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Gerrymandering Ukraine? Electoral Consequences of Occupation
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Abstract:

The occupation of Crimea and part of the Donbas will prevent roughly twelve percent of Ukrainian voters from participating in elections. These voters voted disproportionately for candidates and parties that supported closer ties with Russia. This paper quantifies the changes to the electorate and projects the likely partisan impact. The changes decisively tip the Ukrainian electorate away from the east and south. Candidates and parties can no longer expect to build a national majority primarily in eastern and southern Ukraine, as Viktor Yanukovych did in 2010 and the Party of Regions did in 2012. Anticipating these effects, Ukraine's government could seek to prolong these voters' exclusion, while Russia could actually seek to end the occupation to get them re-included. The implication is that various actors could try to "gerrymander" the entire Ukrainian state, a phenomenon that previously has only been explored at the district level, within states. This raises the broader question of how electoral effects shape the many territorial disputes around the world.

Keywords:

Ukraine, Russia, Elections, Donbas, Crimea, Gerrymandering

Introduction:

Two parts of Ukraine, Crimea and a portion of the Donbas (parts of Donetsk and Luhansk oblasts), have been occupied by Russian or Russian-supported forces since 2014, and neither occupation appears likely to end in the foreseeable future. Much of the discussion of this conflict has focused on the territorial dimension of the problem, which continues to defy resolution. But as well as separating territory from Ukraine, Russia's occupation has also separated many

citizens and voters from Ukraine. This paper asks how the occupation reshapes the Ukrainian electorate, what the likely electoral impact is, and how this might shape efforts to return the territory to Ukraine. If "political maps of electoral results in Ukraine tell the story"[1] what happens when the map is dramatically redrawn? Is it possible that the electoral impact of the conflict will shape strategies toward resolving it, such that the borders of the state are drawn with electoral consequences in mind, in effect "gerrymandering" the Ukrainian state?

The regions now occupied by Russia or Russian proxies contained roughly twelve percent of the voters in the 2012 parliamentary elections, and sixteen percent of the voters in the 2010 presidential election. They are also regions where voters tended to vote most heavily for candidates and parties that supported closer ties with Russia, including the Party of Regions of ousted President Viktor Yanukovych and the banned Communist Party of Ukraine. Therefore, the removal of these regions disproportionately undermines those forces nationally. While some uncertainty is created by the displacement of many of the regions' citizens, we can estimate the potential change by looking at past voting behavior.

Three findings emerge. First, it will be nearly impossible for a candidate with support based primarily in eastern and southern Ukraine to win the presidency, as has happened in the past. Similarly, it is unlikely that an eastern-based party on the model of the Party of Regions can achieve the kind of parliamentary power it did after 2010. Second, however, we cannot conclude that a candidate or party with strength concentrated in the center and/or western parts of the country will naturally triumph. The country is still quite evenly divided, and western-Ukraine based forces have been able to unify only for the very brief period before and during the 2004

Orange Revolution. Third, because the exclusion of voters in the occupied Donbas and Crimea undermines the prospects for candidates who support closer relations with Russia, Russia's occupation has actually undermined Russia's influence in Ukraine's elections (completely apart from any impact on the attitudes of Ukrainian voters more generally).

These findings have important and paradoxical consequences for attempts to resolve the conflict, and they raise much broader questions about the relationship between territory and statebuilding. Because the truncation of the electorate disproportionately removes voters who support closer ties with Russia, it may well be in Russia's interest not to annex the territory, as many have assumed its goal to be, but to see it reintegrated into Ukraine. More provocatively, pro-western Ukrainians might have a reason to want the territory to remain excluded in order to remove its voters from the electorate. Similarly, politicians' views on reintegrating the territory may be shaped by whether their parties tended to perform well or poorly in the occupied regions. This may explain why Russia has insisted on implementing the Minsk agreements, which assume reincorporation of the territories into Ukraine, and it adds to the list of reasons why Ukrainian leaders are unlikely to accept the Minsk formula, even if they pay lip service to it. These electoral effects show why a few in Ukraine now openly advocate not bringing the territories back in.

Given the large number of territorial disputes in the world (a recent encyclopedia of territorial disputes runs to over twelve hundred pages[2]), and the historical record of border changes, the questions raised here are important far beyond Ukraine. How do the potential electoral effects of border changes influence states' policies towards them? Might leaders be more willing to

surrender territory if doing so better supports some notion of statehood, or some particular political force? Or does the fixation on territory make conversations like those currently underway in Ukraine anomalous?

The paper proceeds as follows: The next section examines the idea that a state might deliberately cede territory in order to shape the electorate, a variation on the practice of gerrymandering. There is little literature on the topic, and few historic examples. From this perspective, this case presents a unique opportunity to observe how the contemporary state balances the territorial and political-community aspects of the nation-state. The next section overviews the intersection of territory with voters and elections in Ukraine. The subsequent sections examine in detail how Ukrainians have voted in recent elections, with focus on the territories that are now occupied. Two kinds of analysis are used. One compares the presidential election of 2010 and parliamentary election of 2012 (before revolution and occupation) with those afterwards, in 2014. A second analysis looks at the line of control, which stabilized after 2015, as of January 2018, and shows what the elections of 2010 and 2012 would have looked like without those territories and voters who are outside the control of Ukraine's government. The analysis then considers the impact of internally displaces persons (IDPs) on these results and looks at recent polling data as a separate indicator of change. Subsequent sections go on to consider the paradoxical implications of these findings. Russia may have a larger incentive to see the territories (and their voters) reintegrated into Ukraine than we have understood. Similarly, some Ukrainians may perceive both partisan advantage and national interest in continuing to leave the territories outside Ukraine. The implication is that the conflict may be even harder to resolve than we have thought.

Gerrymandering the State?

