

**Human Dimension Implementation Meeting 2019
Working Session 3: Democratic institutions, including:
Democracy at the national, regional and local levels;
Democratic elections, 17 September 2019**

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**Local Elections in Ukraine in Modern Conditions: Politic Development,
Interstate Conflict, Decentralisation and Occupied Territories**

Dear Chairman, representatives of the Participating States, civil activists and experts!

Modern political developments in Ukraine have aggravated the issue of the full realisation and implementation of the OSCE human dimension standards for local elections in Ukraine. Such elections were blocked by an aggressor state since 2014 in the Russian-occupied Crimea and in the eastern parts of the Donetsk and Luhansk regions. Russian authorities governing these regions illegally, are extremely far from respecting any of the OSCE democratic standards.

The negotiating process recently acquired a new impetus. Ukraine is actively discussing the possibility of elections in the occupied territories. We hope the civilized world realize that such elections can only be conducted in accordance with Ukrainian law and international standards, without the threat of violence and fear for voters and observers, without mass Russian propaganda and only if there will be enough sources of information open to the public.

The transitional justice system should be organised there before the elections. The courts and the media must function. Independent candidates must have the possibility to campaign in democratic conditions. This is possible only if the international community will take control of these territories from the Russian Federation and can effectively rule the election process.

Time is an important friend of democracy. Before the elections, we must give citizens access to information and time to analyze it. Only in this case will democracy remain a democracy, and people will be able to call themselves free and autonomous decision makers. War can be stopped only if the process of the elections will be really open and democratic. We should clearly understand that we are talking not only about Ukrainian territories and Ukrainians, but also about European territories and Europeans.

In the conditions of total control of the Russian Federation over the territory, regardless of what candidates will be in the ballot, the quasi “United Russia” will win the elections. Honest elections in conditions of a totalitarian regime are absurd. In this case, we simply have no right to name this process using the word “elections”.

Secondly, a more specific challenge is connected with possible local elections in the controlled areas near the frontline with the occupied Donbass. Ukraine had the contradictory experience of organising the preterm parliamentary elections in 2019, including the majoritarian districts near the frontline. The population of these territories depend on the military situation, as well as on the checkpoint regime in the pre-electoral period and on the voting day. Moreover, those zones are fully covered by the TV and radio propaganda broadcasting organised by Russian forces from the occupied territories. What is more, OSCE SMM in Ukraine did not pay special attention to this conflict-related electoral proceeding.

Thus, now, the practical discussion may be not about the virtual possibility of democratic local elections in occupied Donbass regarding the political programme of the Minsk Agreements (that

are not legally-binding for any government by their judicial nature). However, discussions must be started immediately regarding the essential duty of organising the local elections in the decentralised territorial units of the Donetsk and Luhansk regions, controlled by the Ukrainian authorities in 2020.

The third issue is the elections in the controlled territory of Ukraine.

The procedure of decentralisation started in 2016 and it caused the duty of the first elections in the newly formed local territorial units. Alas the decentralisation process was not finalised for the last four years.

Civil society was not ready to take full responsibility for the lives of all people in such a short time. The situation worsened because of a lack of information about the reform - many people still do not understand what “united territorial communities” are. Wars between clans, influence groups of the previous and the new government became the main stopping factor. People were bribed, intimidated, misinformed and pushed into conflicts.

If new decentralised local units will not be formed everywhere in Ukrainian regions till October 2020, it will cause new additional local re-elections en-masse soon. The authorities announced that new units will be created forcibly. It is also possible that small communities created in the period from 2016 to 2019, even if they are self-supporting, will be eliminated. Units will no longer be a voluntary association of citizens, and over time, this situation will lead to the formation of a new system in Ukraine - the presidential monarchy.

Special challenges appear for the district elections in Ukrainian large cities like Dnipro, Odesa and Lviv, also as in Kyiv as the capital. The modern Ukrainian government announced that the district councils in big urban centres will be restored.

District councils in Kyiv were abolished in 2010. At the same time, the mayor Leonid Chernovetskyi was forced to leave the country due to political persecution. For three years there was no mayor in the city. The presidential representative Alexander Popov personally ruled the city in the interest of the his “slave owner” Viktor Yanukovich.

Petro Poroshenko supported the initiative of Viktor Yanukovich to centralize power in the capital. The City Council of Kyiv now makes all decisions from the color of the ticket in the funicular to the allocation of hectares of green zones for developers. The territorial community lost all the tools to directly influence these processes. An executive committee was not created. It was supposed to comply the decisions of the authorities and be an independent institution within the city council. Instead, the authority of the executive committee was taken by Kyiv City State Administration. The head of the Administration is appointed personally by the President. The head of the Administration reports only to the President. This organ was supposed to monitor the legality of the decisions made by the City Council, but instead the Administration fully assumed the functions of the Executive Committee. Now the Administration can block the decisions of the City Council. As a result the power in the city belongs not to the elected representatives of the people, but to the President personally. This situation destroyed democracy in the capital of a European state.

In September 2019 President fired the mayor of Kyiv Vitalii Klitschko from the post of head of the Administration. So now the work of the City Council can be blocked. At the same time, there is a conflict among the parliamentary factions in the City Council. There were no plenary sessions of the City Council for four months. Now both the President and the mayor can dissolve the Kyiv City Council and call early elections.

On the 13th of September a new bill was submitted to parliament from deputies of the Servant of the People and the Opposition Platform — For Life to amend the special law on the capital. It is worrying that the project was submitted urgently in collaboration with with the pro-Russian party the Opposition Platform — For Life, affiliated with Viktor Yanukovych. The text of the bill was published only yesterday. The document is raw. There were no public discussions. Experts predict that the draft may be adopted by the Verkhovna Rada this week.

It is important to understand that if Vitali Klitschko will call for early elections, they will be held according to old legislation.

As a result, there will be several risks:

- 1) the conflict between the Administration and the City Council can cause the implementation of decisions taken by City Council to be blocked by the President.
- 2) early re-election to the City Council of Kyiv can be held in December 2019. The political situation in Kyiv will be destabilized. Young and independent political forces will not be able to gather resources and prepare candidates so quickly for the elections.
- 3) The restoration of district councils is a vestige of the Soviet Union, which has previously shown its inefficiency. In the absence of prescribed powers and without executive committees, we still have the danger of blocking the work of district councils. Moreover, in 10 district councils there should be 540 district deputies. Young political forces, activists, representatives of civil society institutions, in particular institutions of self-organisation of population and NGOs, will not be able to effectively participate in these elections. They do not have the financial and human resources to enter the campaign in such a short time.

At the same time, we must understand the real situation in the city: activists are attacked, fictitious criminal cases are opened, and obviously unjust court decisions are made. The group of influence of the mayor Vitali Klitschko, which is probably affiliated with Vadim Stolar, entered into a confrontation with the group of influence of the President Vladimir Zelensky, which, according to information from the activists, is led by Andrei Vavrish, who was fired from the Kyiv City State Administration from the position of “deputy architect of the city” and who lobbied the distribution land plots in Kyiv and was engaged in the issuance of enabling documentation during the cadence of Viktor Yanukovych and Petr Poroshenko.

We believe that the civilized world should have all the objective information about democracy in Ukraine and in particular in its capital - Kyiv. We ask the world community to monitor the situation, since it is extremely unstable and changes usually not in favor of the people.

Thank You for Your attention.