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The Drama of Ukraine's 2010 Presidential Election

Opportunities Lost – Does a Potential for Stabilization Remain?

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The Orange Legacy and the Reemergence of Viktor Yanukovych

The Orange Revolution remains an event of crucial importance to the entire post-Soviet space. Its main accomplishments were the establishment of political freedom (including freedom of the press) and free and fair elections. After Ukraine's 2006 parliamentary elections, the country was recognized by the U.S.-based nongovernmental organization Freedom House as the only free country in the Commonwealth of Independent States (CIS). Elections in Ukraine matter, and no political force has managed to monopolize power.

On the other hand, many aspirations of the Orange Revolution were not realized, including ending corruption, strengthening the rule of law, and judicial reform. This led to the frustration of the Orange electorate, especially those who voted for Viktor Yushchenko in 2004 and his political bloc, Our Ukraine, in 2006 and 2007. As a result, politics in Ukraine became populist, and the Orange forces became hostage to electoral democracy. The Orange Revolution came to be perceived as only the first of many needed steps toward fundamental economic and political reform.

As in other post-Communist societies that have experienced democratic change, broad opposition to the *ancien regime* differentiated and split after the Orange Revolution. This manifested itself not only in differences between the Orange leaders, Viktor Yushchenko and Yulia Tymoshenko, and their approaches to the economy and governance, but also in the institutional competition between

presidency and cabinet that was provoked by hasty and unbalanced constitutional reform in 2004. More power moved to the parliament, the value of victory in the 2006 parliamentary elections increased dramatically, and the whole campaign turned into a "fourth" round of the 2004 presidential election. In this case, however, the "Orange" coalition was split: after dismissing Tymoshenko's cabinet, President Yushchenko secured parliamentary approval of the new prime minister, Yuri Yekhanurov, by signing a memorandum with his main rival and Party of Regions leader, Viktor Yanukovych, thereby legitimizing Yanukovych's return to the political arena. Unfortunately for Yushchenko, this led to a decrease in popular support for Our Ukraine, while support for Yulia Tymoshenko's Bloc (BYuT) only grew.

The same "Orange split" happened after the early parliamentary elections of 2007. The president picked the wrong strategy; he could have positioned himself as a judge between BYuT and the Party of Regions. He had enough authority, and his faction (Our Ukraine–People's Self-Defense) remained in government (Our Ukraine received only the third highest number of votes, but they gained half the cabinet positions thanks to an agreement with BYuT). Still, from the very beginning, Yushchenko viewed Tymoshenko as his main competitor and decided to sabotage her coalition. As a result, the president's popularity fell and Our Ukraine collapsed into many competing groups. The split between Orange forces helped Yanukovych strengthen his position by exploiting the opposition niche, especially convenient at a time of economic crisis starting in 2008.

The Potential for a Third Force

In the summer of 2009, it seemed a new sensation was on the horizon: 35-year old Arseniy Yatsenyuk (whose supporters even compared him to Barack Obama), whoentered into the struggle between Yanukovych and Tymoshenko. His dismissal as parliamentary speaker only increased his ratings, as well as support from an Orange electorate frustrated with both Yushchenko and Tymoshenko. It even seemed that he had a chance to overtake Tymoshenko and make it into the second round.

However, Yatsenyuk did not provide answers to central questions about his team, political program, and funding. The creation of his party (Front for Change) was conducted in a traditional way "from above." Yatsenyuk even hired Russian spin doctors, who had achieved such notoriety in Ukraine's 2004 presidential campaign. As a result, the former parliamentary speaker and minister of foreign affairs, who once signed a letter with Yushchenko and Tymoshenko in support of a NATO Membership Action Plan, and who supported Yushchenko's course for European integration, ended up expressing skepticism at these ideas. Instead, notions of "a Larger Europe" with Russia and Kazakhstan and an "Eastern European initiative" centered on Kyiv emerged. Subsequently, his support among the post-Orange electorate in Western and Central Ukraine fell dramatically (he received only 7 percent in the first round), while Tymoshenko's support rose again.

Former minister of defense Anatoliy Hrytsenko also did not effectively exploit popular demand for "new faces." Enjoying a clean reputation, Hrytsenko created a new public organization, Civil Position, but, in fact, failed to make a successful appeal to civil society (from where he actually originated). He received just 1.2 percent of the vote in the first round. However, he still plans to participate in local elections and even in possible pre-term parliamentary ones.

