

## **ELECTION BRIEFING NO. 49 EUROPE AND THE UKRAINIAN PRESIDENTIAL ELECTION OF 2010<sup>1</sup>**

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### **Key Points:**

- On 7 February 2010 Viktor Yanukovich won a narrow victory with 48.95% of the vote to Yulia Tymoshenko's 45.47% and was thus elected President for a five-year term on a turnout of 69% of the electorate.
- The outcome proves that Ukraine is a democracy: a state where power and authority can be questioned and where it can be transferred from one President to another following free and fair elections.
- Yanukovich's election victory in the second round can be explained by two factors: first, the lower turnout of 69% in comparison with 2004 in the second round where 77% of voters cast their ballots; second, the increase in support for Yanukovich in the central regions of Ukraine where ultimately all Ukrainian Presidential elections since independence have been decided.
- Ukraine has reverted to a Presidential democracy and pre-term Parliamentary elections were avoided when the Party of Regions cobbled together a new coalition in the Verkhovna Rada with the Communist Party, the Lytvyn bloc and, most controversially, with individual members of the opposition Bloc Yulia Tymoshenko and Our Ukraine–People's Self Defence, who were 'picked off' one-by-one despite the fact that Ukraine's Parliament is elected through proportional representation with an imperative mandate.
- Within one month of the election, Viktor Yanukovich's new Government sought rapprochement with the Russian Federation and negotiated a lower gas price in exchange for an extension of the lease of the Black Sea base of Sebastopol to the Russian navy;
- Nonetheless, Yanukovich still looked unlikely to bring a halt to Ukraine's

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European integration, rather he will seek to conclude the present negotiations with the EU on a deep and comprehensive free trade area, and, more controversially, a visa-free travel regime for Ukrainians entering the Schengen area.

Ukrainians went to the polls in 2010 to elect a President for the fifth time since independence from the Soviet Union in 1991. No one candidate won more than 50% of the vote in the first round, which was held on 17 January, necessitating a second round play-off three weeks later between Prime Minister Yulia Tymoshenko and opposition leader Viktor Yanukovich. On 7 February 2010 Viktor Yanukovich won a narrow victory with 48.95% of the vote to Yulia Tymoshenko's 45.47% and was thus elected President for a five-year term on a turnout of 69% of the electorate.<sup>2</sup>

Although Yulia Tymoshenko promised to contest the second round result in the Ukrainian High Administrative Court, claiming that Yanukovich's Party of Regions had falsified the result, both rounds of the election were found to have been conducted in a free and fair manner by the Organisation for Security and Co-operation in Europe (OSCE) which commented that the 'professional, transparent and honest voting and counting should serve as a solid foundation for a peaceful transition of power'. Although the race was far closer than had been anticipated during the campaigning season in late 2009, this positive endorsement by the international election observation team combined with the fact that Yanukovich won almost 900,000 more votes than Tymoshenko meant that any attempt to challenge the legitimacy of the result was highly unlikely to succeed. Thus, on 25 February 2010, Viktor Yanukovich was sworn in as the fourth President of an independent Ukraine for an initial term of five years until 2015.

This briefing note explains the significance of the Ukrainian Presidential elections of 2010 and has five sections. First, it explains the context of the 2010 Ukrainian election. Second, it examines the official campaign that began on 19 October 2009. Third, it analyses the results in comparison with previous elections. Fourth, it looks briefly at potential post-election scenarios. Lastly, it concludes by looking at the significance of the result for Ukrainian democracy and for Ukraine's path towards European integration.

## **Background/Context**

Ukraine's 2010 Presidential Election was the first to follow the Orange Revolution of 2004 that swept President Viktor Yushchenko (in office 2005–10) to power, after mass demonstrations in Kyiv and other major cities overturned attempts to falsify the election result in the initial second round, forcing a re-run of the second round-play off that culminated in a convincing victory for Yushchenko on 26 December 2004.<sup>3</sup>

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<sup>2</sup> Readers of this briefing paper are strongly advised also to consult the ICPS Special Report of February 2010 on the Ukrainian elections and the Yanukovich era, available at: [http://www.icps.com.ua/files/articles/55/63/Inside\\_Ukraine\\_ENG\\_5\\_Febr\\_2010.pdf/](http://www.icps.com.ua/files/articles/55/63/Inside_Ukraine_ENG_5_Febr_2010.pdf/)

<sup>3</sup> See: Nathaniel Copsey, 'Europe and the Ukrainian Presidential Election of 2004,' *European Parties Elections and Referendums Network Election Briefing No 16* at [http://www.sussex.ac.uk/sei/documents/epern\\_ukraine\\_briefing.pdf](http://www.sussex.ac.uk/sei/documents/epern_ukraine_briefing.pdf). See Copsey, N. (2005) 'Popular Politics and the Ukrainian Presidential Election of 2004'. *Politics*, Vol. 25, No. 2.

