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International Actors and Democratic Transitions: Ukraine 2004

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CENTER ON DEMOCRACY, DEVELOPMENT,
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EVALUATING EXTERNAL INFLUENCE ON DEMOCRATIC DEVELOPMENT: TRANSITION

**International Actors and Democratic Transitions:
Ukraine 2004**

Michael McFaul and Richard Youngs

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Introduction

Can Western governments and multilateral organizations promote democracy in other countries? Do external factors influence democratization or, more broadly, regime change? Strangely, international relations specialists and students of comparative politics have devoted very little time and effort into answering this question.

The relatively underdeveloped literature on external dimensions of internal political change contrasts sharply with American and European policymakers' focus on democracy promotion. For over two centuries, American leaders have debated whether the United States should and can promote their system of government abroad. In the twentieth century, after the United States acquired greater influence over the world, the policy debate became more acute and more consequential. Rhetorically, President George W. Bush has elevated the promotion of freedom around the world to one of his top foreign policy objectives. The results, however, have been few. The disconnect demands an explanation. Is it because President Bush never developed a coherent strategy for promoting democracy -- or is it because the United States *cannot* promote democracy? We will never know if we do not systematically study this phenomenon.

And it is, of course, not only the United States that lays claim to a commitment to promote democracy. The European Union has published numerous statements of principles that highlight the promotion of human rights, democracy, and good governance as strategic priorities.¹ The United Nations, the Organization of American States, the Organization of Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization (NATO), and the Organization of African Unity all claim to promote democracy and have programs designated to pursue that objective. While using different terminology, the World Bank and European Bank for Reconstruction and Development also try to leverage their resources to promote good governance. Germany, Great Britain, Sweden, Slovakia, and Taiwan have extensive democracy promoting programs, while almost every European aid agency devotes resources to the effort. The purposive promotion of democracy in other countries has become a major activity of states, multilateral institutions, and non-governmental organizations.

Yet the paucity of academic attention to assessing this flurry of democracy-promoting activity is striking. In his seminal article published nearly thirty years ago, "Second Image Reversed," Peter Gourevitch outlined a set of arguments for why and how to study the international causes of domestic outcomes.² This framework had a profound effect on several literatures, but only a minor ripple in the study of regime change.³ In *Transitions from Authoritarian Rule*, Guillermo

¹ See especially European Union, *A Secure Europe in a Better World: European Security Strategy*, Brussels, December 12, 2003.

² Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization*, Vol. 32, No. 4 (Autumn, 1978), pp. 881-912

³ Important exceptions include Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington : Carnegie Endowment, 1999); Thomas Carothers, *In the Name of Democracy: U.S. Policy toward Latin America in the Reagan Years* (Berkeley: University of California Press, 1991); Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century* (Princeton: Princeton University Press, 1994); Richard Youngs, *International Democracy and the West: The Role of Governments, Civil Society, and Multinational Business* (Oxford: Oxford University Press, 2004); Michael Cox, John Ikenberry and Takashi Inoguchi (eds.), *American Democracy Promotion: Impulses, Strategies, and Impacts* (Oxford 2000); Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Johns Hopkins Press, 2004); John Owen, "The Foreign Imposition of Domestic Institutions," *International Organization*, Vol. 56, No. 2 (Spring 2002), pp. 375-410 ; Jon C. Pevehouse, "Democracy from the Outside-In? International Organizations and Democratization," *International Organization*, Vol. 56, No. 3 (Summer 2002), pp. 515-549; Laurence Whitehead, "International Aspects of Democratization," in Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1986), pp. 3-46; Peter Burnell, ed. *Democracy Assistance: International Cooperation for Democratization* (London: Frank Cass, 2000); Geoffrey Pridham, ed., *Encouraging Democracy: The International Context of Regime*

