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Cable title: **UKRAINE: ELECTION OBSERVERS OSCE/ODIHR AND ENEMO ON PROCEDURAL PROBLEMS IN RADA ELECTIONS**

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SUBJECT: UKRAINE: ELECTION OBSERVERS OSCE/ODIHR AND ENEMO ON PROCEDURAL PROBLEMS IN RADA ELECTIONS

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

1. (C) Summary: In a March 16 meeting with Charge, OSCE/ODIHR Ambassador Lubomir Kopaj said he thought the Central Election Commission was making efforts to deal with electoral procedural problems, but that election day would still be problematic, particularly due to precinct overcrowding. Kopaj opined that while there were problems with the voter lists and non-functioning polling station commissions (PSCs), these problems were solvable, and of a much lesser scope than opposition political parties alleged. Kopaj expressed concern that the campaign environment was becoming acrimonious and that the politicization of procedural problems could lead to tension. Representatives of the European Network of Election Monitoring Organizations (ENEMO) told Charge separately March 16 that their observations told them that the much-complained about election administration problems were the result of disorganization, not a government-engendered conspiracy. Voters who tried were having success getting on voter lists, and the CEC was aggressively trying to fix outstanding problems. End summary.

2. (C) Charge met with OSCE/ODIHR Ambassador Lubomir Kopaj March 16 to discuss acknowledged election procedure problems and their potential effect on UKRAINE's March 26 Rada (Parliament) and local government elections. Earlier in the day OSCE/ODIHR held a briefing for the diplomatic community on their election observation efforts.

3. (C) Kopaj told Charge that he agreed with Central Election Commission (CEC) Chairman Davydovych that the main problems with the elections were staffing Polling Station Commissions (PSCs) and the quality of the voter lists. Kopaj offered that the CEC was doing a great deal to improve the situation, but other potential problems concerned him about the situation on election day and during the vote count. Kopaj noted that there were many precincts with too many voters on their rolls, 1200 precincts with more than the maximum recommended number of 2500 voters, and two notable precincts



in Mykolayiv oblast with 3600 and 3700 voters. Kopaj thought that it would be very difficult to process this many voters, and that there would be lines, exhausted commissioners, and a

potential for unrest or misconduct in the polling station.

Environment getting tense?

4. (C) Kopaj expressed concern that the campaign environment had turned "sharp," with the Party of Regions alleging that President Yushchenko's Our UKRAINE bloc was planning a systematic rigging of the election, and Our UKRAINE running a half-hour television presentation about the criminal backgrounds of some candidates on the Regions list. Kopaj pointed up a number of recent protests in Kiev that garnered more than 1000 protesters, as well as rumors that approximately 5000 Our UKRAINE members would be going east to serve as observers or on PSCs, as signs that the pre-election situation was getting tense. Although he said that he had no specific reports of tensions from his long-term observers (LTOs) in the field, Kopaj expressed concern that politicized technical election issues could lead to confrontation rather than attempts to resolve them. Kopaj noted that in eastern UKRAINE, anti-government forces were presenting procedural problems with the election as a structured GOU plan to exclude eastern voters from the election. The effort to politicize the CEC's organizational shortcomings concerned him.

Allegations of misconduct mixed, procedural problems fixable

5. (C) Kopaj stated that OSCE/ODIHR had received a number of allegations of electoral misconduct on the part of the authorities from the Party of Regions and the SDPU(o)-dominated Ne Tak Bloc, and had investigated the allegations thoroughly. Some allegations were concrete and therefore verifiable, but most were "vague, exaggerations, or even completely false." Those they had verified did not appear to be centrally orchestrated and were limited in number. Kopaj offered as an example of unfounded allegations claims that, on the voter lists in the east, names were not just transliterated from Ukrainian to Russian, but in some cases names were translated. Kopaj said that his LTOs had been unable to find any verifiable instances of this actually happening. Another example Kopaj offered were the overinflated reports of non-functioning PSCs, which only accounted for 1-2 percent of all PSCs. (Note: CEC head Davydovych told us earlier in the day that there were only 541 non-functioning PSCs out of 34,000 -- septel.)

6. (C) Kopaj said he thought all of the procedural problems were fixable, and that if political parties would expend the same effort on fixing the problems as publicizing them, they could substantially improve the process. Kopaj offered the example of a protester in front of the CEC bearing a placard saying "My name isn't on the voter list" who could easily go to his election precinct and get his name put on the list. When questioned about the geographic distribution of non-functioning polling stations, Kopaj asserted that non-functioning PSCs were throughout the country, and that there wasn't an east-west divide. Kopaj indicated that the primary cause for the non-functioning PSCs was the failure of political parties to ante up their representatives for the commissions; it was mostly small parties that were not able to fill their seats on PSCs. Kopaj concluded that the election was not badly prepared.

Adding voters on election day: double-edged sword

7. (C) On the March 14 Rada-passed amendment to the parliamentary election law allowing voters to be added to the voter list on election day, Kopaj said there were conflicting messages over whether President Yushchenko would sign the amendment. (Note: Reports are that Yushchenko will sign the other two, less controversial, amendments.) In any case, the effect of the amendment was uncertain. Kopaj thought the provision could help potentially disenfranchised voters, but could also be misused. Kopaj said that Davydovych predicted that the CEC would have trends of election results by the evening of Monday, March 27, and more definitive results by Tuesday, March 28. Because of this, Kopaj said ODIHR's preliminary statement on Monday afternoon, after the election, would be based mostly on observer reports on the voting procedures and some reports from the vote count.

EMEMO sees no conspiracy, says problems are being fixed

8. (SBU) Peter Novatny, mission chief of the election monitoring organization ENEMO (European Network of Election Monitoring Organizations) told Charge March 16 that the election arrangements problems being hotly discussed in recent days were, from their observation, the result of mismanagement and disorganization, not some central government attempt to affect the vote. President Yushchenko had in fact instructed the Presidential Secretariat to keep its hands off electoral arrangements matters. Contrary to the hue and cry some parties were raising over disenfranchised voters, the citizens they saw trying to legitimately place or correct their names on voters lists were having success. PSCs were doing their best to help them. The CEC, ENEMO advisor and Freedom House rep Juhani Grossman said, appeared to be aggressively doing its part to fix voter lists and inadequate PSC staffing issues. He added that the only way to determine the state of the voter lists would be their use on election day. His sense was that the lists might prove to be better than their 2004 predecessors.

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