



**SFPFA**  
Slovak Foreign Policy Association



## For the people? Donbas between corporative interests and breeze of change

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Together for conflict resolution in Donbas

# Contents

Introduction.....	3
Methodology.....	4
The problem of compliance with democratic procedures and legal norms	5
The “Security vs Democracy” dilemma.....	8
The “effective vs democratic governance and control of the region” dilemma .....	12
Corporative interests.....	13
Conclusion .....	20
About the authors.....	21

# Introduction

Ukraine remains a Slovak foreign policy priority. The ongoing armed conflict in our direct neighborhood is an existing threat. “For people, dialogue and stability” – that was the motto of the 2019 OSCE Slovak Chairmanship. The main aim regarding the conflict “in and around Ukraine” – as the Russo-Ukrainian armed conflict is known in OSCE jargon – was to work toward conflict resolution, but also to improve the living conditions of the affected population, in partnership with local and national authorities, agencies and institutions, international organizations and civil society. But that was not all. A most prescient additional priority was providing for a safer future, which underlined the persistent need to keep sight of the overarching goal – the normative aspect of our endeavors – deciding what the future should look like, what should be done and what tools should be used to achieve it.

The ongoing decentralization process in Ukraine offers such a vision: it is both normative – giving more competencies to people at the local level – and provides the toolbox, which is more funding from central government and greater assistance from international partners. Holding local elections is crucial to all this. Only representatives elected in accordance with national and international standards should be leading the positive change. Yet that is not the case in several communities in the Donetsk and Luhansk regions.

This study reveals several issues relating to local self-government in the Donetsk and Luhansk regions: *first*, there is the procedurally troubling withholding of local elections in several communities in government-controlled Donbas, which in some way reveals decisionmakers’ failure to understand that transparent procedures and institutions are crucial for protecting both democratic procedures as well as the reform process generally; *secondly*, there is a focus on corporative interests that stems not just from the “old-times legacy” but also from the hasty and ill-prepared changes to the national electoral legislation, which helps to keep these legacies alive.

Local elections were held in Ukraine on October 25, 2020; but not in 18 communities in the government-controlled parts of the Donetsk and Luhansk regions. In the first part we analyze how the decision that it was impossible to hold elections in several settlements may have negatively affected the development of democratic institutions in the region, people’s trust in the local and central authorities as well as the prospect of the Ukrainian government regaining control of the temporarily occupied territories. This part of the analysis concerns the non-transparent way in which the decision not to hold the elections was made, the lack of systemic criteria for determining security threats and the insufficient involvement of civil society. The recommendations based on the results of this study are aimed at strengthening the

civil component of the local self-government bodies, choosing a strategic approach to decentralization and reducing tension along the Donbas–Kyiv line.

In the second part we look in more detail at the results of the elections and ask if and how the representatives of parties or party-projects promoting regional clientelist and corporative interests that have mostly emerged out of the legacy of the former “regional power party,” the “Party of Regions” (PoR), have managed to protect their position by exploiting the shortcomings of the electoral legislation adopted in summer 2020. Here we follow up on the analysis in the first part discussing, for example, the importance of the persistence of (pro-Russian) groups belonging to the local or regional clientelist power-networks for hybrid threats in the Donbas region.

We believe this study proffers, among other things, an explanation for the existing situation in the region and identifies future trends and tendencies. We also believe that our recommendations provide both accurate as well as normative insights to all those who are interested in Ukraine and to key players in the field, including the OSCE, helping the conflict-affected country and its people.

## Methodology

This study<sup>1</sup> was conducted from October to December 2020. It presents findings obtained by the expert group on local elections within the independent international civil society platform CivilMPlus for conflict resolution in Donbas in which all three authors are involved. The study was partly based on specially developed questionnaires, which were used to conduct 12 in-depth interviews with political actors, experts and activists working in the government-controlled territory in eastern Ukraine and Kyiv and with relevant information regarding the research topic.

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<sup>1</sup> Part of the manuscript has been revised and completed versions of the following have been elaborated by the authors of this study: S. Goda, W. Jilge, V. Novikov, Y. Erner, “Influence of local elections on democratic and socio-economic development of the government-controlled territory of Donbas,” CivilM+, October 23, 2020. Available online: <https://civilmplus.org/en/publications/influence-of-local-elections-on-democratic-and-socio-economic-development-of-the-government-controlled-territory-of-donbas/> (accessed on December 14, 2020) and S. Goda, W. Jilge, V. Novikov, “Zwischen korporativen Interessen und neuen Inseln der Veränderung – Lokalwahlen im Donbas 2020,” Die Länder-Analysen, November 16, 2020. Available online: <https://www.laender-analysen.de/ukraine-analysen/242/zwischen-korporativen-interessen-und-neuen-inseln-der-veraenderung-lokalwahlen-im-donbas-2020/> (accessed on December 14, 2020).

The research tools included the collection and analysis of open source information, in particular publications by non-governmental organizations and independent media, interviews with public opinion leaders and information from government websites.

In parallel with the interviews and analysis of open sources, Ukrainian legislation was analyzed to ascertain the reasons for not holding elections in several settlements in the Ukraine-controlled parts of the Luhansk and Donetsk regions.

The rules on information security were strictly adhered to when undertaking the study and preparing the manuscript, consequently the text does not contain any information on respondents who did not consent to the dissemination of their personal data. This is solely for the safety of the study participants.