In the United States, drawing electoral districts to include or exclude voters with particular tendencies ("gerrymandering") is an old tradition and a highly refined art and science. But does this happen in the construction of states? Applying the concept of gerrymandering to the case of Ukraine stretches the concept a bit, as the question is not simply rearranging voters, but excluding some. But the techniques have in common trying to move some voters out of one area (district or state) in order to shape electoral outcomes. Both are territorially based techniques of selective enfranchisement. To be clear, such a deliberate effort to reshape the electorate has not been articulated as a strategy by either the Ukrainian or the Russian governments. However, the status quo in Ukraine after early 2015 has created such a scenario *de facto*, raising the question of how hard Ukraine will try to get the territory and its voters back, and whether Russia will try to get them back in. Historically, it seems that states have focused on territory, where more is always better, rather than on voters, where subtraction might yield partisan advantage for some or make a polity more governable. Kimitaka Matsuzato asserts that while reintegration was welcomed in the case of Nagorno-Karabakh in Azerbaijan, where it would have little impact on the overall political balance, it would be much harder in Transnistria, where it would have a significant impact on Moldovan politics.[3]

The question of whether there are cross-national lessons to be learned about how the presumed effects on future elections influence efforts to reintegrate or to surrender contested territories has received little attention, presumably because there are so few cases to study. As Stephen Hanson argues, the relative stability of state borders, combined with Weberian conception of states as

having fixed territories, has led scholars to neglect the study of how particular borders are established and legitimated.[4]

One exception to this tendency is the work by O'Leary, Lustick, and Callaghy on *Right Sizing the State*.[5] Rejecting Weber's assumption that states exist within "a given territory," these authors focus on the fact that changes in borders have happened repeatedly throughout history, including recent history, often without war, and they examine the different reasons for this. One reason states might accept shrinking is that "[p]olitical managers learn that it is easiest to have borders which encompass willing potential co-nationals—that is the *Staatsvolk* and whatever voluntary national allies it may have forged in history, plus migrants willing to shed some of their original culture in return for equal citizenship."[6] O'Leary goes on to point out that there are several ways to get rid of citizens that one does not want, including genocide, expulsion, and territorial elimination.[7] The war in Donbas has led to thousands of deaths, and has led many to flee (only some of whom have left the Ukrainian polity for Russia). But it has also deepened the hostility of the region's *de facto* elites to rule from Kyiv. Territorial elimination might therefore be an attractive strategy.

Ian Lustick argues that before a state can agree to cede territory, it must first come to regard that territory as "inessential," or even as a colony.[8] Thus there is a question of "ideological hegemony:" as long as it is unthinkable for a territory to be given away, it cannot be. It is notable, therefore, that in contemporary Ukraine, while it is still considered politically untenable to advocate surrendering the territory, the issue has been raised increasingly publicly.

If there are cases where leaders have sought to jettison territory for partisan electoral purposes, they are rare. This is in part because the rise of nationalism and the rise of the Westphalian territorial nation-state were closely intertwined, as the idea of the nation depended upon "the confluence of well-defined state boundaries, settled populations [and] increasingly integrated economic systems."[9] Thus, a "national idea" and a particular territory remain central to the conception of the modern nation-state.[10] Alexander Motyl argued that borders were especially "fetishized" by elites in the non-Russian post-Soviet states, because those elites "were legitimized only by their states."[11] It has been much more common, when leaders were troubled by particular populations, to expel them from the territory, not to surrender the territory.

Several recent examples illustrate the reluctance to pursue partisan gains via territorial reduction. Conservatives in the UK opposed the secession of Scotland, even though it would have removed a significant portion of Labour voters from the electorate, raising the prospect of a "permanent" Conservative majority. Former Prime Minister John Major asserted that "from a purely political view we [the Conservative Party] would be better off without Scotland, but the UK would not."[12] Neither party in West Germany appears to have worried about the electoral impact of bringing in millions of East Germans. And despite the beneficial effects that Slovak secession had for the Czech Republic's rapid reform, Czechoslovak President Vaclav Havel strongly opposed it. In these cases, territory seems to have trumped electoral calculations. Thus, if Ukraine were to voluntarily surrender Crimea and/or the occupied Donbas, it would be highly unusual. At least as matters stand in 2018, Russia has taken the question out of Ukraine's hands, but Ukraine can choose how hard it tries to get the territories back, including what kind of concessions it might make. We can imagine that the Ukrainian leadership will continue to voice support for regaining

the occupied territories, but not try very hard to actually bring it about. In interviews conducted in Kyiv in the summer of 2018, several elites asserted that while Ukraine cannot declare a policy of surrendering the territory, recent changes in law and in practice indicate a *de facto* policy of stabilizing the status quo rather than trying to reverse it.

Territory, Voters, and Elections in Ukraine

How have the annexation of Crimea and occupation of parts of the Donbas reconfigured the Ukrainian electorate? Timothy Colton argued that the 2010 presidential election was an "aligning election," in that it consolidated "strong continuity…across successive elections in the territorially aggregated basis of support for the same leading candidate…"[13] That electoral alignment has now been undone. With Russia having annexed Crimea, it seems certain that residents of Crimea will not vote in Ukrainian elections for the foreseeable future. That would appear to the true in the occupied Donbas as well, though there is less certainty about the specific demarcation between Russian and Ukrainian controlled territories. While it is hard to predict the future of the conflict, the lines of control in the region have substantially stabilized since 2015, despite ongoing violence.

