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TO: NCSJ Leadership and Interested Parties

**FROM: Richard Stone, NCSJ Chairman;
Alexander Smukler, NCSJ President;
Mark B. Levin, NCSJ Executive Director**

In Brief: Yanukovich Holds Slim Margin in Ukraine Presidential Election Results

Dear Friend,

Ukraine held its run-off presidential election on Sunday, and by all accounts, the election was free and fair. With almost all the votes counted, former Prime Minister Viktor Yanukovich appears to be the frontrunner over incumbent Prime Minister Yulia Tymoshenko for the post of President. She has yet to concede, but has scheduled a press conference for Tuesday.

Attached are some articles about the election and the story behind the election. We will keep you informed of further developments.

Sincerely,



Mark B. Levin
Executive Director



Advocates on behalf of Jews in Russia,
Ukraine, the Baltic States & Eurasia

NCSJ SPECIAL NEWS BRIEF
Washington, D.C. February 8, 2010

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#1

Ukraine: Yanukovych has lead of 3.2%, with 99.44 of ballots counted in presidential race
AP, February 8, 2010

KIEV, Ukraine - Opposition leader Viktor Yanukovych has emerged as the apparent winner in Ukraine's presidential contest, holding onto a lead of almost 3 percentage points with about 99 percent of ballots counted.

Prime Minister Yulia Tymoshenko, who has accused her opponent of election fraud, was under growing pressure to concede after international vote monitors called the ballot "professional, transparent and honest."

A Yanukovych victory would close a chapter in Ukraine's political history by ousting the pro-Western leadership of the past five years.

Yanukovych had a lead of 3.2 percentage points, with 99.44 of the ballots counted.

#2

Yanukovich supporters hold vigil as Ukrainian vote count goes on RIA Novosti, February 8, 2010, 23:00

KIEV -- Frontrunner Viktor Yanukovich's supporters plan to spend the night in front of the Central Election Commission building as the vote count after the crucial presidential runoff continues.

With 99.47% of ballots counted from Sunday's poll, Yanukovich is leading narrowly with 48.81% of the vote against 45.61% garnered by his rival, current Prime Minister Yulia Tymoshenko, who co-led the 2004 protests that overturned his declared victory.

A plurality of votes is required to win the runoff.

The election commission said it would not meet until Tuesday morning, but vote counting was to continue throughout the night with updates posted on the commission website.

Several dozen supporters of opposition leader Yanukovich are near the entrance to the building, while others are in tents that dot the central square, hiding from a heavy snowfall.

The vigil will continue "until Yanukovich is declared president," a participant told RIA Novosti, adding they were there to prevent pressure on the election authorities.

Supporters have prepared for a possible protest by erecting a stage and making signs that read "Let's Protect the Ukrainian People's Choice," "Ukraine for Fair Elections," and "We Will Protect the Central Election Commission from Pressure."

Tymoshenko has vowed to take her supporters to the street if she was not satisfied with the election. She postponed a news conference scheduled for Monday until Tuesday.

Ukraine's deputy interior minister, Oleksandr Savchenko, said earlier on Monday that police were in control of the situation and would deter clashes between the two rival groups.

#3

Moscow hesitates to comment on poll

By Isabel Gorst and Catherine Belton in Moscow and Tony Barber and Joshua Chaffin in Brussels Financial Times, February 8, 2010, 20:05

Russia was preparing on Monday for closer political and economic ties with Ukraine following Viktor Yanukovich's likely victory.

But Moscow was hesitant to comment on the result, wary of the possibility that Mr Yanukovich's slender majority, could be contested by Yulia Tymoshenko.

A spokesman for Vladimir Putin, Russia's prime minister, said: "We won't make a statement until the results are announced. We should wait until the vote count is completed."

Moscow-based analysts said Mr Putin would not repeat the blunder of 2004, when he hailed Mr Yanukovich's victory in a fraudulent election that triggered the Orange Revolution. But Sergei Markov, a senior member of United Russia, the pro-Kremlin ruling party, said Mr Yanukovich's expected victory cleared the way for Moscow to provide aid to help Ukraine battle the economic crisis. "Now that Yanukovich is president, the Russian authorities will be ready to provide help," he said.

European Union officials said on Monday their overriding concern was that both sides should accept the legitimacy of the result to avoid political deadlock.