The biggest sensation turned out to be former vice premier and head of the National Bank, Serhiy Tihipko. A successful banker, Tihipko won more than 13 percent of the vote, positioning himself as a technocratic pragmatist and declaring the creation of a new party, "Strong Ukraine." Before the runoff, Tymoshenko promised him the premiership if she won, but Tihipko refused to take sides. In the runoff his electorate evenly split between Yanukovych and Tymoshenko. After Yanukovych's victory, he agreed to become vice prime minister in the new government.

Yushchenko: The Tragedy of the Hero of the *Maidan*

During his term, Yushchenko was correct to speak about European integration, respect for Ukraine's history, the need to overcome the split in Ukrainian Orthodoxy, and mutual respect in Ukrainian-Russian relations. However, in many cases, his policies turned out to be counterproductive. Paradoxically, support for Ukrainian membership in NATO was higher under Kuchma than Yushchenko. Polls by the Kyiv-based Razumkov Center show that in June 2002 the number of those who supported joining NATO and the number against were nearly equal – approximately 32 percent each. In July 2009, at the end of Yuschenko's term, only 20 percent supported NATO membership, while 59 percent rejected it. The president unrealistically hoped to sign an association agreement with the European Union at a summit in Kyiv on December 4, 2009, but it became clear that the EU would adopt the agreement only after finalizing a component agreement on a free trade zone, which requires further negotiations and will have to be completed by Ukraine's new president.

Under Yushchenko, Ukraine's position in its relations with Russia became weaker than it was immediately after the Orange Revolution, when Orange forces were united and the Kremlin was afraid of its "export." In August 2009, Russian president Dmitri Medvedev accused Yushchenko of "Russophobia" and said Russia would not send a new ambassador to Ukraine until there was a change in government. Yushchenko and Tymoshenko did not resort to cheap rhetoric and gave a balanced response to Medvedev's slight (unlike Yatsenyuk, Yanukovych, and parliamentary speaker Volodymyr Lytvyn, who all tried to justify Medvedev's position). For some reason, however, Yushchenko decided to adopt his Russian counterpart's method. In November 2009, he published a letter to Medvedev demanding the revision of Russian-Ukrainian gas contracts. This was right before a summit of CIS heads of government in Yalta, where the Ukrainian and Russian prime ministers were set to meet. It was a fine desire, but one with a predictably negative outcome. Yushchenko's meeting with Georgian president Mikheil Saakashvili in Kyiv, while Putin and Tymoshenko were discussing gas supplies for 2010 in Yalta, came across as a challenge to Putin and, hence, made Tymoshenko's negotiations that much more difficult.

The Struggle between Tymoshenko and Yanukovych

The disappointment caused by Yushchenko's performance and the geopolitical U-turn made by Yatsenyuk in autumn 2009 led to a clear understanding that only Tymoshenko and Yanukovych had the potential to make it to the second round.

In 2006, after the signing of the "Universal of National Unity" between Yushchenko and would-be prime minister Yanukovych, it seemed that a historic

compromise was about to occur. However, this attempt at a unity government failed, and the country was faced with early parliamentary elections. In 2009-2010, Yanukovych's presidential campaign team settled on slogans from the 2004 election as still the best ones for mobilizing their regional electorate: anti-NATO sentiment, promises to make Russian the second official state language, and insistence on the absence of a falsified vote in 2004 ("our victory was stolen"). Yanukovych also mentioned the possibility of recognizing South Ossetia and Abkhazia. No Ukrainian president would do that because territorial integrity is a basic principle in Ukrainian politics. Such declarations were made in order to attract the attention of the Kremlin, which had become more reserved toward Yanukovych.

By contrast, Tymoshenko positioned herself as the pro-European candidate. At the same time, she managed to improve relations with Putin, who had his own insider reasons to be disappointed in RosUkrEnergo, the non-transparent intermediary that Tymoshenko managed to eliminate from Ukrainian-Russian gas relations. Although Yushchenko accused Tymoshenko of being pro-Russian during the 2008 Russia-Georgia war, her position on the war coincided with those of the EU and the Council of Europe's Parliamentary Assembly.

