls to regional governors in 2004 urging them to ensure elections were conducted fairly, asked if similar calls were being made in 2006 now that "Orange" forces were in office, and suggested this was a classic example of American double standards.

10. (SBU) Kushnaryov's charges of U.S. interference in the elections were echoed at a March 14 press conference called by a little known NGO "The Committee of Voters of the Donbas," whose representative spun the alleged web of organizations and procedures the U.S. supposedly used to

influence the electoral process and civil society in UKRAINE. While the NGO does not claim any affiliation, Dmitry Tkachenko, the head of the genuine CVU in Donetsk, told us in May 2005 that the pseudo-NGO was the creation of Regions' Donetsk boss Kolesnikov (ref D). Kolesnikov had launched the Committee of Voters of the Donbas two months before the 2004 election, according to Tkachenko, to confuse voters and prevent the CVU from carrying out its activities in Donetsk, with the collusion of Donetsk authorities.

11. (C) Comment: The reappearance of the Committee of Voters of Donbas in the 2006 election cycle, reprising its 2004 role of confusing voters and providing misleading information, is a disturbing indication that Regions has not abandoned all the tactics used in 2004. The well-choreographed March 14 effort, complete with thousands of chanting young supporters on the streets around the Rada, to secure quick Rada approval for measures to allow PSCs to amend voter lists on the spot on election day, loosing provisions intended to prevent election day manipulation in the name of ensuring the constitutional right to vote, recalls similar justifications and positions by the same Rada parties in December 2004 (Regions, Communists, SPDU(o), and Labor UKRAINE, now known as the Lytvyn Electoral Bloc) prior to the December 26 revote (ref C). That said, there are problems with the voter lists, and both the CVU and the CEC endorsed court-authorized election day changes in combination with safeguards to prevent duplicate voting (ref C).

12. (C) Among observers in eastern UKRAINE who have watched Regions operate for years, there is skepticism that Regions has genuinely changed in the past 17 months. Roman Pyatyhorets, Zaporizhzhya oblast head of the CVU, predicted to us February 28 that Regions would more or less play by the rules in this election in an attempt to get back into power, but that their true nature would reemerge if successful. Volodymyr Piskovy, Zaporizhzhya correspondent for the weekly pro-reform Dzerkalo Tyzhnya, expressed the same sentiment more colorfully: "Regions politicians still follow the code of criminals: whatever can be taken is ours, and what is ours is not to be given away." In the end, no one can say for certain how Regions would conduct itself in office until they return to government, a moment which may come sooner rather than later.

13. (U) Visit Embassy Kiev's classified website at:
www.state.sgov.gov/p/eur/kiev.
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Website pages