## The problem of compliance with democratic procedures and legal norms

Back in the spring of 2020, Ukrainian politicians at the national level publicly announced their intentions to hold elections throughout Donbas, including in certain areas of the uncontrolled parts of the Donetsk and Luhansk regions (known as ORDLO). Even from the first days of August, in fact, a month before the start of the election campaign, the Central Election Commission (CEC) planned to hold elections throughout the controlled part of the Luhansk and Donetsk regions. Accordingly, political parties began the preparations, stepping up their work throughout the controlled part of Donbas. There was no plan to hold elections for the Lugansk and Donetsk Regional Councils, as these are still being replaced by the civil-military administrations (CMA) created back in 2014.

On August 8, 2020, the CEC adopted Resolution No. 161 on the impossibility of holding elections on October 25, 2020, in several of the communities under Ukrainian control in the Luhansk and Donetsk regions. In most of these communities, the local CMAs are still in operation.

The decision regarding the impossibility of holding elections in 18 communities in the Ukrainian controlled part of the Luhansk and Donetsk regions was made using non-transparent procedures which may lead to greater mis-

trust of democratic institutions and the Ukrainian state among the population of these communities. About half a million residents of eastern Ukraine were thus deprived of their constitutional right to elect their own representatives.

It is worth noting that shortly before the CEC made the decision, a CMA was being set up in the fairly large city of Lysychansk, as well as in the city of Severodonetsk, currently the regional center of Luhansk Region (Oblast). These cities were not included in the list of settlements on the demarcation line enshrined in Ukrainian legislation. Since 2015, city councils elected in the elections have operated in both Lysychansk and Severodonetsk.

Since Severodonetsk and Lysychansk are becoming ATG centers, under the decentralization reforms, voting should be held in all the settlements that are part of these ATGs, but some of them are located in the front-line zones, where, according to the CEC and CMA, it is difficult to ensure security during elections. The CMA consists of civilians and military personnel, and was formed by presidential decree. According to the law, CMAs are formed on the basis of a decree of the President of Ukraine, and the heads of the CMA in cities and towns are appointed by the head of the regional state administration, who is also the chairman of the CMA of the region (appointed by the President of Ukraine), in agreement with the commander of the Joint Forces Operation.

After the refusal to hold elections in Severodonetsk and Lysychansk, protests took place in these cities, in which representatives of the local parties and public organizations and city residents took part. The protesters demanded that the CEC decisions should be revised, so as not to take away residents' right to vote and not to deprive local communities of the right to local self-government.

Under Ukrainian legislation, there are a number of drawbacks concerning the procedure for ruling on whether it is possible to hold elections in certain territories: in the ruling, the Central Electoral Commission (CEC) referred to letters from the CMA heads, including a letter from the Main Directorate of the Security Service of Ukraine (SSU) for Luhansk region, which asserted that it was impossible for the law enforcement agencies to provide full security during the elections.

It should be stressed that the letters from the CMA heads were recommendations. According to the law, the final decision is made by the CEC. At the same time, the CEC has neither the legislative powers nor the resources or knowledge to verify the information received from the CMA that would enable it to verify the true situation in these territories. At the same time, the Commission is obliged to ensure the implementation and protection of citizens' electoral rights, taking into account the relevant conditions, including security issues.

The letters the CMA submitted to the CEC identified localities or polling stations, but did not give reasons as to why there was a particular level

of danger in the given location. The CEC's decision did not refer to a list of criteria for justifying the assessment that it was impossible to hold elections in certain territories.

Thereby, the procedure that has emerged makes the CMA the *de facto* central decision-making organ on the conduct of elections and, based on an insufficiently substantiated decision, attributes it unlimited powers, but no formal responsibility for the decision. That responsibility lies either with the CEC (which therefore potentially becomes the subject of public criticism against any decision made) or is distributed among several institutions and/or officials but without a transparent and logical mechanism. This creates additional opportunity for political misuse of the decision. Suspicion that there was political motivation for not holding elections and that the decision was in the interests of the authorities was reinforced during the public discussions between the authorities of Luhansk region and civil society: the Head of Luhansk CMA, for example, noted that the dysfunctional local authorities in certain towns constituted an important reason for the decision to cancel the elections, in addition to the security argument. However, free and fair elections are a democratic tool for changing local authorities that do not perform their functions well. The influence of the CMA heads on the CEC decision raises questions about whether there was a conflict of interests, as the CMA heads may be interested in retaining their powers instead of transferring influence to the elected local authorities.

### Recommendations:

- amend Ukrainian legislation to ensure that there is a transparent and democratic mechanism for making collegial decisions on the possibility of holding elections in certain territories. It is recommended that a collegial independent body should be established at the national level, with sufficient authority to verify the information received from state and law enforcement agencies underpinning the decision made, and with full responsibility for it.
- draw up a list of criteria for deciding whether it is possible to hold elections in certain territories. Such a list should, for example, take into account experience of previous election campaigns in the given region and set out territorial guidelines regarding the distance of the settlement from the contact line. The same criteria must be used as the basis for all decisions and relating to all territories, and taken into consideration when deciding on the possibility of holding elections in the given region.
- involve the OSCE in consultations regarding the situation in the armed conflict zone and whether it is possible to provide security for organizing and holding elections.

- the CEC and the relevant Committee of the Ukrainian Parliament should provide clear explanations on when and how it will be possible to exercise the right to vote in these regions, based on the proposed changes to the legislation.
- publish all CMA documents (and documents from other organizations relevant to the decision making process) underpinning decisions on whether it is possible to hold elections, except for documents containing confidential data not intended for public consumption.<sup>2</sup>
- Donetsk and Luhansk CMAs should hold public events and carefully inform the public about the reasons why elections cannot be held in certain localities; they should also ensure they communicate in a transparent and sustainable manner with the public, political parties and elected local authority representatives regarding the current state of election issues.