EU officials say that, in spite of Mr Yanukovich's pro-Russian sympathies, it should, in principle, be easier to work with him now than it would have been in 2004, when he ran a presidential election campaign tainted by fraud. The frequently antagonistic relationship with Moscow of Viktor Yushchenko, president, has proved disruptive for EU ties with Russia.

Lady Ashton, the new European Union high representative, welcomed the clean bill of health delivered by international observers. "The European Union remains committed to deepening the relationship with Ukraine and supporting it in implementing its reform agenda. It looks forward to working with the new president to this end," she said.

Georg Zachmann, a fellow at Bruegel, a Brussels think-tank, said Mr Yanukovich's election could give new impetus for the growth of an EU-Russia-Ukraine consortium to help stabilise the country's gas trade.

#4 Ukraine's Orange Revolution Turns Blue By Gregory Feifer RFE/RL, February 8, 2010

KYIV -- Even before the first vote was cast, Prime Minister Yulia Tymoshenko had called for a second Orange Revolution if her pro-Moscow rival, Viktor Yanukovich, stole the presidential election.

But the only flags flying in central Kyiv today were blue, the color of Yanukovich's campaign. With more than 98 percent of the vote counted, official results give him an insurmountable lead of just under 3 percent.

But Tymoshenko has yet to concede defeat.

Outside the Central Election Commission today, a crowd chanted Yanukovich's name, prompted by a speaker to do so. The group of around 1,000 mostly elderly people and young men bused in from eastern Ukraine said they had come to Kyiv to prevent electoral fraud from taking place.

Nikolai Yegorov said Yanukovich's likely victory meant the opening of a new chapter for Ukraine. "First of all it means a reorientation from a pro-Western policy to friendship with the East, with our neighbor, [Russia]," he said.

Tymoshenko had vowed to bring Ukraine into the European Union within five years. Yanukovich is expected to tilt Ukraine's foreign policy more toward Russia, which opposes Ukraine's membership in NATO.

Pressure To Concede

Today Tymoshenko stayed out of sight -- twice postponing an eagerly awaited news conference now scheduled for February 9. During the vote count late on February 7, she had refused to concede and urged her staff to "battle for each vote."

The OSCE's Joao Soares called the vote an "impressive display."

International monitors piled pressure on her today, praising the election as a promising sign for democracy. Joao Soares, of the Organization for Security and Cooperation in Europe's (OSCE) Parliamentary Assembly, said the election was peaceful and transparent.

"Yesterday's vote was an impressive display of democratic elections," Soares said. "It's now time for the country's political leaders to listen to the people's verdict and make sure that the transition of power is peaceful and constructive."

Soares said the campaign was negatively affected by mutual accusations of fraud ahead of the vote and President Viktor Yushchenko's signing of a new election law three days before the second round.

Matyas Eorsi, of the Council of Europe's Parliamentary Assembly, said the Orange Revolution had successfully established democratic elections in Ukraine.

"Ukraine deserves applause. Thousands of election officials [and] millions of voters braved icy temperatures of minus 17 degrees [Celsius] to demonstrate their commitment to democracy," Eorsi said.

The observers urged the loser to accept defeat as soon as possible. An OSCE delegate said the monitors had met with Tymoshenko ahead of the vote and urged her to concede on election night if the results didn't go her way.

Dividing Power

Many believe her silence is a sign she'll accept defeat after negotiations over her terms with Yanukovich's party.

If she concedes, she'll remain a powerful prime minister whom Yanukovich will want to remove by either forming a new governing coalition with other parties in parliament or holding snap parliamentary elections.

Analysts say Tymoshenko will try to find some way to stay in power. But Borys Kolesnikov, a Party of Regions leader, today said it would be "impossible" for her to remain prime minister.

All eyes are now on Yulia Tymoshenko.

"Until the results are final, there can be no negotiations about that," Kolesnikov said. "Today we stand on completely different ideological platforms. So any coalitions with Tymoshenko's bloc are impossible."

But governing without cutting a deal with Tymoshenko -- who currently heads a razor-thin majority in parliament -- would be almost impossible in a country where the electorate is split almost completely down the middle.

The February 7 vote reflected Ukraine's division between its largely Russian-speaking, industrial east -- which voted for Yanukovich -- and the Orange-voting, Ukrainian-speaking west, which was part of Poland until the Red Army's invasion in 1939.