As several authors have pointed out, this will have an impact on election results in Ukraine. Colton, writing well before Russia's seizure of Ukrainian territory, used data from Ukrainian elections to hypothesize what might happen if various regions of Ukraine, including Crimea, the Donbas (in its entirety), and Galicia were no longer part of the country.[14] Erik Herron, Michael Thunberg and Nazar Boyko examined the impact of the conflict both on the challenge of holding the 2014 elections and on the outcomes.[15] Both papers concluded, unsurprisingly, that excluding

Crimea and the Donbas would undermine the Party of Regions and those who support closer ties with Russia. The following analysis builds on that work by seeking to quantify the actual impact on the electorate, based on the line of control that has stabilized since 2015, and by exploring the political implications. An important question therefore, is how the change in the electorate will shape debates in future elections. For example, with fewer voters who support official status for the Russian language and close economic ties with Russia, will the salience of these issues recede?

These territorial changes are not the only impacts of the events of 2014 on Ukrainian elections. The Party of Regions lost much of its membership after Viktor Yanukovych fled to Russia in 2014, and did not field candidates in that year's parliamentary elections. Many of its members joined a rebranded version of the Party of Regions called the "Opposition Bloc." The Communist Party of Ukraine was banned by a court ruling in 2015 after passage of very controversial "decommunization" laws. Moreover, the events of 2013-14 caused broader changes in political attitudes and partisan preferences in Ukraine.[16] These changes will interact with those resulting from territorial change, so it is important to recognize the effect of territorial change that is the focus of this paper is only one of the ways in which the ongoing conflict is shaping elections. While there are other changes to attitudes and the party structure, none is likely to shape incentives on resolving the conflict the way that the change in the electorate will.

How has the Ukrainian electorate changed? A first cut compares the results of presidential and parliamentary elections conducted in 2014 (after the annexation in Crimea and the outbreak of conflict in the Donbas) with the 2010 presidential election and the 2012 parliamentary election.

A second cut begins with the line of control as it was in early 2018, which looks likely to endure for some time, and asks, counterfactually, how the voting outcomes in 2010 and 2012 would change if those regions and their voters were excluded. This helps us to isolate the territorial impact of the conflict from the partisan impact.

The Impact on 2014 Presidential and Parliamentary Elections

Following the departure of Viktor Yanukovych in February 2014, presidential elections were scheduled for May. Meanwhile, Crimea was annexed and the Donbas erupted into war. The elections were conducted in chaotic conditions, and therefore yield limited insight on future voting behavior. Herron, Thunberg and Boyko demonstrate considerable partisan effects of the conflict on the 2014 Presidential election.[17] These are attributable both to political factors (the collapse of the Party of Regions and the upsurge in support for Ukrainian separation from Russia) and the territorial loss of voters. Petro Poroshenko won the election in the first round with 54.7 percent of the vote, with Yuliya Tymoshenko finishing second with only 12.8 percent. Mykhailo Dobkin of the Party of Regions finished a distant 6th with only 3.0 percent of the vote, though he was the only candidate other than Poroshenko to win an electoral district (winning one district in Kharkiv oblast).

In the 2014 parliamentary elections, single member district elections were not carried out in 27 districts in Crimea and the Donbas, and voters in those regions did not vote in the proportional representation portion of the ballot either.[18] There were three effects. First, the overall size of the parliament was effectively reduced from 450 to 423 members, and the balance between candidates elected via SMD and PR was altered. Second, no candidates were elected from the

single member districts where the concentration of voters supporting closer ties with Russia was highest. Third, those same districts did not vote in the PR portion of the ballot, influencing those results.

Only two parties that crossed the five percent threshold for representation under the PR portion in 2012 did so again in 2014: Party of Regions/Opposition Bloc and Batkivshchina. This reflects the political upheaval that took place between the two elections. In the 2012 election the Party of Regions itself won 185 total seats, far from a majority (226) but very high by Ukraine's standards. In 2014, the Party of Regions boycotted the election and, with its candidates running primarily with the Opposition Bloc, was reduced to twenty-nine seats, roughly twenty-five percent of its 2012 total. Of those twenty-nine seats, twenty-seven were won in the PR portion of the ballot. In single member districts, the Opposition Bloc was essentially wiped out, winning just two seats after the Party of Regions had won 113 SMD seats two years earlier. Part of this loss stemmed from the loss of territory where the Party of Regions was dominant, but even in areas that remained outside of Russian control, the Opposition Bloc struggled to win SMD seats.

Most of the lost Party of Regions SMD seats went to independents rather than other parties, and some of the independents had been affiliated with the Party of Regions in the previous parliament. While officially only two SMD candidates from the Opposition Bloc won SMD seats, fourteen members who had been part of the Party of Regions faction in the 2012-2014 parliament were elected again to SMD seats in the 2014-2019 parliament as independents, slightly reducing the scale of the rout. Eight joined the Opposition Bloc faction in the new parliament.[19]

The Opposition Bloc won roughly 1.5 million votes in the PR portion of the ballot, or 4.6 million fewer than the Party of Regions won in 2012. Most of that difference (3.5 million votes) can be accounted for by those who lived in areas that did not vote 2014. But some of the loss also came from lower support across Ukraine. In those parts of Donetsk oblast that did vote, for example, the Party of Regions/Opposition bloc's share of the PR vote fell from 65.1 percent in 2012 to 38.7 percent in 2014.

While the subtraction of the occupied areas did not by itself cause the failure of the Communist Party (CPU) in 2014 (it was banned in 2015), it may have deprived the CPU of just enough votes to prevent it from reaching the five percent threshold, which came to about 788,000 of the 15.7 million valid votes cast. The CPU ended up with 612,000 or 3.3 percent, leaving them 176,000 votes short. This margin might have been made up in the occupied territories. At the same time, in oblasts entirely free from Russian intervention where the party had done well in 2012, such as Kherson and Zaporizhzhya, CPU percentages also collapsed. So the events of 2014 appear to have doubly damaged the Communist Party.