## The “Security vs Democracy” dilemma

Countries affected by armed conflict have a tendency to stick to a “security first” approach and thereby face the dilemma of having to choose between security and democracy. In addition, in recent years there have been questions about the effectiveness of local authorities in government-controlled areas in the conflict region; in some places these institutions have become a means of preserving the influence of local business groups.

One of the main arguments for refusing to hold local elections in some of the settlements in the Donetsk and Luhansk regions is that it is impossible to ensure the safety of the population during the elections.

Some respondents noted that the human right to life and security is more important than the electoral rights of the citizen. And when the Ukrainian authorities were faced with the choice of ensuring the security of the popu-

<sup>2</sup> „Заява ОПОРИ щодо встановлення неможливості проведення місцевих виборів в окремих громадах Донецької та Луганської областей,” [OPORA Statement on establishing the impossibility to hold local elections in certain Hromadas in Donetsk and Luhansk Oblasts] Civil Network OPORA, August 10, 2020. Available online: [https://www.oporaua.org/statement/vybory/mistsevi-vybory/mistsevi\\_2020/20212-zaiava-opori-shchodo-vstanovlennia-nemozhливosti-provedennia-mistsevikh-viboriv-okremikh-gromadakh-donetskoj-ta-luganskoyi-oblastei](https://www.oporaua.org/statement/vybory/mistsevi-vybory/mistsevi_2020/20212-zaiava-opori-shchodo-vstanovlennia-nemozhливosti-provedennia-mistsevikh-viboriv-okremikh-gromadakh-donetskoj-ta-luganskoyi-oblastei) (accessed on December 14, 2020).



lation in the front-line areas and protecting the rights of citizens seeking election and those voting, the decision was made to prioritize human rights.

Some respondents said that not holding the elections would not have negative consequences for local self-government because, over the past few years, the local self-government in these regions had not been working effectively, but had become an instrument of influence for local business groups. Although the setting up of a CMA cannot ensure democratic governance, the view is that, in the current circumstances, it is the best way of ensuring effective local administration.

For several small settlements near the contact line, where the economic situation is complicated as a consequence of the hostilities, and which have seen a fairly large population outflow, the decision not to hold elections will not have much impact, because local self-government is ineffective in such conditions. Some respondents stated that what was needed was not elected representatives but non-corrupt managers, who could be CMA representatives.

It is worth noting that in 2014–2015 parliamentary and local elections were held in a number of populated areas, such as Severodonetsk, Lysychansk and Ugledar, despite the active hostilities in Donbas and the fact these areas recorded the largest number of dead and wounded for the entire conflict. By contrast the 2020 elections were not held in these areas.

In 2019 parliamentary elections and two rounds of the presidential elections were held across the controlled territory of the Donetsk and Luhansk regions. In addition for several years national (Independence Day of Ukraine) and local (City Day) holidays have been celebrated in the front-line settlements. It should be noted that there is a difference between settlements that are in the grey zone, where normal life has not been restored and few people live, in which local government is losing its meaning, and the cities in which there have been virtually no military operations for more than six years. An important factor is the agreement regarding additional measures to strengthen the ceasefire between the parties to the conflict of July 27, 2020, which significantly reduced the intensity of hostilities in comparison with previous periods of the armed conflict.

The results of this research show that experts have different priorities in deciding whether to hold local elections or suspend them for security reasons. In particular, it depends on their geographical perspective: those in the conflict region tend to be in favor of holding elections, while those in Kyiv tend to prioritize security. One can assume that different priorities and interests of citizens and political elites affect the nature of relations between Kyiv (and other parts of Ukraine far from the conflict territory) and the conflict zone. The suppression of local initiative to take responsibility for the development of the region, combined with the desire of the “center” to effectively address the region’s problems directly through appointed leaders, may in the medium

term have a negative impact on political and socio-economic processes in the country. Thus, introducing CMAs with no transparent clarification may create obstacles to the democratic development of the region and even to the prospect of the Ukrainian government regaining control of the occupied territories.

Ukrainian legislation does not clearly define the procedure for initiating and deciding whether it is possible to hold local elections in communities in which it was previously decided that it was impossible to organize voting. The Law of Ukraine on Civil-Military Administrations merely presupposes that their powers are terminated on the day of the first session of the newly elected local council. The legal uncertainty over the timing of the restoration of citizens' electoral rights and the right of territorial communities to local self-government creates significant obstacles to planning the future development of territorial communities. It also raises the risk of potential abuse by local elites interested in managing community resources without having gained a democratic mandate through elections. To better understand this, we will highlight two aspects of the security analysis: physical (military) security and hybrid security (threats).

- a) *Physical (military) security*: The physical safety of individuals wishing to take part in elections is directly linked to the risk of shelling near the line of contact, the risk of forest fires and the risk of renewed fire from small arms and light weapons. These types of problems could be solved in a more targeted and effective manner by establishing an authority (agency) to regulate safety issues in a timely manner. So far, no such technical preconditions have been laid down.
- b) *Hybrid security*: The main risk, according to the election opponents in the conflict region, is the increasing influence of local pro-Russian ruling elites. The strengthening of pro-Russian forces in self-governing bodies would expand the Russian Federation's scope of influence in its hybrid war against Ukraine. The Russian Federation is very active in this process and uses a wide range of instruments.

However, for the democratic party system, the threat of the unwanted opposition winning cannot justify the cancellation of the elections. Society may gain the impression that support for democracy at the level of Ukrainian state policy ends if there is the threat of political revenge from anti-Ukrainian forces.