Turnout was just under 70 percent. Yanukovich's margin of victory represents about 500,000 votes - which equals the number of people living in two Kyiv districts.

All eyes are now on Tymoshenko and whether she decides there's enough proof of electoral violations to contest that lead in court.

#5

Ukraine's Voters Speak, in Two Voices

By Robert Mackey

New York Times, February 8, 2010, 3:57 pm

Ukraine's presidential election on Sunday seems to have reversed the results of the country's Orange Revolution, putting Viktor Yanukovich, the man who was defeated in 2005 after street protests forced a vote that he lost, into office, and handing defeat to Yulia Tymoshenko, who helped lead the campaign against him five years ago.

A closer look at the results, though, shows that the country remains deeply divided along the same regional and cultural lines that defined the 2005 election. As my colleague Clifford Levy reports from Kiev:

The results on Sunday appeared to reflect the geographic divide in Ukraine, with Ukrainian speakers in the west backing Ms. Tymoshenko and Russian speakers in the east going for Mr. Yanukovich.

The contours of this divide are easy to trace by looking at the electoral map pictured above, which shows the regions of the country won by each of the candidates, with the areas won by Ms. Tymoshenko colored red and the areas won by Mr. Yanukovich colored blue.

To get a sense of just how deep the divide between the predominantly Ukrainian-speaking west and the predominantly Russian-speaking east of Ukraine, consider a table on the Web site of Ukraine's electoral commission breaking the results of Sunday's election down by region.

That table shows that, with almost 99 percent of the vote counted, Mr. Yanukovich won the eastern region of Donetsk, a coal and steel center along Russia's border, with more than 90 percent of the votes cast there, while more than 86 percent of the voters in the western region of Lviv, living around an old Habsburg city along Poland's border, voted for Ms. Tymoshenko. That closely parallels the results in 2005, when voters in Donetsk gave Mr. Yanukovich, who took 44 percent of the national vote that year, nearly 9 percent of his votes, while voters in Lviv gave Viktor Yushchenko, who took 52 percent of the national vote, more than 5% of his total votes.

So strong, in fact, is the regional divide that of the country's 27 electoral districts, only 4 were won on Sunday with less than 60 percent of the vote.

When it comes for looking for differences between the last election and this one, The Economist notes that it would be a mistake to suggest a fundamental shift has occurred in the country:

Mr. Yanukovich's comeback should not be exaggerated, partly because he and his supporters never went away. The vast majority of his 48% of the vote comes from the Russian-speaking east of Ukraine, as it did five years ago when he also won over 40% but lost to Viktor Yushchenko, the hero of the orange revolution.

My colleague Mr. Levy notes that an important factor in Mr. Yanukovich's victory is that the current president, Mr. Yushchenko, essentially urged his supporters to cast protest ballots against both candidates in this year's election:

Mr. Yushchenko and Ms. Tymoshenko were once allies, but they are now so estranged that he refused to endorse her in the runoff and instead urged Ukrainians to vote "against all" on the ballot, a legal option. The president's attacks on her may have been a factor in Mr. Yanukovich's apparent success. According to the results, "against all" received 4.4 percent, more than Mr. Yanukovich's margin of victory.

While American readers may feel that an electoral map divided into red and blue regions is familiar, there is one thing that makes the result of Ukraine's presidential election this year different from the most recent one in the United States. The victor, Mr. Yanukovich, was advised by Paul J. Manafort, an American political consultant who has worked for Republicans and is a business partner of John McCain's campaign manager, Rick Davis. The loser, Ms. Tymoshenko, was advised by Larry Grisolan, who has consulted Democratic candidates and is a partner in a firm run by President Obama's campaign manager, David Plouffe, and his senior adviser, David Axelrod.

#6

Ukraine election result -- a balancing act

The likely presidential winner, Viktor Yanukovich, was once the villain of the 'Orange Revolution.' He needs to bridge deep divisions at home and abroad -- and revive a badly beaten economy.

By the Monitor's Editorial Board

Christian Science Monitor, February 8, 2010 , 3:11 pm EST

In Ukraine, presidential elections look to have brought the country full circle. Voters have apparently returned to support Viktor Yanukovich, the villain in the country's democratic "Orange Revolution" of 2004.

It was after fraudulent elections just over five years ago, when Mr. Yanukovich was declared the presidential winner, that Ukrainians persistently protested the phony results and eventually saw them thrown out. Their peaceful demonstrations inspired other "color" revolutions and rattled Ukraine's eastern neighbor, Russia.