We might attribute the drop in the Party of Regions/Opposition Bloc vote to four causes. First, the party was likely discredited in the eyes of many voters. Second, the dissolution of the Party of Regions and formation of the Opposition Bloc probably undermined organizational effectiveness and reduced name recognition. In 2012, the Party of Regions had likely benefitted from widespread abuse of the process on its behalf.[20] Third, with the party out of government and its leaders having fled to Russia, it likely suffered from a lack of resources, which were

especially important in a patronage-based system. Fourth, and related, with the Party of Regions/Opposition Bloc out of power, the justification for bandwagoning to support it, to gain spoils and avoid retribution, was reduced.

In contrast, the Batkivshchina party of Yuliya Tymoshenko appears to have benefitted decisively. Like the CPU, Batkivshchina's popularity plummeted between 2012 and 2014, but it benefitted from the change in the electorate. The 894,000 votes it won in 2014 were sufficient to cross the threshold (at 5.68 percent). That number would have left it well short of the five-percent hurdle had the total number of votes cast not shrunk by 2.5 million (in 2012, when more votes were cast, crossing the 5-percent threshold required roughly 1.04 million votes). Because Batkivshchina won only 3.5 percent of its nationwide vote in the occupied areas, its vote was concentrated rather than diluted.

The vote totals from the 2014 elections likely overstate the decline in eastern Ukraine's voting power, because there was a significant drop in turnout in the 2014 parliamentary elections that may not be repeated in the future. Even in the parts of Donetsk and Luhansk oblasts that did vote in the 2014 elections, the number of votes cast dropped dramatically, perhaps because of ongoing conflict, and perhaps because residents were skeptical of the legitimacy of the elections. The number of votes cast in the Presidential election in unoccupied Donetsk in 2014 was only eleven percent of what it was in 2010 in Donetsk, and was only eighteen percent in unoccupied Luhansk. In the 2014 parliamentary election, turnout increased, but only to 39 percent of the 2010 level in unoccupied Donetsk and to 33 percent in unoccupied Luhansk. In the presidential

election, 232,000 more votes were cast in these areas in 2010 than 2014, and in the parliamentary election, 984,000 more votes were cast in 2012 than 2014.

Since 2014, the situation on the ground has changed. The lines of control have changed and stabilized, so future elections will likely be held in more districts than was the case in 2014, and participation rates in other parts of the oblasts are likely to rise toward the previous levels.

Projecting the Impact on Future Elections

To assess how the territorial truncation of the electorate might affect future elections, we can ask, hypothetically, what would have happened if the 2010 Presidential election had taken place without those areas that were occupied as of 2018 (the line of control has not changed dramatically since 2015). One asset of this approach is that it separates out the territorial effect from the political effect of the events of 2013-14. Table 1 tabulates the 2010 presidential election results in all of the areas outside government control as of January 2018.[21] Several changes had occurred since 2014: In Luhansk, Lysychans'k (District 110) and Rubizhne (district 113) returned to government control. In Donetsk, Artemivs'k (district 46) and Kramators'k (district 48) were regained, while Starobesheve (district 62) was lost. Districts (such as Aremivs'k) that are right on the front lines may have been split, but overall that should only marginally affect the results (which in any case do not provide exact predictions).

[Table 1 Near Here]

Under the territorial configuration of January 2018, the 2010 election would go from a narrow Yanukovych win to a Tymoshenko landslide. Tymoshenko would win by 11,231,565 to 9,226,078, or 55.0 to 45.0 percent. The implication is that it will be much harder in the future for a candidate to win an election with the eastern-based strategy that worked in 1991, 1994, and 2010.

Table 2 shows how the districts occupied as of January 2018 voted in 2012 in the parliamentary election. A total of 20.37 million votes were cast, including 1.96 million in Donetsk, 1.02 million in Luhansk, and in .88 million in Crimea (including Sevastopol). In 2012, the Party of Regions won 185 total seats (72 in the PR portion of the ballot and 113 in SMD). Taking away the votes and seats from the occupied region would decrease that total to 150 (62 in the PR portion of the ballot and 87 in SMD). The Party of Regions would still have been the largest party in parliament, but its ability to form a majority without allying with parties based in other regions would be dramatically undermined. Controlling the parliament solely by appealing to eastern/southern Ukraine is no longer a viable strategy.

[Table 2 Near Here]

The biggest damage to the Opposition Bloc or any other potential successor to the Party of Regions comes in the single member districts, because the Party of Regions so thoroughly dominated the SMD voting in eastern Ukraine and Crimea. Of the 29 districts entirely or largely outside of government control in January 2018, 26 were won by the Party of Regions (along with two independents and one from the Soyuz party).

Forces supporting close ties with Russia also had much to lose in the proportional representation portion of the ballot. In the PR portion of the 2012 election, the Party of Regions received 2.5 million votes, nearly a quarter of its national total, in the areas that were later occupied. Roughly 1.5 million (60 percent) of the votes in the subsequently occupied regions went to the Party of Regions, and another .5 million (20 percent) went to the CPU. Without voting in these areas, the Party of Regions would suffer the most, with its national total going from thirty to twenty-five percent. The CPU would be hit less hard, going from thirteen to twelve percent. Batkivshchina, which finished third to the Party of Regions and the CPU in many of the occupied areas, would gain about 2.5 percent, to 28.1. Polling by the Kyiv International Institute of Sociology confirms that the Opposition Bloc is polling considerably lower than the Party of Regions did previously, but still holds third place behind Batkivshchina and the Poroshenko Bloc in a highly fragmented field.[22] While these changes would have significant impact on the distribution of seats, they nowhere near match the collapse in votes that the CPU and the Party of Regions' successor, the Opposition Bloc, actually suffered in 2014, when the CPU received only 3.9 percent of the PR vote, and the Opposition Bloc only 9.4 percent. It is difficult to know how these results would affect the subsequent coalition structure of the parliament, but clearly the weight of the eastern-based parties would be reduced .