O'Donnell and Philippe Schmitter asserted: [O]ne of the firmest conclusions that emerged...was that transitions from authoritarian rule and immediate prospects for political democracy were largely to be explained in terms of national forces and calculations. External actors tended to play an indirect and usually marginal role...⁴ As late as the early 1990s the role of international actors was correctly described as the “forgotten dimension” in the study of democratization.⁵ Most disturbingly, scholars have avoided the necessary process tracing that might identify the specific causal mechanisms that link external variables with domestic outcomes.⁶ The very limited literature on evaluating democracy promotion usually begins by focusing on some component of democracy assistance from a single Western country, such as political party assistance, rule of law programs, or civil society development.⁷ This strategy has severe limitations since tracing the causal effect of one kind of foreign assistance on one dimension of democratic development in isolation of all other variables affecting democratization is extremely difficult, while also making impossible evaluations of progress towards democracy as a whole.⁸

Through the examination of a crucial case – the 2004 Orange Revolution in Ukraine - this paper seeks to make a modest contribution to identifying the causal connections between external factors and internal democratization.⁹ It represents the first study in a broader project aimed at assessing the role of external actors in democratic transition.¹⁰ The paper has two objectives. First, it seeks inductively to identify causal mechanisms between internal democratization and external efforts to foster (and inhibit) political change in a crucial case. The 2004 democratic breakthrough in Ukraine is arguably the most dramatic instance of democratization to occur around the world in this decade, and certainly the most important successful case for democratization during the Bush Administration’s tenure. The Orange Revolution also prompted a vigorous international debate about the role of the West and particularly the United States in fomenting this revolution. Some praised the assistance, others lambasted the intervention, but both critics and supporters claimed to identify a causal role for external actors.¹¹ If we cannot find evidence of impact in the Orange Revolution, we are unlikely to find it in other cases.¹²

Transition in Southern Europe (New York: St. Martin’s Press, 1991); and Jeroen de Zeeuw and Krishna Kumar, ed., *Promoting Democracy and Postconflict Societies* (Boulder: Lynne Rienner, 2006).

⁴ Philippe Schmitter, “An Introduction to Southern European Transitions,” in Guillermo O’Donnell and Philippe Schmitter, eds., *Transitions from Authoritarian Rule: Southern Europe* (Baltimore: Johns Hopkins University Press, 1986) p. 5.

⁵ Geoffrey Pridham “International Influences and Democratic Transition: Problems of Theory and Practice in Linkage Politics,” p. 18.

⁶ For the first comprehensive quantitative study of the impact of USAID democracy assistance programs on democratization, see Steven Finkel, Anibal Perez-Linan, and Mitchel Seligson, “Effects of U.S. Foreign Assistance on Democracy Building: Results of a Cross-National Quantitative Study (Vanderbilt University, November 25, 2005, version #31).

⁷ This sector-level literature on civil society is most developed. See Lisa McIntosh Sundstrom, *Funding Civil Society: Foreign Assistance and NGO Development in Russia* (Stanford: Stanford University Press, 2006); Sarah Henderson, *Building Democracy in Contemporary Russia: Western Support for Grassroots Organizations* (Ithaca: Cornell University Press, 2003); Sarah Mendelson and John Glenn, eds., *The Power and Limits of NGOs* (New York: Columbia University Press, 2002); Marina Ottoway and Thomas Carothers, eds., *Funding Virtue: Civil Society Aid and Democracy Promotion* (Washington: Carnegie Endowment, 2000). Assessments of rule of law assistance is a much smaller literature. See Erik Jensen and Thomas Heller, eds., *Beyond Common Knowledge: Empirical Approaches to the Rule of Law* (Stanford: Stanford University Press, 2004); Thomas Carothers, eds., *Promoting Rule of Law Abroad: In Search of Knowledge* (Washington: Carnegie Endowment for international Peace, 2006). Study of political party assistance is thin. The only book on the subject is Thomas Carothers, *Confronting the Weakest Link: Aiding Political Parties in New Democracies* (Washington: Carnegie Endowment, 2006).

⁸ Studies which have tried to provide national level, aggregate assessments include, Carothers, *The Learning Curve*; and Carothers, *Assessing Democracy Assistance: The Case of Romania* (Washington: Carnegie Endowment, 1996).