History will probably be kinder to ex-President Yushchenko than most political commentators were during his Presidency from 2005-2010, and his reputation in the future may be analogous to that of former General Secretary of the Communist Party of the Soviet Union Mikhail Gorbachev – hailed in the West as the man who brought the Cold War to an end and freedom to central Europe, yet reviled in Russia as the man who brought about the fall of the Soviet Union, which Prime Minister Putin called ‘the greatest geopolitical catastrophe’ of the twentieth century.

Ukraine in 2010 is a very different country to Ukraine in 2004. It is undeniably a democracy and has broken decisively away from the authoritarianism that characterizes many other post-Soviet republics (such as Russia, Belarus and the central Asian states). This is a huge achievement. But this does not change the fact that the five years that followed the Ukrainian election were bitterly disappointing for those Ukrainian citizens who had backed the Orange leadership and vested so much hope in the new administration, and even more frustrating for the 44% of Ukrainians who had voted against Yushchenko in 2004 and interpreted the judicial decision to overturn the result of the (first) second round of the election as electoral fraud perpetrated by the Orange revolutionaries. President Yushchenko’s election (or selection depending on one’s political viewpoint) was a profoundly polarising moment in Ukrainian politics in a country already riven by stark regional divisions. The politics of identity was and remains a crucial determinant of voting behaviour in Ukraine and Viktor Yushchenko struggled (and failed) to present himself as a unifying President of all Ukrainians, regardless of their preferred language or their regional loyalty. In contrast to the revolutions of 1989 in central Europe, it is important to underline that the Orange Revolution was backed by only a slender majority of the Ukrainian people, which meant that the President Yushchenko suffered from a legitimacy deficit in the eyes of around half the population.

It is possible that President Yushchenko could have enhanced his legitimacy and credibility in the eyes of Eastern and Southern Ukrainian domestic opinion by acquiring a reputation as a competent manager, capable of getting things done. Yet within months of taking office in 2005, President Yushchenko became mired in a power struggle with the Ukrainian Parliament that pitted him head-to-head against both his arch-rival in the 2004 election, Viktor Yanukovich, and his erstwhile ally from the Orange Revolution, Yulia Tymoshenko. Ultimately, Yushchenko promised much and delivered little. He vowed to lead Ukraine into the European Union, yet he did not manage to persuade the EU’s Member States to shift one centimetre on their opposition to Ukraine acquiring even a prospect of eventual accession to the EU. Whilst it could be argued convincingly that Yushchenko never stood much of a chance of changing the opinions of the anti-enlargement Member States anyway, and moreover that he did make a certain amount of incremental progress on Ukraine’s European integration agenda, the chasm that opened up between the aspirations he touted and the achievements his administration actually clocked up only served to further weaken his reputation and credibility.

President Yushchenko ducked out of prosecuting those who had tried to rig the election of 2004 early in 2005, and his Presidency was marked by a similar lack of drive and authority - a situation not aided by the fact that a crucial part of the deal that had brought the Orange Revolution to a close was an agreement to reduce the executive powers of the Presidency in favour of the Parliament, the Verkhovna Rada,

which increased the independence of the Prime Minister considerably. Crucially, however, the new constitutional deal did *not* transform Ukraine entirely into a parliamentary democracy - key powers of appointment were preserved by the President, for example: in the appointment of the defence and foreign Ministers and Chair of the National Security Council. The new Constitutional framework came into force one year after the Orange Revolution in 2006, in time for the March elections of that year - which theoretically gave Yushchenko one year to change the shape of Ukrainian politics. That Viktor Yushchenko did not take advantage of the opportunity to clean up Ukrainian politics or to introduce much-needed reforms in the course of his first year in office meant set the tone for the rest of his Presidency which become bogged down in frequently acrimonious disputes with his two main rivals, Viktor Yanukovych and Yulia Tymoshenko.

A bitter and drawn-out struggle for supremacy between President, parliament and Prime Minister was the principal distinguishing feature of Ukrainian politics between 2004-2010. This served to discredit all three titans of the Ukrainian political scene between 2005-2010 - Viktor Yushchenko, Viktor Yanukovych and Yulia Tymoshenko - and explains why a few more Ukrainians chose to stay at home on election day in 2010 in comparison with 2004; or voted 'against all' candidates in record numbers.