All of these results change dramatically, however, if we pursue a different counterfactual: what if only Crimea, but not the Donbas, were occupied? Tables 1 and 2 provide the data to estimate an answer. If we subtract the Crimean votes from the 2010 presidential election but leave in those from Donetsk and Luhansk, Yanukovych would win the election very narrowly, by 11,481,869

to 11,389,702 (a margin of 95,167 votes, or .42 percent). If we do the same for the 2012

Parliamentary election, the Party of Regions' performance is barely dented: Its share of the PR

vote falls from 30.0 percent to 29.0 percent, and its number of SMD seats falls by eleven. The

CPU would lose .4 percent of the PR vote and Batkivshchina would lose .5 percent and neither

would lose any SMD seats. The implication is that a Ukraine without Crimea but with the

Donbas reintegrated could still elect a president who supports closer ties with Russia, and that

eastern Ukraine could still control the country. Without the occupied Donbas, that becomes

impossible. In electoral terms, the occupied Donbas, due to its much larger population, is much

more important than Crimea.

At least two caveats are in order, connected to the two inferential steps this kind of analysis is

based on. The first is from territory to voters. We assume that when territory is excluded from

elections, the voters in it are excluded as well. This raises the question of internally displaced

persons. The second step is from past elections to future elections. While regional patterns have

been robust in Ukraine, they do not fully explain voting behavior, and particularly since 2014,

other factors may dramatically change voting preferences. The next two sections address these

factors.

Internally Displaced Persons

The magnitude of the effects discussed above will be reduced to the extent that people from the

occupied regions resettle and vote in other parts of Ukraine. How many people have relocated,

will they be able to vote, and how will they vote? We know something about the first two

questions, but little about the third. Overall, the effects of relocation will likely be small in the short-to-medium term, as internally displaced person (IDPs) have difficulty voting.

In late 2017 and early 2018 the Ukrainian government's Ministry of Social Policy's weekly updated estimate of IDPs hovered around 1.5 million.[23] UNHCR uses a "triangulated IDP figure" of 800,000 to 1 million, taking into account that some registered IDPs may have returned home[24] (UNHCR also reports over 1.1 million crossings through official 5 checkpoints in eastern Ukraine[25]). Some may have left the country altogether: The UNHCR reported in late 2017 approximately 450,000 asylum seekers from Ukraine, almost all of whom were in Russia.[26]

Using the voter-to-population ratio from the 2010 presidential election, and the lower UNHCR and highest Ukrainian government estimates of IDPs, we can estimate a range of 418,000 to 787,000 voters now displaced into non-occupied Ukraine, out of the 3.8 million votes cast in 2010 in regions later occupied. This would reduce the scale of the effects discussed above by between eleven and twenty-one percent. It is likely that some of the IDPs do not come from occupied areas at all, but rather from areas controlled by the government but near the conflict zone. That would reduce the numbers somewhat; in any event they must be regarded as rough estimates.

The bigger question is whether these displaced persons will be able to vote, and that seems unlikely in the short term. They face multiple challenges. First, Ukraine's voter registration laws focus on one's place of legal residence, so as long as one claims residence in an occupied region (needed to receive IDP status and benefits), one will not be able to register elsewhere.[27] Second,

surveys show a low degree of support for allowing IDPs to vote in the places to which they have relocated.[28] Third, because of these voters' presumed policy and partisan preferences, Ukraine's current rulers are unlikely to want to facilitate bringing them back into the electorate. For all of these reasons, the potential for IDPs to vote in future elections is unlikely to dramatically underline the findings in this paper, at least in the near term.

Potential non-Territorial Changes in Voting

A limitation of this approach is that it might lead to the oversimplified view that the territorial change will be the only thing changing voting between 2010-2012 and 2019, which clearly is not the case. Isolating voting changes that might result from territorial change from those that result from changes in voter preferences points to a different counterfactual question: What would happen if the conflict of 2014 took place, but the territorial boundaries were not redrawn? One way to assess this is to examine polling data. Due to the conflict in eastern Ukraine and the annexation of Crimea, a survey that includes the entire pre-2014 territory of Ukraine is impossible. That is a major reason to approach the question by looking retrospectively at 2010 and 2014.

With that limitation in mind, we can look both at studies based on post-2014 data and on survey data itself. Much of research since 2014 focuses on general political attitudes, rather than elections. Henry Hale and Volodymyr Kulyk, using survey data from 2017, found that Ukraine's traditional cleavages play a strong role in predicting attitudes toward reform, even after the "critical juncture" of 2014.[29] A separate study by Kulyk finds a greater degree of attitude change, especially in the salience and definition of national identity.[30] Grigore Pop-Eleches and Graeme

Robertson, using a panel survey with pre- and post- 2014 iterations, find that general identity

patterns in Ukrainian politics remain largely unchanged, but that there has been "a large fall in

support for a close political and economic relationship with Russia."[31]

Another way to get at the question is through surveys asking questions about respondents' voting

intentions. Polling by the International Republican Institute shows that voting sentiment in

Eastern Ukraine is now much more fragmented than it was during the dominance of the Party of

Regions. In other words, the Opposition Bloc, the successor to the Party of Regions, has not

recovered from the electoral setback it suffered in 2014, and other parties are competing for the

votes that previously went to the Party of Regions. Among likely voters who that voiced a

preference, the Opposition Bloc tied with another eastern-based party, Za Zhyttya, for second

place in a highly fragmented field, with support from just seven percent of respondents. (Yuliya

Tymoshenko's party, Batkivshchyna, had the highest rating, with ten percent).[32] Data from the

Kyiv International Institute of Sociology show similar results.[33] These results are consistent with

the backward-looking analysis above, showing that the vote in eastern/southern Ukraine is more

fragmented than it was prior to 2014, and that basing a national strategy on eastern Ukraine is a

much less viable strategy than it was previously.