⁹ In focusing on the causes of the Orange Revolution, this article does not assume that the struggle to consolidate liberal democracy in Ukraine is over. Rather, the focus here is only to explain this one outcome, motivated by the more modest claim that the Orange Revolution or “democratic breakthrough” in Ukraine had a positive impact on democratic development in Ukraine more generally. The idea here is to think of democratic development as punctuated equilibrium. See Stephen Krasner, “Approaches to the State: Alternative Conceptions and Historical Dynamics,” *Comparative Politics*, Vol. 16, No. 2 (Jan. 1984), pp. 223-246.

¹⁰ Note on project?

¹¹ For assessments identifying a positive role of Western intervention, see Jeffrey Clark, *Elections, Revolution and Democracy in Ukraine: Reflections on a Country’s Turn to Democracy, Free Elections and the Modern World* (Washington: Development Associates, October 2005). For critics of the Western, and especially American, intervention, see Patrick Buchanan, “Who’s in Charge of Russia Policy?” *Antiwar.com*, December 29, 2004; Sergei Markov, “Oranzhevaya revoliutsiya – primer revoliutsii global’nogo soobshchestva XXI veka,” in Mikhail Pogrebinskii, *Oranzhevaya Revoliutsiya: Versii, Khronika, Dokumenty* (Kiev:

Second, the paper aims to provide a new framework for how to study democracy promotion generally, which scholars might use in the future while studying other cases. The analytic innovation is simple: start with an account of regime change first -- identifying the set of independent variables that produces (or does not produce) democratization -- and *then* look for how external factors influence the value of these independent variables. This analytic starting point turns conventional assessments of democracy promotion on their head, looking at domestic efforts to *import* ideas and resources to advance democracy (or impede it) rather than foreign attempts to *export* democracy. Obviously, importers can only bring in ideas and resources if exporters are willing to supply them, but because of foreign policy decisions in London and Brussels, Congressional earmarks in Washington, and the inertia of the worldwide democracy promotion industry, attempts to export democracy march on with or without consumers of their products. Tracing the *impact* of all of these democracy promotion efforts requires a prior focus on the consumers, not merely the suppliers. With rare exception, domestic actors dominate the drama of regime change; external actors can only influence outcomes by working with and through these domestic actors.¹³

In starting with a theory of democratization, the list of causal factors must include variables located in the *ancien regime* as well as in the opposition. Too often studies of democracy assistance focus only on how external actors influence the “democrats” and ignore the external dimensions shaping the strengths and weaknesses of the autocrats. Likewise, external factors that impede democratization – either by assisting autocrats or weakening democrats -- also must figure into the analysis.

Section one provides an analytical framework for explaining the Orange Revolution. This framework is derived from a theory of democratization which centers analysis on the conflict and the distribution of power between autocratic elites and democratic challengers. It disaggregates variables to develop a nuanced understanding of the proximate causes of the Orange Revolution. This involves distinguishing two sets of factors. First, those that weakened the *ancien regime*, including (1) the existence of a competitive authoritarianism, (2) an unpopular leader, and (3) division among the armed forces. Second are those factors that strengthened the democratic opposition, including (1) a successful opposition campaign, (2) the ability to expose fraud, (3) the means to communicate information about the falsified vote, and (4) the capability to mobilize masses to protest the fraudulent election.

Crucially, our assessment of the role played by external factors is then structured around this account of regime change, as we ‘zoom out’ to consider international policies towards Ukraine. Section two examines the external dimensions that weakened the *ancien regime*, while section three analyzes the external variables that strengthened the democratic opposition. The analysis reveals that external factors played a more than trivial role in shaping the Orange Revolution, both in constraining autocratic power and strengthening democratic power. But it also suggests that this role was more nuanced than might have appeared. In light of this, the paper concludes by

Optima, 2005) pp. 52-75; Jonathan Steele, “Ukraine’s postmodern coup d’etat,” *The Guardian*, November 26, 2004; Anatol Lieven, “A Shotgun Wedding is Bound to Fail,” *The International Tribune*, December 21, 2004; and “Congressman [Ron Paul] accuses US Government of supporting Viktor Yushchenko,” *ICPS Newsletter*, No. 258, December 20, 2004. Both camps, however, claim a causal role for Western assistance.