Although Ukraine's political situation in the run-up to the elections of 2010 was bad, its economic situation was dire. Ukraine had been disproportionately hit by the global economic slump of 2008-09, with real GDP dropping by 15% year-on-year in 2009 according to the World Bank, with inflation remaining stubbornly high at 16.4%. The twin proximate causes for Ukraine's relatively performance were: the collapse in global demand for its most important export, steel, and the structural factor that developing economies with their multiple vulnerabilities tend to suffer disproportionately as investors and markets take fright. The Ukrainian hryvnia plummeted by 38% in 2008 against the US dollar. What was interesting was that Prime Minister Yulia Tymoshenko chose to remain in office throughout the crisis, taking a significant share of the blame for the economic crisis, whilst Viktor Yanukovych and the opposition Party of the Regions sat on the sidelines. That Yulia Tymoshenko did not suffer an even greater drop in popularity is probably due to the fact that Ukrainians seemed more willing to blame deeply unpopular President Yushchenko. In a poll conducted in August and October 2009 to answer the question, 'Who bears the most responsibility for the difficult socioeconomic situation in Ukraine?' no less than 47% blamed Yushchenko, against 22% for Tymoshenko and 17% for the Verkhovna Rada as a whole.<sup>4</sup> Some commentators speculated that Tymoshenko's decision to retain the Premiership going into the election was motivated by the belief that she intended to use the so-called 'administrative resources' available to the Prime Minister (that is the ability to pressurize public servants to vote a particular way) to bolster her support. A more likely explanation might be that Tymoshenko reasoned that were she not to win the second round of the Presidential election, she would still retain the Premiership and thus very considerable power if she were able to hold her coalition together.

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<sup>4</sup> See 'Ukrainians Blame Yushchenko for the crisis', *Kyiv Post*, 20 October 2009, available at <http://www.kyivpost.com/news/nation/detail/50996>.

Before moving onto the election campaign itself, in taking leave of the post-Orange Revolution era, it is worth re-iterating the key achievement of the Yushchenko administration: democracy. After the Orange Revolution, Ukraine became a democracy: a state where power and authority can be questioned and where it can be transferred from one President to another following free and fair elections. Ukraine also developed a diverse and highly critical media under Yushchenko. Thus, by 2010, Ukraine had become a highly pluralist, competitive electoral democracy, and it was very unlikely that a future Ukrainian President or Government could undermine this seriously. This was perhaps Yushchenko's legacy - and it is of immense value.

## **Campaign**

The 2010 presidential campaign in Ukraine officially began on 19 October 2009. This section reviews the main candidates who took part in the 2010 Ukrainian Presidential election, evaluates whether the elections were free and fair, describes the evolution of the campaign through an analysis of opinion polls, and analyses the campaign manifestoes of the main candidates.

### *The Candidates*

18 candidates for the presidency registered with the Central Election Commission. This was fewer than in 2004 when 26 candidates were presented to the electorate, but still provided for a very long ballot paper in the first round. In addition to the frontrunners – Prime Minister Yulia Tymoshenko, and the leader of the main opposition party, Viktor Yanukovich – there were three other 'big name' figures contesting the election: Viktor Yushchenko, the incumbent President; Petro Symonenko, Communist party leader and veteran of two previous election campaigns in 1999 and 2004; and, Volodymyr Lytvyn, speaker of the Parliament and leader of the bloc within it that bore his name. The number of so-called 'technical candidates' who ran for office in order to boost the level of support for the frontrunners fell in comparison with the election of 2004, in part due to the requirement that all candidates pay a deposit of 2.5 million UAH which was only refunded to the two candidates who made it to the second round of polling.

The remaining candidates could be divided into two categories. First, there were 'second tier candidates' who were competing for third place in the first round of the Presidential elections as a means of raising their public visibility prior to the next parliamentary elections (such as Serhiy Tihipko, leader of the Strong Ukraine party, and Arseniy Yatseniuk, leader of Front for Change). Secondly, there were 'third tier' candidates who aimed to use the presidential race as a means of improving their bargaining position with the new president, and were thus competing for influence (and perhaps jobs) in the post-presidential election landscape. They may also have sought to enhance the visibility of their political parties before the local elections that were due to follow in May 2010 or in the event of an early parliamentary election.