Taking these two caveats (displaced persons and other sources of changes in voting behavior)

into account does not significantly alter the findings. Given the size of the populations in the

occupied territories, the impact of territorial change is still likely to be large. Moreover, these

two potential biases will tend to cancel each other out: while the displacement of voters from

occupied regions to other parts of Ukraine might reduce the damage done to eastern-southern

based parties, the overall partisan drift in Ukraine has been in the other direction, as the 2014 election showed. Overall then, these caveats do not undermine the finding that the impact of territorial revision on electoral outcomes is potentially decisive, because the number of votes involved is large and because Ukraine's elections have tended to be closely contested.

Discussion

Impact on Ukraine's Politics

A potentially decisive shift in the Ukrainian electorate has taken place. Removal of voters by the occupation of Crimea and parts of the Donbas will likely make it impossible for a politician or party to win elections relying entirely or almost entirely on eastern Ukraine. The electoral balance in Ukraine has been shifted away from the east and south and toward the center and west. The 3.75 million voters removed from Crimea and the occupied Donbas constituted about sixteen percent of the 2010 voters, and 87 percent of them voted for Yanukovych. Put differently, a quarter of the Yanukovych electorate lived in territory that is now (June 2018) occupied by Russia. That number is equal to the total number of voters in 2010 in Ukraine's most pro-western region, Galicia (comprising Lviv, Ivano-Frankivsk, and Ternopil oblasts). In four of Ukraine's six presidential elections, the candidate that won a majority and the east and south won the presidency. That is still possible, but such a candidate will now have to generate support in the center and/or the west as well. The implications for the parliament are similar: it will be much harder to build a parliamentary majority primarily on votes won in the east and south.

This effect is reinforced by other changes that took place in 2014, notably the collapse of the Party of Regions and the delegitimation of policies advocating integration with Russia. While the Party of Regions has been succeeded by the Opposition Bloc, it appears that in addition to having fewer voters available, the Opposition Bloc has neither the coherence nor the financial resources that the Party of Regions used to become so powerful. Moreover, because the Party of Regions was the force in Ukrainian politics most likely to dominate the system, the chances of the system moving from pluralism to autocracy or to the hegemony of a single party are reduced.

The decline of the Party of Regions raises two questions concerning the voters of eastern and southern Ukraine. First, will the Donetsk oligarchs unite behind some new force, or will they support competing parties, as they did before the rise of the Party of Regions? Second, and related, will a new political party rise to dominance in eastern Ukraine, or will the vote remain fragmented? The regional identity that underpinned the dominance of the Party of Regions likely still exists, but the money and patronage provided from the "Donetsk Clan" may not be replaceable while the city of Donetsk itself lies outside of the Ukrainian polity. Even with the voting base diminished, a party that dominated eastern/southern Ukraine would continue to be powerful, as the population of these areas remains substantial.

The large electorate formerly controlled by the Party of Regions may now be up for grabs. It is now possible that Ukraine could enter the second round of a presidential election with no candidate explicitly based in eastern Ukraine or catering to those supporting closer ties with Russia and/or improved status for the Russian language in Ukraine. That has happened before only in 2014 and if it becomes normal, it might have two very different impacts. It might compel

candidates with bases in other regions to tailor their messages to eastern Ukraine, thus eroding the regionalization of Ukraine's elections. It might also leave many eastern Ukrainians feeling alienated, further exacerbating Ukraine's problems.

The broader implication is that the change in the electorate could drive a restructuring of the party system in Ukraine.[34] Candidates or parties that can add votes in the east to their central or western bases will be at a distinct advantage, and so we may see new coalitions or alignments develop for that purpose. More generally, the incentive to build parties or alliances that reach across Ukraine's regions may be strengthened. One major question going forward is whether parties based outside the Donbas can win over a significant number of voters in the non-occupied parts of Donbas. Another is whether the decline of the Party of Regions and the banning of the Communist Party will open space in Ukraine for a mainstream, cross-regional leftist party to emerge.

However, these changes do not automatically mean a decisive shift toward candidates and agendas supported in the west. The change in the electorate will diminish the advantage of the south and east, but not enough to tip the balance decisively in favor of the west and center. In 2010, Viktor Yanukovych would have garnered 9.2 million votes, or 45 percent, even without the votes from the areas that were later occupied. The unoccupied parts of Donetsk and Luhansk oblasts and the rest of eastern and southern Ukraine still contain a huge number of voters. These regions and their voters will likely be able to prevent a western-based force from coming to dominate Ukrainian politics. This conclusion is supported by recent polling data, which shows the "pro-western" President Petro Poroshenko regarded favorably by only fourteen percent of the

population and unfavorably by seventy-six percent, figures slightly worse than for Opposition

Bloc leader Yuriy Boyko (sixteen percent and sixty-seven percent). Similarly, the support for the

eastern-based Opposition Bloc and Za Zhyttya parties (fourteen percent combined) nearly equals

that of the two leading central/western-based parties, Solidarnist and Batkivshchyna (sixteen

percent combined).[35]

Moreover, having a large number of voters is a necessary but not sufficient condition for regional

dominance. Party unity within the region is also necessary, and while the Party of Regions

forged that regional unity in the east, it has never existed among the parties of central and

western Ukraine, which have had lower levels of party discipline and patronage-based control

than eastern Ukraine. Two periods in particular illustrate the fissiparous nature of central and

western Ukraine. The first was immediately after independence, when Rukh and other "national

democratic" parties who had jointly pushed for independence immediately broke into multiple

competing factions. A second period was after the Orange Revolution, when the forces who had

supported Viktor Yushchenko fell out so bitterly that they created room for Yanukovych's

comeback.