Ukraine must now get its geometry right and move forward instead of chasing its tail. Yet since the revolution, its democratic leaders have been running in circles, fighting each other while doing little to advance needed political and economic reforms. Last year, Ukraine's economy contracted by a breathtaking 15 percent.

On Sunday, voters appeared to stamp the revolution's outcome a failure – rejecting, even if by a close margin, one of its founders, Yulia Tymoshenko with her fashion trademark, a golden braid. (International observers deemed this election to be an “impressive” display of democracy, though Ms. Tymoshenko claims fraud.)

Whether Yanukovich can get Ukraine going again is far from certain, but he must, because this country – the size of France – is simply too important to fail.

Sandwiched between Russia and Western Europe, Ukraine has the potential to act as a stabilizing economic and political bridge between Moscow and the West – somewhat like Turkey's potential to join the Muslim and Christian worlds.

In recent years, Europe suffered when Moscow turned off the natural gas that runs through Ukraine's network of pipelines. In 2008, when Russia invaded Georgia, capitals from London to Warsaw wondered whether Moscow might also grab back Ukraine's Crimean Peninsula, home to the Russian Black Sea Fleet – and many ethnic Russians.

Yet it will be difficult for Ukraine's expected leader to build a geopolitical bridge while his country of 46 million people remains deeply split itself. Its eastern region, home to Yanukovich, speaks mostly Russian and is culturally and historically attached to Russia, while the western part of the country speaks Ukrainian and leans toward Europe. The East is industrial; the West, agricultural.

Yanukovich, a former prime minister of Ukraine, has gone for a makeover in this campaign. A politician with a criminal record for theft and assault in the Soviet era, he hired US political consultants and put forth centrist economic policies. He wants to move Ukraine's foreign policy closer to Russia's, and opposes joining NATO (as do most Ukrainians). At the same time, he favors membership in the European Union.

In 2005, Ukraine and the EU signed an “action plan,” yet progress toward a possible association agreement is slow – no small thanks to the political circus of the last few years, a condition that will likely continue.

For Yanukovich, the job ahead will be a balancing act, at home and abroad. If he can revive the economy, he has at least a fighting chance.

#7

Drop in U.S. aid hits democracy efforts in Ukraine, which heads to polls today

By Philip P. Pan

Washington Post, Sunday, February 7, 2010

KIEV, UKRAINE -- More than five years ago, a Western-funded exit poll challenged the official results of the presidential election in Ukraine and sparked the drama that became known as the Orange Revolution. Huge crowds protested voting fraud, the courts ordered a new election and the Kremlin's candidate was forced to concede defeat.

When Ukrainians cast ballots for a new president on Sunday, the independent research groups behind that exit poll will be out in force again. But the poll took a hit after the first round of the election last month when it reported results at odds with those of other surveys as well as the final vote tally. What went wrong? A budget shortfall had forced organizers to cut the number of districts covered.

The poll organizers' difficulties illustrate a larger phenomenon: U.S. financial aid intended to bolster Ukraine's fledgling democracy has fallen sharply in recent years despite Washington's rhetorical support for this former Soviet republic after the Orange Revolution.

The decline reflects what some call “Ukraine fatigue,” or growing Western impatience with the political infighting that has paralyzed the Ukrainian government since 2005. But analysts say it also highlights Washington's tendency to focus on elections and breakthroughs like the Orange Revolution instead of the difficult, drawn-out work of building institutions such as independent courts, free media and a vigorous civil society.

The temptation -- for policymakers as well as activists -- is to label countries such as Ukraine "democratic enough" and move on to the next dictatorship. But many scholars say the United States could have a greater impact by concentrating on shoring up the dozens of weak democracies worldwide that are so troubled by poor governance that they appear to be at risk of backsliding.

Some say Ukraine, for example, remains vulnerable to an authoritarian comeback similar to the one mounted by Vladimir Putin in Russia. Polls in Ukraine, a nation of 46 million strategically located on the Black Sea between Russia and the West, show deep frustration with democracy, with less than a third of respondents expressing approval of the transition to a multiparty system after the fall of the Soviet Union. Less than half say Sunday's vote will be fair, and nearly three-quarters say Ukraine is headed toward instability and chaos.

