



# BULLETIN

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## Ukraine's Political Scene: Russian Intervention and the Upcoming Presidential Election

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*On 25 May 2014, a presidential election will be held in Ukraine, and Petro Poroshenko is the most likely candidate to win. Amid the continuing armed conflicts provoked by pro-Russian militants in the Donetsk and Luhansk regions, the chances are that over a half of the voters in those regions will not participate in the election. However, that will not invalidate the result in Ukraine as a whole. The EU should respond to the emergence of an elected interlocutor in Kyiv by signing the trade provisions of the Association Agreement, and taking further steps towards a visa-free regime for Ukrainians.*

**The Electoral Calendar.** After previous president Viktor Yanukovich fled Ukraine at the end of February, Ukraine's parliament called an early presidential election on the grounds that he could no longer carry out his constitutional duties. Twenty three candidates registered with the Central Election Committee, although two later withdrew their names from ballots. The presidency will be awarded to the candidate who receives a simple majority of votes in the first round on 25 May 2014. If the first round yields no definitive winner, the candidate who wins the most votes in the run-off on 15 June will become the next president of Ukraine. For the winner, the position offers somewhat limited power, as the 2004 constitution, re-adopted by Ukraine's parliament in February 2014 to reverse Yanukovich's power grab of 2010, narrows the president's competences substantially. The president will be entitled to appoint the ministers of defence and foreign affairs, but will have limited influence on the government's economic policies.

The presidential campaign has so far been carried out in a rather fair manner. No serious violations of the electoral law have been identified, although the financing of the candidates' electoral funds remains murky. The application of the so-called "administrative resource," i.e. abuse of official positions by politicians to influence the outcome of an election, will be limited, as the "Maidan troika" parties hold a stake in law-enforcement agencies. The Ministry of Internal Affairs is headed by Batkivshchyna's Arsen Avakov, the Prosecutors' Office is chaired by Oleg Makhnitsky, the former Svoboda MP, and the Security Service of Ukraine (SBU) is headed by Valentyn Nalyvaichenko, a UDAR appointee. At the same time, the lack of coordination between law-enforcement agencies may pose a security challenge on election day, and incidents similar to the political violence on the streets of Odessa on 2 May could stem from the party-based appointments.

**Public Preferences Regarding Candidates.** According to trustworthy opinion polls, two candidates are likely to get into the election run-off, one of them being Petro Poroshenko. The polls suggest that he will receive about a third of the vote in the first round, and his support has been increasing steadily. It is estimated that Yulia Tymoshenko will receive around 10% of the vote, with little fluctuation over the past several weeks. Another contestant, Serhiy Tihipko, is predicted to garner from 5% to 9% of the vote. In a run-off against either of those candidates, Poroshenko is likely to seal the victory with 47–50% of votes, according to different polls. Poroshenko is also the only candidate to enjoy the highest approval ranking in all surveyed regions of Ukraine except for Donbas, a situation that marks a slight change from the divided electoral map in the previous elections.

These three candidates share a number of characteristics. All of them are household names in Ukraine's politics: both Tymoshenko and Tihipko ran for president in the previous presidential election of 2009, and came second and the third respectively. Poroshenko is a newcomer to the presidential race, but had previously served as the National

Security Council secretary, minister of foreign affairs, and economy minister in different governments. All of the three top candidates command considerable personal wealth. Poroshenko and Tihipko's assets are estimated at \$1.6 and \$1.2 billion respectively. Both Tymoshenko and Tihipko have sizeable factions in parliament, while Poroshenko explicitly supports snap parliamentary elections, with an eye to building one. All these similarities point to the likely restoration of the oligarchic system of governance in Ukraine, regardless of the outcome of the presidential election. The president, with limited competences, will be consigned to the functions of a coordinator between major power groups, rather than a reformer of the power balance.