### *Were the elections free and fair?*

Given Ukraine's relatively short track record of holding free and fair elections, it is worth asking whether the conduct of the elections was in line with international

standards. Although the electoral campaign was both competitive and free of interference, the new Law on the Election of the President that was adopted in August 2009 by the Party of Regions (PR) and the Bloc Yulia Tymoshenko (BYT) weakened the fairness of the campaign, and was the target of criticism by the Venice Commission, the OSCE/ODIHR and Ukrainian civil society. The law was widely seen as a step backwards and did not comply with OSCE commitments and other international standards. Amongst other measures, the law originally required Ukrainians living abroad to be registered with their local Ukrainian consulate, reduced the official campaign from 120 to 90 days' duration, introduced a hefty 2.5 million UAH deposit for candidates and, most controversially precluded the possibility of a third round in the event of the result of the second round being contested - in other words, it aimed to prevent a re-run of the presidential election of 2004. This restriction was included in the law, it was argued, to prevent the outcome of the election being decided by a court, but in doing so, it appeared to preclude a questioning of, or investigation into, the conduct of the campaign.

After receiving negative opinions from both international organisations and the Constitutional Court of Ukraine, President Viktor Yushchenko put forward a new draft of the presidential election law, which was discussed and amended by parliamentary committee, however, within the Verkhovna Rada neither the Party of Regions nor the Bloc Yulia Tymoshenko would vote in favour of all of the amendments. Thus the Law on the Election of the President adopted in August 2009 remained in force with the exception of some norms, which the Constitutional Court found unconstitutional, including the requirements that Ukrainians living abroad register with their Consulates, that electoral commissions can be formed only by citizens registered as living in a given area, and the highly controversial section that established limits on the right to appeal against election irregularities to the Central Election Commission and the courts.

Although the new state voter register was finally completed with the support of the OSCE, the law allows for the correction of voter lists on election day itself, which was one of the numerous sources of electoral fraud in 2004. In the 2010 election, this was also the basis of the most common irregularity picked up on by the Committee of Voters of Ukraine, the largest NGO observing the election process. Both in Western and Eastern regions, members of the election commissions put people onto the electoral roll without a court decision, which was against the law. Moreover, there remained limited opportunities for appeal in the case of electoral irregularities or potential fraud. Only a court of first instance (a so-called administrative court) had the right to give a ruling without the possibility of appeal - as mentioned above, this is because the legislators wanted to avoid a repetition of the 2004 election scenario.

Both the Party of Regions and the Bloc Yulia Tymoshenko accused each other of preparing to falsify the voter registration process to boost their result throughout the campaign. In the final event, Tymoshenko contested the final result of the second round, somewhat symbolically given that the OSCE was satisfied with the conduct of the election and the vote was not really close enough for a recount or an investigation of potential fraud to have made a difference to the result.

As mentioned above, during the five years since the Orange Revolution the media of Ukraine developed in both a pluralistic and competitive manner, but most of the

media were not free from the political influence of their owners (as, of course, is the case in most other democratic countries). The 2009/10 campaign was not an exception since most TV channels preferred to cover some candidates but not others. Ukrainian civil society groups argued that the electoral law limited the freedom of media because for a journalist to comment or give opinions on a candidate could have been treated as either political agitation or canvassing in favour of a particular candidate. Thus, there was evidence that TV channels tended only to report politicians' opinions or policy platforms without any providing comment or analysis from the journalists themselves. At the very least journalists tried to avoid giving negative opinions about the candidates.

### *Opinion Polls*

In contrast to the earliest stages of the un-official campaign in mid-2009, by late 2009 there were two clear leaders in the presidential campaign: Viktor Yanukovich, leader of the largest opposition party, the Party of Regions, and Victor Yushchenko's main rival for the presidency in 2004; and Yulia Tymoshenko, the present Prime Minister and leader of the second largest party in the parliament, the Bloc Yulia Tymoshenko.

Opinion polls forecast that none of the candidates would more than 50% of the vote in the first round. Support for Viktor Yanukovich continued to be stronger prior to the first round, with Yulia Tymoshenko polling well below the 30.71% share of the vote achieved by the Bloc Yulia Tymoshenko in the 2007 parliamentary elections. According to polls carried out by R&B and KIIS, Yanukovich's support gradually increased both for the first round as well as for the second, while Tymoshenko managed to maintain her level of support. At the same time, Tymoshenko became the clear second candidate for the run-off by autumn 2009, when she pulled ahead of her rival Arseniy Yatseniuk, former speaker of the Parliament and minister for foreign affairs and economy.