Failure to hold elections does not solve the problem of ensuring either physical or hybrid security. On the contrary, such decisions provoke discontent among part of the local population and bolster the anti-Ukrainian forces' argument that Ukraine's political system is undemocratic. The central authorities have not been able to solve this contradiction in the past few years, but the existence of the CMA does not sufficiently guarantee security either.

Suppressing opportunities for local self-government harms the region's social and economic development, increasing citizens' dissatisfaction and distrust of the central government in Kyiv.

### Recommendations:

- as regards physical (military) safety, risk assessment criteria should be clear and references to them should have solid grounding.
- CMA and local council activities should be more transparent and oriented at cooperating with the community. Representatives of civil society, small business, trade union and academia should participate in the decision-making process. That way, local people will feel involved in the final results, which will raise people's trust in the local and national authorities.
- establish a coordination center for operational forecasting at the Luhansk region CMA (an idea already discussed by civil society in Luhansk region) in order to promptly respond to security challenges. The civil society in the region should be engaged in the center's operations. This relates to the coordination of all key institutions in cases of emergency, coordination between state institutions with humanitarian organizations and continual and inclusive information campaigns for citizens on how to combat disasters and deal with the consequences.
- encourage support from partners in Ukraine and the EU for the establishment of such a center through technical support and, if necessary, funding for important infrastructure and logistics.
- develop and support independent media providing quality content in the region, as a platform for promoting issues relating to conflict resolution, shared values and important local social initiatives. Extend the range of Ukrainian media accessible by residents of the temporarily occupied territories. Media coverage of the true situation in the region will also contribute to raising public confidence in Ukrainian media.

Finally, it is important to guarantee equal access to national and local mass media for all candidates and parties engaged in the electoral process and to prevent candidates and parties supported by oligarchs and business network owners of influential media outlets from gaining a privileged position in the mass media. Along with independent media, measures ensuring all election participants have equal access to the mass media, including civil society, will help ensure more balanced information and help to prevent disinformation, which was a serious threat in the local election campaign across Ukraine, and specifically in Donbas. That was particularly true for the re-dissemination of the Kremlin's anti-Ukrainian narratives by media outlets controlled by pro-Russian forces in Ukraine, which is another important element in Russia's hybrid destabilization policy towards Ukraine.

# The “effective vs democratic governance and control of the region” dilemma

As united territorial communities are being formed as part of the decentralization process, the refusal to hold elections slows down decentralization and prevents the creation of new administrative territorial units and all the related potential new opportunities. Communities in which no election is held will be unable to accumulate more powers, including financial ones, violating citizens’ rights to be elected and to elect their representatives, but also their right to local authority provision of high-quality administrative services. Crucial parts of societal life such as education, health care, culture and sport will suffer as a consequence. In addition to the residents of the communities in which the elections are not held, who amount to several hundred thousand people, one must not forget the ORDLO residents, who periodically come into these communities to use the social, banking and administrative services.

The creation of an OTG should enable people to actively participate in the public life of the community, its management and the building of a participatory, rather than an administrative model of community management. The idea behind the creation of CMAs is that they are more effective in guaranteeing security and ensuring livelihood opportunities throughout the armed conflict, than traditional local government is. In the long term, however, the concentration of the decision-making process in the hands of the CMA heads does not contribute to an effective management system, since decisions are made individually by the CMA head, without the use of democratic procedures involving a large number of actors, as is the case with local authorities.

The cancellation of the local elections in some localities has had a negative impact on the development of democracy in the region: it complicates the process of exerting civil control over the activities of local authorities, limits opportunities for the emergence of new local political leaders, demotivates active citizens and preserves the paternalistic thinking of the region’s residents.

## Recommendations:

- Ukraine’s Verkhovna Rada and Cabinet of Ministers should elaborate and apply a strategic approach to the development of the region, with the involvement of civil society and taking into account the specif-

ics of its infrastructure and environmental and energy components. The strategy should also address the development of culture and the potential of civil society.

- In localities where elections will not be held, public councils should be formed within the CMA, consisting of representatives of civil society organizations, former local council members and experts in local governance, giving them a right to be heard by the heads of CMA.
- consider the possibility of implementing a competitive mechanism for selecting the head of the CMA, with the assistance of local and national experts on decentralization reform, and experts from European partner countries, in order to ensure those appointed are knowledgeable about the region and able to communicate with local public structures, for use when the security situation does not require prompt appointments.
- consider the possibility of holding local elections in 2021 in the communities that are under government control of the Donetsk and Lugansk regions, where elections were not held in October 2020.

## Corporative interests

The local elections of 2020 were unusual for two reasons – first, the local elections represented an important step in the implementation of genuine local self-governance in Ukraine against the background of the ongoing decentralization reforms. Reformist activists in Ukraine’s civil society and expert community expected the decentralization reforms would provide strong impetus for the sustainable “democratization from below” of the country and thus help break down the oligarchic clientelist structures in the regions, which is particularly important for the Donbas.