"There are some eerie echoes of public opinion in Russia a decade ago," said Samuel Charap, a scholar of the region at the Washington-based Center for American Progress. "Ukrainians are overwhelmingly disillusioned. They're losing faith in democracy."

That faith will be further shaken, he said, if the election is disrupted or ends in dispute. Tensions are running high in the hotly contested race, with the two candidates threatening to send their supporters into the streets after the vote and accusing each other of plotting large-scale ballot fraud.

"There was a sense of complacency after the Orange Revolution that Ukraine had reached some type of irreversible turning point," Charap said. "But there's still a possibility of backtracking, and even if it's not highly likely, it means the West needs to be actively engaged."

Authoritarian comeback?

Although Ukraine's regional divisions and feuding oligarchs would make it difficult for anyone to pull off a Putin-style consolidation of power, both candidates in Sunday's runoff have been criticized as having autocratic tendencies. The front-runner, Viktor Yanukovich, was accused of trying to steal the last election, while his opponent, Prime Minister Yulia Tymoshenko, has been renounced as a potential tyrant by outgoing President Viktor Yushchenko, her former Orange Revolution ally.

Both Democrats and Republicans hailed Yushchenko as a hero when he came to power, and President George W. Bush's administration quickly boosted funding to help Yushchenko's government implement political reforms, calling Ukraine "an example of democracy for people around the world."

But as he foundered as a leader, the funding fell from \$40 million in 2005 to \$20 million in 2008. The decrease mirrored a decline in overall U.S. aid to Ukraine, including funds for securing nuclear facilities, from a high of \$360 million in 1998 to \$210 million a decade later, according to State Department statistics. The Obama administration has proposed raising spending on democracy programs in Ukraine to \$26 million this year.

"Five years ago, it would have been no problem for a group to get money for democratic development," said Oleksandr Sushko, research director at the Institute for Euro-Atlantic Cooperation. "Now people are having severe problems."

Ilko Kucheriv, director of the Democratic Initiatives Foundation and an organizer of the national exit poll, said that even as the West has cut aid, Russia has been spending more to undermine the Ukrainian government and thwart reforms. "A democratic Ukraine wouldn't make them happy," he said.

Though the Bush administration cut aid to many former Soviet republics, shifting resources to Iraq and Afghanistan, the decline in Ukraine is striking because U.S. money had helped make the Orange Revolution possible in the first place. Russian officials go further, arguing that Washington essentially orchestrated and financed a coup.

In addition to supporting the exit poll, U.S. funds helped develop the network of grass-roots groups that later emerged at the forefront of the protest movement. It also financed training and exchange programs that exposed thousands of students, journalists and officials to Western political culture, including many of the judges and lawmakers who took a stand against the bid to fix the election.

Dysfunctional governance

But the momentum for change quickly dissipated after the Orange Revolution despite a one-year boost in U.S. funding. Ukraine today is a fragile and dysfunctional democracy, with free but sometimes corrupt media, courts vulnerable to bribes and political pressure, and weak political parties and policymaking institutions.

Yevgeny Bystritsky, director of the pro-democracy International Renaissance Foundation in Kiev, said U.S. and European leaders made the mistake of romanticizing the Orange Revolution leaders as democrats resisting Russian authoritarianism and did not pressure them to pursue political reforms.

"The problem is our politicians," he said, noting that Washington paid for experts to help craft a sweeping judicial reform bill only to see it stall in parliament because political leaders were unwilling to give up control of the courts. He argued that the West should attach more conditions and demand results in exchange for aid.

Others say there are limits to what Europe and the United States can do.

"Conditionality almost never works, and I'm not sure more money is going to make the difference either," said William Taylor, who pressed Kiev for reforms as the U.S. ambassador from 2006 to 2009. "I don't think you can bludgeon them to do things for their own good."

Deputy Prime Minister Hryhoriy Nemyria said a "real possibility" of European Union membership for Ukraine would have done more to spur reform than any additional aid. He linked the success of democracy in neighboring Eastern European countries to the E.U. accession process.

"That strong anchor was and is absent for Ukraine," he said.

Still, he acknowledged that Europe was waiting "to see Ukrainian leaders who are serious" about reform.

American aid workers and Ukrainian activists say U.S.-backed programs have had successes despite the cuts, including a widely praised overhaul of the nation's college exam system. But a \$45 million grant intended to reduce corruption ended recently with Ukraine failing to make enough progress to qualify for a bigger aid package.