The competition for third place was between the three outsiders: Arseniuk Yatseniuk, Viktor Yushchenko and Serhiy Tihipko. The latter was a well-known businessman and had been involved in politics for many years prior to the election – indeed he began in the Komsomol of the Communist Party of the Soviet Union. Tihipko served in various government positions during the Kuchma era, including as Minister of Economy in Yushchenko's government (1999–2000) and National Bank Governor (2002–04). In 2004, Tihipko led Viktor Yanukovich's electoral campaign, but quit at the very start of the Orange revolution and has stayed out of politics until summer 2009.

Viktor Yanukovich was forecast to retain his advantage in the second round play-off against Yulia Tymoshenko: while Yanukovich was forecast to outstrip his 2004 vote of 44%, Tymoshenko was a long way from getting the full support of the “Orange” voters (the 52% vote given to Yushchenko in 2004). Polls taken between October–December 2009 also showed that Yanukovich was viewed more positively than negatively by the Ukrainian public (40–42% positively) (42–54% negatively) in comparison with Tymoshenko (positive 25–28% against negative 58–67%).

In common with the parliamentary elections of 2007, Tymoshenko's strongest support was forecast to be in western and central Ukraine, while Yanukovich dominated the

East and South. In these terms, Ukraine remained as electorally divided as it has been in all the national elections since 2004. Tymoshenko's core problem was that she struggled to win a clear majority of votes in western and central Ukraine, even though Yanukovich was not able to expand very far beyond his core power base. The western and central parts had the highest proportion of respondents who were forecast to vote against both candidates in the presidential run-off - this was the principal obstacle to a Tymoshenko victory in the second round, as the election results were to show.

### *Candidates' Political Programmes and Campaign Issues*

Populism dominated the electoral agendas of the main candidates. The campaign was dominated by direct advertisements (e.g. billboards and street tents) and by live talk shows on TV. Although all the candidates put their electoral programmes on their websites, there was no space for debate on public policy issues and for competition between the ideas and approaches to reform that were promised by all the candidates.

Yulia Tymoshenko built her campaign on the notion of her being a successful Prime Minister whose team was able to deal with the present economic crisis and introduce necessary reforms. She effectively used her position as the head of government responsible for the state treasury by distributing money to different sectors to ensure nationwide support (e.g. the mining industry, agriculture and the public health care system). She also took advantage of her premiership to highlight the fight against corruption in the election campaign (most resonantly in the case of Viktor Yanukovich who allegedly illegally appropriated a state residence) and sought to demonstrate that she had improved the investment climate. Her campaign slogan, "She is working", could be seen on billboards across Ukraine, sometimes contrasted with, among others, the message, "They Block – She Works".

Tymoshenko was also keen to highlight that she would be the true Head of Government as well as Head of State if elected President, stating that Ukrainians would not even 'know the name' of the Prime Minister were she to take the Presidency. Had she won, it is likely that Ukraine would have reverted to being a Presidential democracy, had she been able to retain a majority pro-Presidential coalition in the Verkhovna Rada in a way not entirely dissimilar to the situation in France where the Fifth Republic is alternately a Parliamentary democracy (during periods of co-habitation) and Presidential republic, when the President's supporters hold a majority in the National Assembly.

Both Viktor Yanukovich and Viktor Yushchenko focused on criticizing Tymoshenko's government and creating obstacles for her government, as they did with the IMF loan. The incumbent President Yushchenko set 'national renaissance' and 'democratization' (the only candidate who talked loudly about these!) as his main priorities. Yushchenko saw himself as the main guarantor of Ukraine's democracy and independence, while he described Tymoshenko and Yanukovich as "two boots from one pair". Interestingly, Yushchenko did not appear to doubt his ability to win, despite his exceptionally low poll ratings since 2008. A staffer in the presidential office said that Viktor Yushchenko expected to win a second term by overtaking Tymoshenko and getting to the second round play off with Yanukovich - and then winning it as the 'All-Ukraine' candidate.

Yanukovych, as leader of the opposition, promised political stability, economic revival and modernization. In contrast with 2004, Viktor Yanukovych did not build his campaign on Russia-related issues in Ukraine's domestic and foreign policies as a means of mobilizing his core electorate. Although his Party of Regions favoured strong relations with Russia and the upgrading of the Russian language to become the second state language, these issues were off his electoral agenda and were replaced with all-inclusive slogans such as “Ukraine for the people” and “I listen to everyone”. Publicly Yanukovych focused on the professionalism and competence of his team to govern the country and to deal with the economic crisis as well as promising a paternalistic style of government (through increases in social expenditures).