We see something similar in the post-Euromaidan era. The alliance between Petro Poroshenko

and Arseniy Yatseniuk that was formed in 2014 lasted less than two years, as did Poroshenko's

alliance with former Georgian President Mikhail Saakashvili. By 2017, Yuliya Tymoshenko was

campaigning actively against Poroshenko and demanding early elections so that he could be

unseated. In sum, the absence of a unified force pushing for closer ties with Russia does not

mean the presence of a unified pro-western force. With the east and south diminished and less

unified, and the center/west showing no signs of unity, a parliamentary majority may be harder to form in Ukraine than ever before.

Until 2010, Ukraine struggled to build a functioning coalition in parliament.[36] Only with the linked power of Yanukovych as president and the Party of Regions as the largest party in parliament could a steady working majority be formed, and even that relied on illegal measures to induce the desertion of many members from the parties on whose lists they had been elected. The parliament has returned to its more fragmented earlier state, and seems likely to remain that way. In part this is due to the nature of Ukraine's parties: they have tended to be ephemeral, regionally based, and personalistic. In the 1990s, fragmentation of the parliament was one justification for the consolidation of presidential power under Leonid Kuchma. So while the end of the Party of Regions' hegemony mitigates some challenges, it exacerbates others.

Impact on Strategies to Resolve the Conflict

The electoral impact of occupation may help explain why Russia has not sought to annex the territory it has occupied in eastern Ukraine, has opposed attempts by leaders in the occupied Donbas to declare independence and has supported implementing the Minsk 2 agreement. The Minsk agreement focuses on reintegrating the occupied Donbas into Ukraine while giving the regions considerable autonomy, which is one strategy for managing ethnic differences.[37] Many have pointed out that due to Russia's influence on the leaders of Donetsk and Luhansk oblasts, reintegration would give it direct input into Ukrainian politics. Less widely recognized is how reintegration would shape the electorate in ways likely to favor Russia.

The implications for both Russian and Ukrainian strategies toward the occupied territories are counterintuitive. For Russia, it means that occupying Donbas did not make much sense if the goal was to influence democratic politics in Ukraine. Going forward, it means that Russia needs not to perpetuate its occupation, but to find a way to get those votes back into Ukraine. For Ukraine, it means the opposite. Despite their promises to regain the territory, current Ukrainian leaders have much to gain by ensuring that it does not happen. In this vein, Colton pointed in 2010, long before the events in question, to a hypothetical "expulsion" strategy that would help unify Ukrainian society by ejecting the more pro-Russian Donbas and Crimea.[38] The case was made even earlier by Alexander Motyl:

> The case for down-sizing may be especially compelling for Ukraine, which, other
> things being equal, would be better off without two of its eastern provinces,
> Luhansk and Donetsk. Their populations are largely Russian or Russified. Public
> opinion polls show that they are the least supportive of Ukrainian independence
> and most supportive of union with Russia. The anti-reform Communist Party of
> Ukraine has its stronghold in both provinces. Their industrial base consists of
> hopelessly outdated plants, factories, and coal mines that are an enormous
> economic drain on Kyiv's ragged resources. The level of pollution in both
> regions, and thus of health problems, as among the highest in the world. And yet,
> downsizing cannot be broached in Kyiv….[39]

The writer Yurii Andrukhovych argued in 2010 for either ejecting the Crimea and Donbas from Ukraine or holding a referendum in which the regions' residents would have to choose either to

pursue European integration along with Ukraine or to secede.[40] In 2014, Andrukhovych said that without the territories, Ukraine would be "more monolithic, and that means stronger."[41] Ukraine's first president, Leonid Kravchuk, echoed this view stridently: "Today under the influence of Russia a cancerous tumor has formed on this territory. This tumor can be eliminated only by surgical intervention, and nothing else. Unfortunately, analyses and sociological polls show that a significant portion of the people, living in the occupied territories, even today, are oriented toward Russia."[42] This may be why, as Matsuzato points out, Putin tried to slow the drive toward an independence referendum in Donetsk. Matsuzato points out that in addition to the political benefits to Russia of reintegrating occupied Donbas with Ukraine, the region would be much costlier than Crimea for Russia to modernize economically.[43]

However, Kravchuk's diatribe aside, there is not much public support among Ukrainian officials for a strategy of "exclusion." As in other countries, they appear to prioritize territorial integrity over partisan advantage or political unity, or at least they perceive the need be seen to be as doing so. A survey in 2015 showed that while Ukrainians wanted the conflict resolved, only four percent wanted the occupied regions of the Donbas to become part of Russia, and only two percent wanted them to become independent states. A third, however, supported the occupied territories remaining part of Ukraine but with greater autonomy, which fits Russia's position. Half supported the territories remaining part of Ukraine "as before [the] crisis,"[44] though it is difficult to see how this might be brought about. Ethnographic research among young Ukrainians by Anna Fournier shows that "[w]hile some interviewees express their willingness, at least in theory, to surrender the contested territories of Donetsk and Luhansk to the Russian Federation,

it is their fear of Russian encroachment beyond those territories that provides the rationalization for continued military defense of the Donbas."[45]

The Ukrainian government is in the uncomfortable position of having to advocate for the return of the territories knowing that getting them back would undermine the government's chances at the next election and would strengthen the country's divisions. Letting the territory go would strongly contradict the emphasis that leaders around the world have generally placed on gaining and retaining territory. It remains unclear how these internal political consequences will influence the strategies of Ukraine and Russia in dealing with the future of the occupied regions. Might we see at some point in the future see a situation where Ukraine supports the secession of the occupied Donbas while Russia seeks to prevent it?

While this paper has focused on Ukraine, the questions it raises are likely to be present among the many border disputes in the world now and in the past. An important question for future research is how the issues currently being raised in Ukraine operate in the many other states around the world with contested boundaries. Do others face dilemmas between gaining or protecting territory and shaping an electorate favorably? If so, what comparative tendencies might we find?

Table 1: How Territories Outside of Government Control Voted in the 2010 Presidential Election (second round).