Overall, Russia's violation of Ukraine's territorial integrity in Crimea, and its outright support of the separatist groups in Donbas, have increased the urgency of foreign policy issues among most voters in Ukraine. According to polls, protecting the country's security against external aggression now tops the list of citizens' concerns, well ahead of economic welfare and employment. The leading candidates, all of whom have had business links with Russia, have adopted different tactics to address these expectations. While Poroshenko emphasises his diplomatic credentials in dealing with Russia by carrying out foreign visits in the EU, Tymoshenko relies on strong-worded rhetoric and calls on supporters to join a "self-defence" structure. However, her credibility in the crisis has suffered, because she took a neutral position during Russia's military intervention in Georgia in 2008, and was one of the signatories of the current gas supply contract with Russia in 2009. Both Tymoshenko and Poroshenko declare adherence to the idea of Ukraine's full membership of the EU. Poroshenko shows a cautious stance on defence alliances, and publicly rejected the possibility of Ukraine's membership of NATO in the near future, despite growing public support for the alliance. Tymoshenko appears reluctant to talk about the issue of defence alliances at all. In sum, Ukraine's foreign policy is unlikely to undergo drastic changes, regardless of the name of the new president. However, the continuing tension with Russia means that support for Poroshenko is likely to grow before election day.

**Ukraine–Russia Conflict and “Donbas Crisis” in the Election.** Russia's occupation of Crimea in March renders it impossible for the region to take part in the presidential election. Instead, Ukrainian citizens from the peninsula will be allowed to vote on “mainland” territory, if they fill out a special request in advance. However, due to the logistical and security challenges, only several thousand Ukrainian citizens are expected to vote, out of a Crimean population of about two million. This “refugee vote” is unlikely to have a substantial influence on the election results.

The occupation of a dozen towns by pro-Russian paramilitary groups in the Luhansk and Donetsk regions poses another challenge regarding the election. On 11 May 2014, pro-Russian armed separatists staged their own elections in major towns, to declare “self-determination” of these regions, a move supported by a significant share of local population with anti-Kyiv sentiments. In direct contradiction to Ukrainian law, they called these makeshift votes “referendums.” On the one hand, these elections have neither legitimacy nor credibility: independent reports suggest that the number of participants in this poll was lower than half of the population, thus leaving a significant number of “unrepresented” citizens. On the other hand, “pseudo-referendums” are a clear warning that militants are capable of effectively disrupting the poll in Donetsk and southern Luhansk regions, in view of the central authorities' inability to restore public order there without the use of force.

However, the impact on Ukraine as a whole of election disruption in Donbas will be limited. According to law, the Central Election Commission is supposed to announce the results of the election regardless of the number of electoral districts in which voting did not take place. In such a case, the election results will be based on the electoral districts where the vote is valid. On the other hand, Ukrainian legislation makes no provision for turnout. Therefore, the exclusion of Crimea, and even the heavily-populated Donetsk and Luhansk regions (with 3.3 million and 1.8 million voters respectively, 14% of Ukraine's electorate), will not invalidate the election results nationally. That said, the problem of legitimacy will loom large for the new president. Neither Tymoshenko nor Poroshenko have expressed a clear vision of how the growing “separatist” challenge will be tamed.

**Conclusions and Recommendations.** The likely victory of Petro Poroshenko in the presidential election may entail a period of renewed tensions between and within the branches of government, given the fragmented structure of parliament and the executive. In these circumstances, Poroshenko is likely to adopt a conciliatory approach towards the parliamentary majority. Although he is likely to attract loyal MPs after the poll, calling a snap parliamentary election may well become one of his priorities. In the absence of any viable presidential candidate representing Donbas, a parliamentary election could be a fix for the government's perceived legitimacy problem there. The EU should therefore support a date being set for an early election as soon as possible.

As the president elect, Poroshenko is likely to face the double challenge of dealing with Russia's destabilising steps and delivering on the pro-European promise to Ukrainian society. The latter relies heavily on the trade part of the Association Agreement being signed, and on swift progress towards a visa-free regime. The growing unrest in Donbas should not dissuade the EU Member States from signing and ratifying the agreement, as the separatist sentiments are fuelled by socio-economic and security issues, rather than by a difference in foreign policy priorities with the rest of Ukraine. From the perspective of internal security, it is important that the president-elect will receive a public mandate to continue or halt military operations against the armed militants in eastern Ukraine, and would have the right to announce martial law. Following the election of the new president, the EU will have a credible interlocutor in Kyiv, and in exchange should be ready to give an unequivocal answer regarding Ukraine's EU membership prospects.