¹² On the importance of “crucial cases” for theory development, see Andrew Bennett and Alexander George, *Case Studies and Theory Development in the Social Sciences* (Boston: MIT Press, 2005).

¹³ Obviously, cases of military intervention and occupation introduce foreign actors into the drama directly. As the contemporary cases of Iraq and Afghanistan illustrate, however, even foreign agents with armed forces on the ground are severely constrained in shaping local political change when they lack powerful domestic allies. See John Burns and Kirk Semple, “Deeper Crisis, Less U.S. Sway,” *New York Times*, November 29, 2006, p. 1.

offering a roadmap for future research about the influence of external factors on domestic regime change.

1. The Orange Revolution as a Case of Democratic Breakthrough

The fall 2004 presidential election triggered one of the pivotal moments in Ukrainian history. Initially, the campaign and election results resembled other fraudulent votes in semi-authoritarian regimes.¹⁴ The incumbent president, Leonid Kuchma, and his chosen successor, Prime Minister Viktor Yanukovich, deployed state resources, national media and private funding from both Ukrainians and Russians to defeat the opposition candidate, Victor Yushchenko. When this effort to win the vote failed, Kuchma's government tried to steal the election by adding more than one million extra votes to Yanukovich's tally in the second round of voting held on November 21, 2004.¹⁵ In response to this fraud, Yushchenko called his supporters to come to Independence Square in Kyiv, and protest the stolen election. First thousands, then hundreds of thousands answered his call. They remained on the square, with some living in a tent city on Khreshchatyk, Kyiv's main thoroughfare, until the Supreme Court annulled the official results of the second round on December 3, 2004 and set a date for the rerunning of the second round for December 26, 2004. In this round, Yushchenko won 52 percent of the vote, compared to 44 percent for Yanukovich. The victors in this dramatic struggle memorialized this set of events by calling it the Orange Revolution.¹⁶

The Orange Revolution may have been a unique event in Ukrainian history, but the outcome followed a pattern of democratic breakthroughs or "electoral revolutions" observed earlier in Georgia 2003, Serbia 2000, and some would argue Slovakia 1988.¹⁷ These cases shared several features: (1) the spark for regime change was a fraudulent national election, not wars, economic crises, or the death of a dictator; (2) the challengers to the incumbents deployed extra-constitutional means to insure that the formal rules of the political game in the constitution were followed; (3) there was a period of dual sovereignty, in which incumbents and challengers both claimed to be sovereign authority over the same territory; (4) all of these revolutionary situations ended without the massive use of violence by either the state or the opposition; and (5) the conclusion of these electoral revolutions triggered a significant jump in the degree of democracy.¹⁸ The Orange Revolution also fits neatly within a more general pattern of regime change in which non-cooperative social mobilization against autocratic repression resulted in punctuated democratization.

We still lack a unified theory of democratization.¹⁹ Seymour Martin Lipset's ideas about modernization as the driver of democratization still command serious attention, while other structuralists have focused on related but distinct variables such as culture, economic inequality, geography and resource endowments. Doing battle with these deterministic explanations of democratization are the actor-centric theorists, who focus on the actions and interactions of individuals – and elites in particular – as the driver of democratization or its absence. The transitologists are divided on two issues: whether cooperation between parts of the old regime and

¹⁴ On this kind of regimes, see Steven Levitsky and Lucan Way, "Elections without Democracy: The Rise of Competitive Authoritarianism," *Journal of Democracy* Vol. 13 (April 2002) pp. 51-65.

¹⁵ For details, see Andrew Wilson, *Ukraine's Orange Revolution*, (New Haven: Yale University Press, 2005) chapter six.

¹⁶ The symbolic codification of the Orange Revolution as a pivotal moment in Ukrainian history is well underway. See Laura Arzhakovska, *Revolutsiya Duxa* (Lviv) Ukrainian Catholic University, 2005); and the movie, *Ukraina: proriv do demokratsii* (Kiev: O. Dovzhnko, Fond Rozvitku Ukrain's'kogo Kino/Pro TV, 2005).