The major loser in the presidential campaign was Arseniy Yatseniuk. In the summer of 2009 his popularity was close to that of Yulia Tymoshenko, but by the autumn of 2009 he had dropped well behind her. While he began his campaign acting as the spearhead for a new generation of politicians, Yatseniuk could not back up his words with a track record. He promised to struggle against populism and money in politics, but did not go beyond hollow slogans or offer a policy programme for the presidency. Nor did he disclose the source of the funds for his campaign billboards around Ukraine.

Serhiy Tihipko presented himself as a successful businessman and Governor able to lead the country out of the crisis and willing to cooperate with different political parties. Tihipko clearly had had presidential ambitions for a long time. Many observers mentioned that Tihipko was among the candidates to be Kuchma's successor in 2004 and that he might have had a better chance of defeating Yushchenko than Yanukovych. His participation in the 2010 race signaled his return to politics after a five-year break. Similarly to Yatseniuk, during the presidential campaign Tihipko inaugurated a new political party, called “Strong Ukraine”. Finishing, as we shall see, as the third placed candidate with 13% of the vote in the first round, Tihipko looked set to become a major new player in Ukrainian politics after the election of 2010.

Anatoly Hrytsenko, a former defence minister and deputy at the time of the election, presented the most distinct case of the electoral campaign by disclosing the source and amount of his campaign funding on his website and asking his supporters to donate directly. He ran in opposition to the current political establishment as “enemies of their state”, yet favoured presidential rule with strong local government. However, his electoral programme was far from being clear on many important public policy issues.

The TV debate between the two runners of the second round envisaged by the election law did not happen as Yanukovych refused to appear. As a result, Yulia Tymoshenko was given the opportunity to use all the broadcasting time (90 minutes) for her campaign exclusively. Yanukovych's refusal to participate in the TV debate was predictable. His political advisers believed that his participation would be detrimental for his campaign given that he is a weak public speaker – especially in comparison with Tymoshenko.

## **Results**

Tables 1 and 2 summarize the election results for the Ukrainian Presidential elections of 2004 and 2010. A comparison of the two reveals that not only did Yanukovich win victory in 2010 with fewer votes than Yushchenko in 2004, he actually polled 400,000 fewer votes himself in 2010 than in the repeated second round of the election in 2004, where, of course, he lost. Part of the outcome of the election can be explained by turnout, but as the Tables show, lower voter turnout was not exclusively a problem for Yulia Tymoshenko – although ultimately the results show that she shed 3.6 million of the Orange voters that turned out for Yushchenko in 2004.

**Table 1: 2010 Ukrainian Presidential Election: First and Second Round Official Results**

Candidate and Nominating Party	First Round		Second Round	
	Percentage	Number of Votes	Percentage	Number of Votes
Viktor Yanukovich (Party of Regions)	35.32%	8,686,642	48.95%	12,481,266
Yulia Tymoshenko (All Ukrainian Union "Fatherland")	25.05%	6,159,801	45.47%	11,593,357
Serhiy Tyhipko	13.05%	3,211,198		
Arseniy Yatseniuk	6.96%	1,711,737		
Petro Symonenko (Communist Party of Ukraine)	3.54%	872,877		
Volodymyr Lytvun (People's Party)	2.35%	578,883		
Oleh Tyahnbyok (All Ukrainian Union "Freedom")	1.43%	352,282		
Anatoli Hrytsenko	1.20%	296,412		
Other candidates with >1%	1.71%	428,275		
Against all	2.20%	542,819	4.36%	1,113,055
Spoilt ballots	1.65%	405,789	1.19%	305,851
Turnout	67%		69%	

Source: Ukrainian Central Electoral Commission <http://www.cvk.gov.ua>

**Table 2: 2004 Ukrainian Presidential Election: First, Second and (Repeat) Second Round Official Results**

	31 October 2004 First Round		21 November 2004 Second Round		26 December 2004 (Repeat) Second Round	
	Percentage	Number of Votes	Percentage	Number of Votes	Percentage	Number of Votes
Viktor Yanukovich	39.32%	11,008,731	49.46%	15,093,691	44.19%	12,848,087
Viktor Yushchenko	39.87%	11,188,675	46.61%	14,222,289	51.99%	15,115,452
Oleksander Moroz	5.81%	1,632,098	-	-	-	-
Petro Symonenko	4.97 %	1,396,135	-	-	-	-
Natalie Vitrenko	1.54%	429,794	-	-	-	-
Against All	1.08%	302,779	2.31%	704,810	2.34%	680,198
<b>Turnout</b>	74.79%	28,035,134	79%	30,511,289	77.22%	29,068,309

