

107TH CONGRESS
2^D SESSION

S. RES. 205

Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2002

Mr. CAMPBELL (for himself, Mr. DODD, Mr. BROWNBACK, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Foreign Relations

MARCH 19, 2002

Reported by Mr. BIDEN, without amendment

MARCH 20, 2002

Considered and agreed to

RESOLUTION

Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

Whereas Ukraine stands at a critical point in its development to a fully democratic society, and the parliamentary elections on March 31, 2002, its third parliamentary elections since becoming independent more than 10 years ago, will play a significant role in demonstrating whether Ukraine continues to proceed on the path to democracy

or experiences further setbacks in its democratic development;

Whereas the Government of Ukraine can demonstrate its commitment to democracy by conducting a genuinely free and fair parliamentary election process, in which all candidates have access to news outlets in the print, radio, television, and Internet media, and nationally televised debates are held, thus enabling the various political parties and election blocs to compete on a level playing field and the voters to acquire objective information about the candidates;

Whereas a flawed election process, which contravenes commitments of the Organization for Security and Cooperation in Europe (OSCE) on democracy and the conduct of elections, could potentially slow Ukraine's efforts to integrate into western institutions;

Whereas in recent years, government corruption and harassment of the media have raised concerns about the commitment of the Government of Ukraine to democracy, human rights, and the rule of law, while calling into question the ability of that government to conduct free and fair elections;

Whereas Ukraine, since its independence in 1991, has been one of the largest recipients of United States foreign assistance;

Whereas \$154,000,000 in technical assistance to Ukraine was provided under Public Law 107-115 (the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002), a \$16,000,000 reduction in funding from the previous fiscal year due to concerns about continuing setbacks to

needed reform and the unresolved deaths of prominent dissidents and journalists;

Whereas Public Law 107–115 requires a report by the Department of State on the progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists;

Whereas the disappearance and murder of journalist Heorhiy Gongadze on September 16, 2000, remains unresolved;

Whereas the presidential election of 1999, according to the final report of the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE on that election, was marred by violations of Ukrainian election law and failed to meet a significant number of commitments on democracy and the conduct of elections included in the OSCE 1990 Copenhagen Document;

Whereas during the 1999 presidential election campaign, a heavy proincumbent bias was prevalent among the state-owned media outlets, members of the media viewed as not in support of the president were subject to harassment by government authorities, and proincumbent campaigning by state administration and public officials was widespread and systematic;

Whereas the Law on Elections of People’s Deputies of Ukraine, signed by President Leonid Kuchma on October 30, 2001, was cited in a report of the ODIHR dated November 26, 2001, as making improvements in Ukraine’s electoral code and providing safeguards to meet Ukraine’s commitments on democratic elections, although the Law on Elections remains flawed in a number of important respects, notably by not including a role for do-

mestic nongovernmental organizations to monitor elections;

Whereas according to international media experts, the Law on Elections defines the conduct of an election campaign in an ambiguous manner and could lead to arbitrary sanctions against media operating in Ukraine;

Whereas the Ukrainian Parliament (Verkhovna Rada) on December 13, 2001, rejected a draft Law on Political Advertising and Agitation, which would have limited free speech in the campaign period by giving too many discretionary powers to government bodies, and posed a serious threat to the independent media;

Whereas the Department of State has dedicated \$4,700,000 in support of monitoring and assistance programs for the 2002 parliamentary elections;

Whereas the process for the 2002 parliamentary elections has reportedly been affected by apparent violations during the period prior to the official start of the election campaign on January 1, 2002; and

Whereas monthly reports for November and December of 2001 released by the Committee on Voters of Ukraine (CVU), an indigenous, nonpartisan, nongovernment organization that was established in 1994 to monitor the conduct of national election campaigns and balloting in Ukraine, cited five major types of violations of political rights and freedoms during the precampaign phase of the parliamentary elections, including—

(1) use of government position to support particular political groups;

(2) government pressure on the opposition and on the independent media;

(3) free goods and services given in order to sway voters;

(4) coercion to join political parties and pressure to contribute to election campaigns; and

(5) distribution of anonymous and compromising information about political opponents:

Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) acknowledges the strong relationship be-
3 tween the United States and Ukraine since
4 Ukraine's independence more than 10 years ago,
5 while understanding that Ukraine can only become
6 a full partner in western institutions when it fully
7 embraces democratic principles;

8 (2) expresses its support for the efforts of the
9 Ukrainian people to promote democracy, the rule of
10 law, and respect for human rights in Ukraine;

11 (3) urges the Government of Ukraine to enforce
12 impartially the new election law, including provisions
13 calling for—

14 (A) the transparency of election proce-
15 dures;

16 (B) access for international election ob-
17 servers;

18 (C) multiparty representation on election
19 commissions;

1 (D) equal access to the media for all elec-
2 tion participants;

3 (E) an appeals process for electoral com-
4 missions and within the court system; and

5 (F) administrative penalties for election
6 violations;

7 (4) urges the Government of Ukraine to meet
8 its commitments on democratic elections, as delin-
9 eated in the 1990 Copenhagen Document of the Or-
10 ganization for Security and Cooperation in Europe
11 (OSCE), with respect to the campaign period and
12 election day, and to address issues identified by the
13 Office of Democratic Institutions and Human Rights
14 (ODIHR) of OSCE in its final report on the 1999
15 presidential election, such as state interference in
16 the campaign and pressure on the media; and

17 (5) calls upon the Government of Ukraine to
18 allow election monitors from the ODIHR, other par-
19 ticipating states of OSCE, and private institutions
20 and organizations, both foreign and domestic, full
21 access to all aspects of the parliamentary election
22 process, including—

23 (A) access to political events attended by
24 the public during the campaign period;

1 (B) access to voting and counting proce-
2 dures at polling stations and electoral commis-
3 sion meetings on election day, including proce-
4 dures to release election results on a precinct by
5 precinct basis as they become available; and

6 (C) access to postelection tabulation of re-
7 sults and processing of election challenges and
8 complaints.

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