Region	District	Votes Cast	Yanukovych Vote	Yanukovych Percentage	Tymoshenko Vote	Tymoshenko Percentage
Crimea	1	115,182	90,948	78.96	17,763	15.42
Crimea	2	85,907	69,155	80.50	12,318	14.34
Crimea	3	107,984	84,217	77.99	19,853	18.39
Crimea	4	116,452	93,080	79.93	18,663	16.03
Crimea	5	116,799	99,758	85.41	12,356	10.58
Crimea	6	102,927	80,839	78.54	17,955	17.44
Crimea	7	97,449	76,371	78.37	15,068	15.46
Crimea	8	79,623	58,069	72.93	18,925	23.77
Crimea	9	97,736	75,354	77.10	17,854	18.27
Crimea	10	129,532	93,418	72.12	30,960	23.90
Sevastopol	224	95,438	80,597	84.45	9,943	10.42
Sevastopol	225	115,820	97,590	84.26	11,997	10.36
Donetsk	41	130,656	119,380	91.37	7,451	5.70
Donetsk	42	110,581	95,310	86.19	10,447	9.45
Donetsk	43	123,901	111,028	89.61	8,594	6.94
Donetsk	44	141,295	127,547	90.27	9,199	6.51
Donetsk	45	140,353	125,167	89.18	10,090	7.19
Donetsk	51	114,520	105,221	91.88	6,268	5.47
Donetsk	52	129,425	120,055	92.76	5,990	4.63
Donetsk	53	110,907	103,121	92.98	5,083	4.58
Donetsk	54	107,365	100,580	93.68	4,334	4.04
Donetsk	55	111,199	102,970	92.60	5,140	4.62
Donetsk	56	107,683	101,200	93.98	4,174	3.88
Donetsk	57	133,404	122,131	91.55	7,298	5.47
Donetsk	62	112,434	104,246	92.67	5,547	4.93
Luhansk	105	120,026	105,455	87.86	9,907	8.25
Luhansk	106	117,017	101,688	86.90	10,562	9.03
Luhansk	107	98,711	87,744	88.89	7,638	7.74
Luhansk	108	130,255	113,765	87.34	11,444	8.79
Luhansk	109	118,276	107,324	90.74	7,738	6.54
Luhansk	111	112,950	104,388	92.42	5,654	5.01
Luhansk	112	123,014	109,310	88.86	9,758	7.93
Luhansk	116	97,073	88,162	90.82	5,821	6.00
Total		**3,751,894**	**3,255,188**	**86.76**	**361,792**	**9.64**

Source: data from Central Electoral Commission of Ukraine at http://www.cvk.gov.ua/pls/vp2010/WP0011; author's calculations. Note that totals do not sum to 100 percent because spoiled ballots are not included in the table.

Table 2: How Territories Outside of Government Control Voted in the 2012 Parliamentary Election

Region	District	Votes Cast Prop. Rep.	Party of Regions Vote	Party of Regions %	CPU Vote	Batkivshch ina Vote	SMD Winner
Crimea	1	73,304	37,092	50.6	14,417	7,592	Regions
Crimea	2	68,087	33,036	48.52	13,317	8,480	Soyuz
Crimea	3	79,547	46,034	57.87	13,131	10,195	Regions
Crimea	4	83,426	44,975	53.91	16,492	10,005	Regions
Crimea	5	67,675	36,037	53.25	17,185	4,823	Regions
Crimea	6	70,767	38,738	54.74	14,096	8,999	Regions
Crimea	7	63,163	29,857	47.27	13,880	7,117	Regions
Crimea	8	76,312	41,430	54.29	11,873	13,369	Regions
Crimea	9	75,741	39,961	52.76	14,390	10,298	Regions
Crimea	10	75,722	36,892	48.72	13,669	15,196	Regions
Sevastopol	224	75,724	34,871	46.05	21,736	4,372	Regions
Sevastopol	225	71,285	34,074	47.8	21,579	4,251	Regions
Donetsk	41	115,522	91,147	78.9	12,990	3,463	Regions
Donetsk	42	86,880	51,007	58.71	13,668	6,793	Regions
Donetsk	43	81,891	49,577	60.54	15,062	5,209	Regions
Donetsk	44	114,358	89,176	77.98	12,647	4,122	Regions
Donetsk	45	116,240	81,682	70.27	18,183	4,851	Regions
Donetsk	51	70,105	43,584	62.17	14,334	3,979	Regions
Donetsk	53	93,252	71,058	76.2	13,298	2,400	Regions
Donetsk	54	96,362	70,065	72.71	15,931	2,991	Regions
Donetsk	55	89,708	64,751	72.18	14,615	3,138	Regions
Donetsk	56	93,501	63,478	67.89	15,609	4,370	Regions
Donetsk	61	84,734	50,747	59.89	22,890	3,499	Regions
Luhansk	104	99,208	54,227	54.66	22,641	5,956	Indep.
Luhansk	105	93,553	52,212	55.81	20,267	5,768	Regions
Luhansk	108	90,160	52,942	58.72	25,000	3,363	Indep.
Luhansk	109	97,342	53,733	55.2	23,262	5,714	Regions
Luhansk	110	94,788	55,176	58.21	24,211	4,512	Regions
Luhansk	111	94,044	48,508	51.58	29,503	5,837	Regions
Total		2,492,403	1,496,067	60.03	499,876	180,662	
Total PR Vote Nationwide		20,388,138	6,116,746		2,687,269	5,209,090	
Percent of Nationwide Vote in Occupied Areas		12.2%	24.5%		18.6%	3.5%	
Total Minus Occupied Areas		17,895,735	4,620,679		2,187,393	5,028,428	
Actual Percent 2012			30.0%		13.2%	25.5%	

		25.8%		12.2%	28.1%	
Nationwide Percent without Occupied Areas		25.8%		12.2%	28.1%	

Source: Central Electoral Commission of Ukraine at
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