Source: Ukrainian Central Electoral Commission <http://www.cvk.gov.ua>

A second point of interest is that (as shown in the previous section on the campaign and opinion polls) Viktor Yanukovich's victory was ultimately won by a much closer margin that had been predicted throughout the campaign. Tymoshenko certainly

improved her position dramatically during the campaign, where at one point it was forecast that she might actually take third place in the first round, but although she won approximately 5.5 million votes more in the second round to Yanukovych's 3.5 million extra votes, ultimately she did not achieve the decisive swing necessary to take the Presidency.

In comparison with previous elections, patterns of voting behaviour continued to be dominated by geography with Eastern and Southern regions overwhelmingly supporting Viktor Yanukovych and Western and central regions mostly voting for Yulia Tymoshenko. Nonetheless, there was certain amount of slippage in support for the two frontrunners. Interestingly, Yanukovych lost the largest number of supporters in his core constituency: the industrial heartlands of Donetsk and Luhansk were around 800,000 of the one million voters who voted for him in 2004 but not 2010 were from these regions. The bulk of these voters simply stayed at home, although 40,000 more voted for Tymoshenko in 2010 in these regions than voted for Yushchenko in 2004. Yulia Tymoshenko also shed significant numbers of Orange voters across the rest of Ukraine: 260,000 in the south and Crimea; 1.7 million in central Ukraine; and 1.2 million in Western Ukraine.

Yanukovych's election victory in the second round can be explained by two factors; first, the lower turnout of 69% in comparison with 2004 in the second round where 77% of voters cast their ballots. Lower voter turnout was particularly marked in central and western Ukraine – the core constituency of the 2004 'Orange' voter and the regions of Ukraine from which Tymoshenko could be expected to draw the most support. The second factor was the increase in support for Yanukovych in the central regions of Ukraine where ultimately all Ukrainian Presidential elections since independence have been decided. Back in 2004, when Yanukovych faced Yushchenko, his best result in the central part of the country was in Kirovhrad oblast where he polled 31%. In 2010, this rose to 40% of total ballots and across central Ukraine he increased his share of the vote by around 10%, whilst doubling his share of the vote in Sumska oblast (32% in 2010 versus 16% in 2004; note that this was Viktor Yushchenko's home region) and in Vinnytska oblast (where his support rose from 12% in 2004 to 24% in 2010).<sup>5</sup>

A final factor that cannot be overlooked was the strength of the 'against all' vote, which for the first time topped one million ballot papers - a clear signal of Ukrainian voters' apathy. However, as one would expect from an incumbent Prime Minister, the brunt of voter disaffection was borne by Yulia Tymoshenko. In her home city of Dnipropetrovsk, 7% of voters voted against all candidates, second only to Kyiv where 8% of Ukrainians refused to endorse either Yanukovych or Tymoshenko.

What is particularly interesting about the results of the 2010 election is that Yanukovych has extended his vote slightly beyond the core constituency of the Party of Regions in eastern and southern Ukraine, winning more votes in the centre but also in Trans-Carpathia<sup>6</sup> in western Ukraine. Had Yanukovych not been able to attract

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<sup>5</sup> See: S. Kudelia (2010), 'Central Ukraine Sways Election for Yanukovych' at <http://www.utoronto.ca/jacyk/ElectionWatch/About.html>.

<sup>6</sup> A region of Ukraine formerly part of the Kingdom of Hungary and subsequently inter-war Czechoslovakia, absorbed into a shared polity with the rest of Ukraine for the first time after the second world war.

these first time voters in central Ukraine and Trans-Carpathia, it is probable that the second round of the election would have been too close to call.