Second, these elections were the first in which the new electoral legislation<sup>3</sup> was applied, which also proved to be a challenge for voters. Central to this innovation was the earlier introduction of a proportional electoral system in communities with 10,000 or more inhabitants. In these communities, independent candidates could not stand and parties were given the central role

<sup>3</sup> See more at: “«Вибори навиворіт – 3». Виборчий кодекс та його недоліки,” [„Elections inside out – 3.“ Electoral Code and its shortcomings] Civil Network OPORA, September 6, 2020. Available online: [https://www.oporaua.org/news/vybory/vybory\\_navivorit/20207-vibori-na-vivorit-3-viborchii-kodeks-ta-iogo-nedoliki](https://www.oporaua.org/news/vybory/vybory_navivorit/20207-vibori-na-vivorit-3-viborchii-kodeks-ta-iogo-nedoliki) (accessed on December 14, 2020).

in the electoral process. This hasty “partyization” (that is, just a few months before election day) of electoral law was problematic, especially since parties in Ukraine do not have solid structures at the local level, apart from some exceptions. In the Donbas, this reinforced the strong position in the region of the well-established successors to the former Party of Regions (PoR). These parties were able to ideologize local political life and, accompanied with the introduction of partyization, this improved their chances in the political contest. Thanks to their enormous economic and both local and national media resources, they were able to mobilize their electorate by promoting national themes (general demands for “peace,” the restitution of economic relations with Russia, anti-Western propaganda) that had no relation to community development in the context of decentralization.

Generally, disinformation (e.g. anti-Ukrainian and anti-European narratives spread by outlets belonging to the strong media empire under the influence of Opposition Platform – For Life (OPFL) leaders and re-disseminated by local social media groups)<sup>4</sup> “remained a threat to the integrity of the information environment of the electoral period, with the most serious and sustained threat coming in the form of pro-Russia information narratives” which “seek to undermine the legitimacy of the Ukrainian state and its government.”<sup>5</sup>

However, another aspect relating to the partyization was the new electoral legislation that introduced innovations that had been on the reform agenda for many years and can be seen as progressive elements. For example, the introduction of open party lists, which – if properly implemented – can provide a counterweight against the dominant control of centralized parties over parts of the electoral process on the local level. With open party lists, voters can vote for their party of preference and select candidates on the party list for election to the local council. However, that amendment was implemented half-heartedly. To climb up the party list, the candidate has to get a minimum number of votes, which was very difficult: the legal formula results in a relatively high number.<sup>6</sup> As a result the newly introduced party lists had a limited effect. Finally, party financing could be more transparent, as the

<sup>4</sup> See more at: “Моніторинг (про)російської дезінформації в регіональних медіа за 12–18 жовтня 2020 року,” [Monitoring of (pro) Russian disinformation in regional media since 12th till 18th of October 2020] Detector media, October 29, 2020. Available online: [https://detector.media/propahanda\\_vplyvy/article/182015/2020-10-29-monitoryng-prorosiyiskoi-dezinformatsii-v-regionalnykh-media-za-1218-zhovtnya-2020-roku/](https://detector.media/propahanda_vplyvy/article/182015/2020-10-29-monitoryng-prorosiyiskoi-dezinformatsii-v-regionalnykh-media-za-1218-zhovtnya-2020-roku/) (accessed on December 14, 2020).

<sup>5</sup> L. Jewett, T. Woodward, N. Jikia, M. Mitre, K. Jeffers, I. Odynak, N. Rothchild, T. Sarantania, D. Paprocka, A. Benoist, C. Garner, “Ukraine Election Watch – Final Bulletin,” National Democratic Institute (NDI), October 30, 2020. Available online: [https://www.ndi.org/sites/default/files/NDI%20Ukraine%20Local%20Elections%20Statement%20-%20October%202020%20-%20ENG%20final\\_v3.pdf](https://www.ndi.org/sites/default/files/NDI%20Ukraine%20Local%20Elections%20Statement%20-%20October%202020%20-%20ENG%20final_v3.pdf) (accessed on December 14, 2020).

<sup>6</sup> Personal interview with Ukrainian experts conducted in October 2020.

NDI report concludes, and is still not sufficiently regulated by Ukrainian law. For example, “sanctions envisioned for non-compliance are too low to serve as an active deterrent.”<sup>7</sup> According to the Committee of Voters of Ukraine (CVU), the local election campaign in Ukraine 2020 was characterized by extremely high levels of spending on advertisements. Oleksiy Koshel (CVU) pointed out that the latest financial report for the Opposition Platform for Life party for the first quarter of 2020 reported that 95 per cent of funds went on advertising. That affected the content of the election campaigns: as Bodan Ben notes, local elections “were more about political PR” than the local problems facing the communities or ensuring a free and balanced public debate among candidates. Widespread party advertising requires large sums of money and limits the potential to which local elections can contribute to changing elites from below: “... new faces – from the expert, journalistic circles, civil society – they simply cannot compete with the moneybag candidates supported by oligarchs or local business.”<sup>8</sup> This fact plays into the hands of traditional parties or party brands supported by oligarchs or financially strong “local princes” and business elites. That effect is reinforced by low media coverage providing objective information on candidates, programs and the electoral process.

Obviously, the “partyization” effect of the electoral legislation also had an impact on the final results of the elections because voters in communities with 10,000 or more inhabitants were deprived of their right to vote for independent candidates rather than parties. That was true in the Donbas region, which was especially affected by the decline in support for the pro-presidential party, Servant of the People (SoP). It is therefore useful to look more deeply at voter turnout to fully understand the outcome of the elections.

Voter turnout in these elections was especially low (36.88 per cent) across Ukraine and about 10 per cent lower than in the 2015 local elections.<sup>9</sup> In Donbas, for the first time, turnout was lower than in western Ukraine, which had the highest figures in the country. Donetsk oblast had the lowest turnout in the country at 31.67 per cent (Luhansk oblast: 38.12 per cent).<sup>10</sup>

<sup>7</sup> L. Jewett, T. Woodward, N. Jikia, M. Mitre, K. Jeffers, I. Odynek, N. Rothchild, T. Sarrantia, D. Paprocka, A. Benoist, C. Garner, *op.cit.*

<sup>8</sup> “Ukraine breaks its duck with new election rules, and the results are heartening” Euromaidan Press, October 27, 2020. Available online: <http://euromaidanpress.com/2020/10/27/ukraine-breaks-its-duck-with-new-election-rules-and-the-results-are-heartening/> (accessed on December 14, 2020).