¹⁷ Valerie Bunce and Sharon Wolchik, "Favorable Conditions and Electoral Revolutions," *Journal of Democracy*, Vol. 17, No.4 (October 2006), pp. 5-18.

¹⁸ Ukraine's Freedom House scores jumped from partially free in 2004 to free in 2005.

¹⁹ Barbara Geddes, "What Do We Know about Democratization after Twenty Years?" *American Review of Political Science*, Vol. 2 (1999) pp. 115-144.

the democratic challengers is necessary for democratic change and whether democratization should be viewed as a game between elites, or if societal and mass actors should be included in the analysis.²⁰

As a case of democratization, the Orange Revolution offers confirming evidence for those who emphasize conflict as a driver of democratic change and those who assign a central role for coordinated mass action in pressing democratic change.²¹ According to this theory, democratization occurs not when the distribution of power is relatively equal and both sides are forced to negotiate, but when societal forces acquire enough power to either demand democracy or defend it against autocratic encroachments. The critical set of independent variables for explaining democratization, therefore, is the distribution of power between the autocratic elements within state and the pro-democratic elements within society. To measure this balance of power, analysts must assess the unity among elites in the state or controlling the state, the coercive capabilities of the regime, and some assessment of the costs of continued autocratic rule. Analysts also must gauge democratic power, including the unity of the opposition and the opposition's capacity to resist coercion or make autocracy costly, including first and foremost the society's ability "to coordinate their reactions to prevent violations of democratic rights."²²

This framework offers a simple yet powerful lens for analyzing the Orange Revolution. Ukraine's level of economic development, literacy, and urbanization, as well as its cultural proclivities for democratic rule, geographic proximity to Europe and dearth of oil, gas, and diamonds may all have been necessary preconditions for the Orange Revolution to occur. But, in the fall of 2004, it was real people, motivated by real ideas and empowered by real resources, who struggled with each other to produce the Orange Revolution. At the most general level, it was the relative shift in the distribution of power between autocratic incumbents and democratic challengers that produced democratic breakthrough. Those seeking to hold on to power through anti-democratic means were weaker in 2004 relative to earlier periods in Ukrainian history, when they had the resources to retain power in face of democratic challengers, while the democrats were stronger in 2004 than in earlier periods. The 2004 presidential election and attempts by the *ancien regime* to falsify its results gave the opposition a crucial 'galvanizing event' to coordinate their behavior and demonstrate their power.²³ The absence of either this election date or the regime's attempt to steal the election would have hindered severely the opposition's ability to demonstrate its power or make a credible "threat of social disorder," perhaps *the* critical factor in other cases of democratization.²⁴ After citizens mobilized against the regime's attempt at disenfranchisement, Kuchma and his supporters did contemplate using major coercion to stay in power. His supporters in Moscow encouraged him to do so. Measuring the distribution of power between state and society was not an abstract exercise during the Orange Revolution; calculations about power

²⁰ Those emphasizing the role of elites and the positive benefits of pacts include Guillermo O'Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, 4, (Baltimore: Johns Hopkins University Press, 1986); Terry Lynn Karl, "Dilemmas of Democratization in Latin America," *Comparative Politics*, 23 (October 1990). Those downplaying the role of pacts and giving greater attention to masses include Nancy Bermeo, "Myths of Moderation: Confrontation and Conflict during the Democratic Transitions," *Comparative Politics*, 29, no. 3 (April 1997); Ruth Collier, *Paths towards Democracy: The Working Class and Elites in Western Europe and Southern America* (Cambridge: Cambridge University Press, 1999); Grzegorz Ekiert and Jan Kubik, *Rebellious Civil Society: Popular Protest and Democratic Consolidation in Poland, 1989-1993* (Ann Arbor: University of Michigan Press, 1999) and Elizabeth Jean Wood, *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador* (Cambridge: 2000).