## **Post-Election Politics**

### *A New Coalition in the Verkhovna Rada*

Yulia Tymoshenko's attempt to shore up her coalition in the Verkhovna Rada after the Presidential election was unsuccessful and her government was dismissed with a vote of no confidence on 3 March that won 243 out of 450 votes. This opened the way for the new pro-presidential coalition that was formed on 11 March 2010 and comprised: the Party of Regions (172 deputies), the Communist Party (27 deputies), the Lytvyn bloc (20 deputies), six defecting deputies from the opposition Our Ukraine-People's Self-Defence, six defectors from the opposition Bloc Yulia Tymoshenko and four independents. The inclusion of opposition deputies in order to form a parliamentary majority was particularly controversial since Ukraine's Verkhovna Rada is elected on a proportional basis with a single national constituency and thus one (long) list of candidates for each party or electoral bloc. Thus the electoral mandate belongs to a party or bloc, and not to an individual deputy and a deputy who resigns the party whip should lose his seat in the Verkhovna Rada. The question of the legality of the means by which the pro-Presidential coalition was formed was placed before Ukraine's Constitutional Court and President Yanukovich pledged to respect its decision (although his Justice Minister bizarrely commented that any decision of the Court would only take effect from the day that the ruling was given – and thus the formation of the coalition would have been within the rules), but the Court ruled on 7 April that the coalition was formed legally. Nonetheless, the means by which the new coalition was put together appeared to be at best dubious and at worst undemocratic.

## **Conclusions and Implications for Ukraine's European Integration**

Perhaps the two most pertinent questions for Western observers to consider in the aftermath of the elections are: first, does the Yanukovich victory mean that Ukraine will be diverted from its path towards European integration? And, second, will Yanukovich roll back the progress Ukraine has made in democratization since 2004? The headline answer to both of these questions from the standpoint of May 2010 remains "no" on both counts (just), but it is worth un-packing the answers to these two questions in some more depth to understand the likely trajectory of Ukraine's relations with the EU in the next few years.

### *Will Yanukovich bring a halt to Ukraine's European integration?*

Viktor Yanukovich will not bring a halt to Ukraine's European integration, rather he will seek to conclude the present negotiations with the EU on a deep and comprehensive free trade area, and, more controversially, a visa-free travel regime for Ukrainians entering the Schengen area. One of his first tasks will be de-contamination of his brand. Many West and Central Europeans see Yanukovich as the villain of the

2004 election (which together with Leonid Kuchma, he was) and the popular perception exists that he will seek to roll back both democracy and integrate with Moscow. For example, a headline on the widely-read *Financial Times* the morning after the second round of the Ukrainian Presidential election mentioned that Yanukovich would seek closer relations with Moscow – which the story to which the headline related categorically rejected. The point is that those Europeans who pay relatively little attention to Ukraine will only see the headline.

Looking more positively, the EU may be willing to reward Ukraine for conducting a free and fair election, although it may now take this for granted. Yanukovich's pragmatism on European integration and his declarations that he does not seek a membership perspective will cheer many politicians and officials in the anti-enlargement Member States who found Yushchenko's demands for candidate status annoying and presumptuous. Even the discussion of the membership issue is taboo in Brussels. Of course, should democracy founder under President Yanukovich, then Ukraine can forget about deeper integration with the EU.

#### *Will Yanukovich roll back democratization in Ukraine?*

The stakes in the elections of 2010 were not the same as those in 2004, and, as mentioned above, Ukraine has progressed considerably in the consolidation of its democracy since then. Given Yanukovich's slim lead over Tymoshenko in the Presidential election, he was expected in the immediate aftermath of the election to be a consensual leader. This did not transpire. Within a few weeks of his election, Yanukovich had formed a coalition in the Verkhovna Rada using what appeared to be undemocratic means, and significantly consolidated his Presidential power across the Ukrainian state. Yanukovich also concluded a new gas deal with the Russian Federation that reduced prices by around a third in exchange for an extension of the lease on the Black Sea fleet base of Sebastopol by 25 years until 2042. Yanukovich's first steps in power were polarizing and showed signs of a reversion to the semi-authoritarianism of the Kuchma years. Of course, Yanukovich's gas deal with Moscow could simply have been expediency borne of the economic crisis – or it could have signaled a major reorientation of Ukrainian foreign policy towards Russia. The political situation in Ukraine was highly fluid at the time of writing and the conduct of the next Parliamentary election due in 2012 will give an impression of how serious Viktor Yanukovich and his Party of Regions are about democracy.

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*This is the latest in a series of election and referendum briefings produced by the European Parties Elections and Referendums Network (EPERN). Based in the Sussex European Institute, EPERN is an international network of scholars that was originally established as the Opposing Europe Research Network (OERN) in June 2000 to chart the divisions over Europe that exist within party systems. In August 2003 it was re-launched as EPERN to reflect a widening of its objectives to consider the broader impact of the European issue on the domestic politics of EU member and candidate states. The Network retains an independent stance on the issues under consideration. For more information and copies of all our publications visit our website at <http://www.sussex.ac.uk/sei/1-4-2.html>.*