<sup>9</sup> “Явка 36,88%: на місцеві вибори прийшли 10,5 млн українців,” [Turnout 36.88%: 10.5 million Ukrainians came to the local elections] *Ukrainska Pravda*, October 26, 2020. Available online: <https://www.pravda.com.ua/news/2020/10/26/7271233/> (accessed on December 14, 2020).

<sup>10</sup> “Результати виборів депутатів районних рад,” [Election results of the deputies of district councils] Central Election Commission (CEC) of Ukraine, October 25, 2020. Available online: [https://www.cvk.gov.ua/pls/vm2020/pvm037pt001f01=695pt00\\_t001f01=695pid112=21pid100=14rej=0.html](https://www.cvk.gov.ua/pls/vm2020/pvm037pt001f01=695pt00_t001f01=695pid112=21pid100=14rej=0.html) (accessed on December 14, 2020).

The numbers for Donetsk are especially important, because the number of eligible voters is several times higher than in the Luhansk region.<sup>11</sup> The low turnout can be explained by factors observed everywhere in Ukraine, such as the fear of the coronavirus.<sup>12</sup>

But in Donbas, of particular importance was the fact that a significant part of the electorate was disappointed with the policies of the president and SoP, the party most identified with the president. And this was against the background that Donbas residents had extremely high expectations of the president and his new party. In the parliamentary elections, SoP achieved very good results in the Donbas and was even able to win some districts and defeat PoR legacy parties. It says a lot that this section of the region's population no longer wanted the old clans, but SoP did not present itself as a viable alternative. In many places in the region, SoP leaders missed the opportunity to better organize party structures and put forward competent candidates.

At the same time, SOP discredited itself in the eyes of the electorate: for example, the party entered into dubious agreements with PoR successor parties thereby continuing the clientelism voters no longer wanted. For example, in the important city of Rubizhne (Luhansk Oblast), members of the management department of Zarya factory, which is controlled by Yuri Boyko – one of the leaders of the Opposition Platform For Life (OPFL) and “gray Cardinal” of the region – got on the SoP list because the mayoral candidate of the city, nominated by the SoP, is the director of Zarya. Apparently Boyko used the SoP “brand” to get people under his control onto the city council and thus secure his influence on the spot.<sup>13</sup> Some decided not to vote because of the lack of pluralism in the region: The pro-European party structures in the region are unpopular, little-known and poorly developed, which does little to halt the passage of traditional “local feudal lords” and parties. At the same time, in communities with over 10,000 inhabitants there are no independent candidates to choose from. Many people may therefore have felt they had no choice but to stay at home.

<sup>11</sup> Ibid. Turnout in the Donetsk region was 31.67 % or 360,177 out of 1,137,379 registered voters (Luhansk region: 242324/92380).

<sup>12</sup> “Voter turnout in local elections hits historical low,” Kyiv Post, October 26, 2020. Available online: <https://www.kyivpost.com/ukraine-politics/voter-turnout-in-local-elections-hits-historical-low.html> (accessed on December 14, 2020).

<sup>13</sup> See the video of D. Kayansky, «Юрий Бойко купил «Слугу народа» в Луганской области. Регионалы идут во власть под новым брендом,” [Yuriy Boyko bought the “Servant of the People” in the Luhansk region. Regions come to power under a new brand] YouTube, October 24.10, 2020. Available online: <https://www.youtube.com/watch?v=OvpbwsMf9mI&feature=youtu.be&fbclid=IwAR2D1ibkzjNSkbs-zXGXZSFB29AM3x1oCgH5Gad3G6-U0S07WVvo4MgdIAJg> (accessed on December 14, 2020).



The most important pro-Russian party, OPFL, whose leaders include Yuri Boyko and Viktor Medvedchuk – the latter is Ukraine’s most important pro-Russian politician and a close friend of Putin – failed to achieve the big victory its leaders and the Kremlin had hoped for. OPFL failed to get a majority on all the city councils and in many communities failed to get a head of self-government elected. However, in general, OPFL’s results are solid and the party could win the sympathies of broad parts of the region’s electorate. That is generally illustrated by the fact that, in most of the Rayon councils, OPFL was able to secure the support of the electorate, who voted for PoR successor parties: In almost all the Rayon councils in the Luhansk and Donetsk oblasts OPFL became the strongest party with a relative majority (in Volnovakha Rayon the party gained 66.67 per cent of the vote). Only in Mariupol Rayon Council did the party belonging to the previous mayor of Mariupol – Vadym Boychenko’s Bloc – which comes under oligarch Rinat Akhmetov’s sphere of influence, get more votes than OPFL (48.15 per cent vs. 42.49 per cent). And, while SoP remarkably took third place (on 9.26 per cent), the most prominent PoR successor parties dominate the council with around 90 per cent of the vote in total.<sup>14</sup>

All in all, OPFL could further secure its huge influence in the region. And this is true in many other communities. For example, out of a total of 19 city mayors in the Donetsk region, six belong to OPFL. In Sloviansk (the second most important city after Kramatorsk) the OPFL candidate, Pavlo Pridvorov, got through to the second round of the mayoral elections, but lost out to the Opposition Bloc candidate (supported by Akhmetov) and acting mayor Vadym Liakh. In the second round of the elections, Pridvorov was supported by Nelja Shtepa, the controversial former mayor of Sloviansk who ran for mayor in the first round. She was listed by Peace and Development, an oligarchic party project, and still has the support of some parts of the city’s electorate. During the “Russian spring”, these pro-Russian candidates (who were members of PoR until 2014) either played a highly questionable role (Lyakh and Pridvorov) or are still suspected of separatism (Shtepa) by critical observers in the region. The cases of these candidates illustrate the continued legacy of the pro-Russian Party of Regions, even in a city that suffered massively in 2014 under the temporary occupation of Russian-backed separatists.