In many cases, the approaches of BYuT and the Party of Regions do look quite similar; Tymoshenko was quite comfortable negotiating with oligarchs behind closed doors. Nevertheless, a number of differences between the two parties remain. Genetically, BYuT was an opposition force. It has a sizeable national-democratic component, including the liberal "Reforms and Order" party. BYuT's electorate is concentrated in Western and Central Ukraine. This means Tymoshenko is limited in her actions by the will of her electorate. Finally, the Batkivshchyna (Motherland) Party, led by Tymoshenko, is an associate member of the European People's Party. Taking into account Tymoshenko's ambitions, it is important for her to be understood and recognized by European leaders, including those from the EPP.

However, the economic crisis, as well as attacks from both the opposition (Party of Regions) and former Orange allies, worked against her. Therefore, on the eve of the runoff, the main question for Tymoshenko was whether disappointed Orange voters would consider her the "lesser evil" compared to Yanukovych.

The Runoff and Fate of the Government Coalition

Tymoshenko managed to almost double her results compared to the first round (45.5 percent up from 25 percent). These additional votes were cast not so much in support of Tymoshenko, but against Yanukovych. Tymoshenko won in 16 regions and the capital, while Yanukovych won only in nine regions. This was not sufficient for Tymoshenko to bridge the 10 percent gap between her and Yanukovych, however. It is now clear that the position of Yushchenko and other candidates who called on voters to say no to both Tymoshenko and Yanukovych disoriented the Orange electorate and played into the hands of the latter, who received 49 percent of the vote (up from 35 percent in the first round).

However, these figures, and the fact that Yanukovych received less than 50 percent of the vote, weaken the new president's authority and legitimacy (there were some irregularities in Eastern and Southern Ukraine, but it was difficult for Tymoshenko to prove that these irregularities influenced the final results).

Additionally, after the 2004 constitutional reform, the Ukrainian president shares

power with the prime minister. Yanukovych's victory thus did not seem to be as threatening as it might have been in 2004. It will also be risky for Yanukovych to push for early parliamentary elections. The entrance of new players like Tihipko and Yatsenyuk could mean less votes for the Party of Regions.

To have a governing coalition in the present parliament, the Party of Regions needed to find a compromise either with BYuT or with the pro-Yushchenko Our Ukraine. This last idea seemed to have already been Yushchenko's plan during the campaign.

However, after bargaining with Our Ukraine, the Party of Regions rejected this option. With the support of two small factions (the Communists and the Lytvyn bloc), it suddenly changed the parliamentary procedure for forming a ruling coalition. According to Ukraine's constitution, a coalition can only be formed by factions that have a parliamentary majority. The new procedure allows individual deputies to break from their faction to join a ruling coalition. As a result, the Party of Regions was able to create a new coalition and a government led by Mykola Azarov, a close supporter of Yanukovych. This decision may be dangerous as key positions can now be controlled by the Party of Regions. Both the executive branch and the opposition declared they would take the decision to Ukraine's Constitutional Court.

Prospects for the Country

Unlike the 2004 elections, which both sides viewed as a winner-take-all contest, the post-Orange experience has shown that Ukraine's main political forces can all make compromises. Despite the drama and scandals of the recent presidential campaign, and the potential dangers connected with the increasing power of the Party of Regions, Ukraine's political and business elites do not want a concentration of power in the hands of one leader, even if he represents the party they support. A return to a Kuchma-type presidential rule does not seem very likely.

A move to a parliamentary model, on the other hand, is possible. As the parties are weak, however, such a model could be unstable. Alternatively, if one party was to receive a majority in parliament, it could monopolize power. Moreover, Ukrainians would like to retain the right to elect their president. Hence, some kind of balance is needed. A kind of mixed model could thus emerge, in which executive power is not split but is under the control of the cabinet and balanced by a directly elected president (as in Poland). According to Ukraine's constitution and political realities, such changes can come about only as the result of a compromise between the country's main political forces.

During every electoral campaign, presidential candidates in Ukraine appeal to the electorate in the vote-rich East and declare their desire to improve relations with Russia. However, this does not mean that Ukraine's new president will be willing to defer to Russia or relinquish his freedom and authority to maneuver in foreign policy. It is also evident that Ukrainian business groups do not want to come under Moscow's control again, as they would face competition from more powerful Russian business groups. The tone of Ukrainian-Russian relations is likely to improve and become more pragmatic. However, despite zigzags and certain dangers, geopolitical logic will probably continue to push Ukraine towards Europe. It is in this context that the West should understand both the problems and potential of the young Ukrainian democracy and engage it accordingly.

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