OPFL fared better in the towns in the Luhansk region. Two OPFL candidates out of the four standing for town mayor won, where one selected mayor is influenced by OPFL curators. In Rubizhne, the old mayor, who was

<sup>14</sup> “Результати виборів депутатів районних рад,” [Election results of the deputies of district councils] Central Election Commission (CEC) of Ukraine, October 25, 2020. Available online: [https://www.cvk.gov.ua/pls/vm2020/pvm037pt001f01=695pt00\\_t001f01=695pid112=21pid100=14rej=0.html](https://www.cvk.gov.ua/pls/vm2020/pvm037pt001f01=695pt00_t001f01=695pid112=21pid100=14rej=0.html) (accessed on December 14, 2020).

nominated by the party Our Land (OL), but was a member of OPFL until recently, won. What is remarkable is the fact that the mayors in Rubizhne and Kremmin (OPFL) elected candidates whom Ukrainian journalists and experts had accused of supporting “*russskiy mir*” and embarrassing separatists during the Russian spring of 2014. The Party of Shariy (PoS), belonging to the Ukrainian-phobic blogger Anatoliy Shariy, gained a seat on only two city councils, based on the city council preliminary results, despite these being in the populous and very important cities of Mariupol and Kramatorsk. PoS is not a political party in the traditional or genuine sense, but a “One Man Show” run by Anatoly Shariy. It only exists thanks to the support of Viktor Medvedchuk’s pro-Russian media empire, which refers to PoS as an “ideological ally” of OPFL. PoS serves as a “bridge builder” to connect with young people who are unhappy with the situation in Ukraine but who are not openly pro-Russian or OPFL supporters.

Although OPFL did not triumph, the local “feudal lords” in the region, of PoR legacy, and associated corporative interests were able to assert their influence in the region. These feudal lords exploited the fusion of economic and political power using opaque, often corrupt, informal political and economic practices to undermine institutions and rules. They are represented by OPFL and the first legal PoR successor, the Opposition Bloc (OB), which split from OPFL in 2018. OB, and some other parties, is influenced by Rinat Akhmetov, who is perhaps Ukraine’s most influential oligarch, and his business partner Vadym Novinsky, known as the “Orthodox oligarch” who supports the Ukrainian Orthodox Church (Moscow Patriarchate) and uses his patronage to promote pro-Russian identity politics.

Besides the legacy of the former PoR, one can conditionally include OL, which did well in the elections, especially Lugansk region. OL is not a well-established party but a group that formed around the populist Serhiy Shakhov that has become well-known in recent years for its virtuoso in buying voters. In the Luhansk region, Shakhov competes with Yuri Boyko’s OPFL; nevertheless, Shakhov and his group are the product of the region’s political culture, long cultivated by the PoR. The PoR legacy also includes local party projects, aimed at smoothing the passage of local princes and their teams into parliament or into city mayor posts (or the election of one of “their people”) in order to secure power in the region as well as access to the region’s financial and economic resources. Examples of parties around the local “feudal lords” that run in these elections include the rather successful party Order, which is represented on seven city councils in Donetsk region (with a relative majority in four city councils, and a majority shared with OPFL on one council) and has three mayors there, and Peace and Development, a party represented on two councils. Both parties are in the orbits of Rinat Akhmetov and Vadim Novinsky. Another example is the party belonging to the previous mayor of Mariupol, Vadym Boychenko’s Bloc. Some of its deputies are recruited

from the management of the local “town-forming factories” that are part of Akhmetov’s corporate empire.

The success of the Vadym Boychenko’s Bloc may be down to the fact that many local media outlets are controlled by Rinat Akhmatov – most of the local TV-channels are affiliated with Akhmetov for example. The same applies to the city’s most important newspaper *Priazovskij rabochij*: Its editor-in-chief is part of the Vadym Boychenko bloc faction in Mariupol Rayon Council. That also explains why new party hopefuls like Syla ljudej are facing big problems attracting a greater chunk of the electorate despite having the most innovative ideas for developing the city and their work on the sustainable implementation of self-governance and local democracy. In the circumstances, the fact that Sila ljudej (Power of the People), a young pro Maidan party, was once again able to get candidates elected to Mariupol City Council, albeit with a poorer showing than in 2015 (2020: 7.41 per cent; 2015: 9.26 per cent), must surely be seen as a success.

Local party projects like Order or Peace and Development may imitate pluralism, but they are in fact shells run by “feudal lords” from the orbits of OB or Rinat Akhmetov and Vadim Novinsky. They are the result of party “franchising”, facilitated by the “partyization” under the electoral code and the gaps and shortcomings in the legislation on political parties. In this sense, there was no real possibility of Ukrainian citizens creating a political party before the elections. The only means of creating a party is to acquire a registered brand, and that is only possible with the right “connections” and financial resources.

Parties such as OB, OPFL, Order, Peace and Development – successors to the Party of Regions – won the elections in the overwhelming majority of the Donbas city communities. The 2020 local elections illustrated the strong continuity of PoR’s legacy in the region, when all of the parties – that emerged out of the region’s clientelist corporative interests under the umbrella of the former Party of Regions – are taken together. These days, despite their intertwining business interests, these actors must be seen as independent actors who stand in fierce contest, to gain power and control over the region’s economic resources. However, one should not exclude a union between such parties, if the leaders consider closer cooperation as a necessity for retaining political power. The ideological barriers are not high, and there is little difference in the political and economic practices of these “feudal lords.” For example, OPFL and OB do not fundamentally differ in their interpretation of the conflict with Russia and the Minsk agreements; although OB representatives may act more pragmatically and pretend to be loyal to the state.

Despite the structural continuities, the local elections showed a growing desire for change among some of Donbas’s voters. In medium and small towns, as well as in townships and villages, pro-European parties that have not traditionally had a large base in Donbas were elected to councils. These

include Power of the People – whose work is dedicated to decentralization reforms and community development, Holos – a liberal reformist party, former prime minister Groisman’s party and European Solidarity – former president Poroshenko’s pro-Western and patriotic party. These parties were most successful in economically disadvantaged communities. These weak regions should therefore be included in regional development programs, so as to prevent people from being discouraged in their desire for change, and to consolidate trust in the possibility of local self-government.

Although the governing SOP party performed badly compared to the parliamentary elections, it still gained representation on almost all the councils in the region. A vote for SOP was in some way a desire for change. SOP was successful where it was able to provide a platform for competent members of civil society. An example is Slavyansk, the key city in the Donetsk region, where the party was elected to the council with 15.79 per cent<sup>15</sup> of the vote and where the city deputy and activist was able to gather civic activists around her. But whether SOP can develop as an independent party that is seen as a serious political alternative by the region’s population or whether it will come to an agreement with one of the “feudal lords” named above and corporative interests is not yet known.

## Conclusion

The degree of influence wielded by the “feudal lords” in the Ukrainian government-controlled territories of Donbas depends not only on the policies of the country’s leadership but also on citizen and civic engagement in the community and on initiatives for achieving closer and effective interaction between the citizenry and the local authorities to make decisions promoting the development of the community based on the comprehensive participation of citizens. In particular, the population must be well informed about their rights and the instruments citizens can use to control the local authorities. At the same time, legislation facilitating citizens’ involvement in decision-making processes must be drafted to aid the further development of local self-government in the Donbas region.

<sup>15</sup> “Обрані на відповідних виборах депутати місцевої радиОбрані на відповідних виборах депутати місцевої ради,” [Deputies of the local council were elected at the relevant elections] Central Election Commission (CEC) of Ukraine, October 25, 2020. Available online: [https://www.cvk.gov.ua/pls/vm2020/pvm057pid112=30pid102=433pf7691=61219pt001f01=695rej=0pt00\\_t001f01=695.html](https://www.cvk.gov.ua/pls/vm2020/pvm057pid112=30pid102=433pf7691=61219pt001f01=695rej=0pt00_t001f01=695.html) (accessed on December 14, 2020).

# About the authors

## Samuel Goda

Samuel Goda is Head of the Future of Security and Cooperation Program at the Slovak Foreign Policy Association and assistant professor at the University of Economics in Bratislava. His research interests include conflict transformation, protracted conflicts in the post-Soviet space and cooperative security. In addition, he has worked as project manager on numerous projects in the field of international relations and security, participative democracy and youth, peace and security-related issues, mostly in the V4 countries, Moldova and Ukraine. In 2018 and 2019, Samuel served as Special Representative of the OSCE Chairperson in Office on Youth and Security. In the second half of 2020, Samuel worked in the field as a SlovakAid supported volunteer-expert for the Sloviansk-based NGO Drukarnia.

## Wilfried Jilge

Wilfried Jilge is a historian of Eastern Europe. Since January 1, 2021, he has been a mediation advisor on Ukraine at the Center for International Peace Operations (German: Zentrum für Internationale Friedenseinsätze/ZIF) in Berlin. He is also associate fellow at the Robert Bosch Center for Central and Eastern Europe, Russia, and Central Asia of the German Council on Foreign Relations (DGAP), where he specializes in contemporary history and domestic and foreign policy in Ukraine and Russia. He is member of the Key States Strategy Group within the Bertelsmann Foundation project “Strategies for the European Neighborhood” and analyzes Russian policies in the EU’s neighborhood, among other things. Since its foundation in 2005, he has been a member of the steering committee of Kyiv Dialogue (German: Kiewer Gespräche), a German-Ukrainian civil society forum.

Wilfried Jilge spent a university semester abroad at the University of Simferopol (Crimea/Ukraine) studying Russian language and culture, and spent considerable time in Kyiv and in Moscow in 2013–14, where he conducted research in the specialist areas mentioned above.

## Valeriy Novykov

Valeriy Novykov is a lawyer and, since 2013, has been Chairman of the Board of Alternative, Luhansk Regional Human Rights Center. In 2010, he was elected Alchevsk city councilor, in Luhansk oblast, which is not controlled by the Ukrainian authorities. He has worked at the permanent deputy commission in ecology and housing and communal services. He is currently training local councilors in the field of local government and conducts human rights activities relating to the armed conflict in East Ukraine. He is actively

involved in projects aimed at the economic and energy transformation of coal regions in Ukraine. He has 10 years' experience working in electoral law and has worked on eight election campaigns, in most cases in a leadership position at election headquarters. He conducts trainings for members of electoral commissions and for official election observers.