²¹ Acemoglu and Robinson, *Economic Origins of Dictatorship and Democracy*; and Bermeo, "Myths of Moderation."

²² Barry Weingast, "The Political Foundations of Democracy and the Rule of Law," *American Political Science Review*, Vol. 91, No. 2 (June 1997), pp. 245-263.

²³ The idea of a galvanizing event as a necessary condition for societal coordination to police the state is in Weingast, "The Political Foundations of Democracy and the Rule of Law," p. 251.

²⁴ Acemoglu and Robinson, *Economic Origins of Dictatorship and Democracy*, p. 4.

could be made based on concrete assessments of crowd sizes and unified will among those in the state wielding coercive power. Democratic society was simply too powerful to repress.

This level of aggregation – autocratic state versus democratic society – is useful for generating comparative theory but constrains our search for causal mechanisms which could have been influenced by external actors. However, it is additionally necessary to break down these variables into the more specific components that interacted to cause the Orange Revolution. Two levels of variable can be identified: first, the factors that served to weaken autocratic power; second, those that enhanced democratic power:

a) The Components of Weakened Autocratic Power

COMPETITIVE AUTHORITARIANISM

The literature on democratization contains several different arguments about the relationship between kinds of autocracy and the probability of successful democratic regime change. All autocratic regimes are vulnerable to collapse at some point, but which kinds of autocracies are the most vulnerable? Some posit that semi-autocratic or competitive authoritarian regimes better facilitate democratization than full-blown dictatorships.²⁵ Others argue that semi-autocracies or partial democracies actually impede genuine democratization to a greater degree than more rigid autocracies because liberalized autocracies can partially diffuse societal pressures for change and thereby avoid regime collapse more effectively than rigid dictatorships.²⁶

Ukraine offers confirming evidence that semi-autocracies or competitive autocracies can be conducive to democratic breakthrough.²⁷ These are regimes in which the formal rules of democracy, especially elections, were never suspended and competition still mattered to some degree. They are also regimes in which some political institutions and organizations had some autonomy from the autocratic ruler.²⁸ Crucially, not all political actors are dependent on the regime and its allies for employment or livelihood.

President Leonid Kuchma aspired to construct a system of “managed democracy” – formal democratic practices, but informal control of all political institutions -- similar to President Putin’s model of government in Russia.²⁹ But the Ukrainian president never achieved as much success as his Russian counterpart.

Nor were Ukraine’s business tycoons or oligarchs completely united by the *ancien regime*.³⁰ Ukraine’s three largest oligarchic groups did back Kuchma and wielded their media and financial

²⁵ Juan Linz, and Alfred Stepan, *Problems of Democratic Transition and Consolidation*, (Baltimore: Johns Hopkins University Press, 1996).

²⁶ Daniel Brumberg, “Liberalization versus Democracy,” in Thomas Carothers and Marina Ottoway, eds., *Uncharted Journey: Promoting Democracy in the Middle East* (Washington: Carnegie Endowment for International Peace, 2005) pp. 15-36; and Eva Bellin, “The Robustness of Authoritarianism in the Middle East,” *Comparative Politics*, (January 2004).

²⁷ A more nuanced hypothesis might be that competitive authoritarian regimes which emerged from partial democracies are more vulnerable than competitive authoritarian regimes which emerged from full-blown autocracies.

²⁸ Levitsky and Way, “Elections without Democracy.”

²⁹ On the Russian model in comparative perspective, see Lucan Way, “Authoritarian State Building and the Sources of Regime Competitiveness in the Fourth Wave: The Cases of Belarus, Moldova, Russia, and Ukraine,” *World Politics*, Vol. 57 (January 2005), pp. 231–61.

³⁰ Anders Aslund, “The Ancien Regime: Kuchma and the Oligarchs,” in Anders Aslund and Michael McFaul, *Revolution in Orange: The Origins of Ukraine’s Democratic Breakthrough* (Washington: Carnegie Endowment for International Peace, 2006), pp. 9-28.

resources on behalf of Kuchma's candidate in the 2004 election, but significant if lesser oligarchs backed Yushchenko, as did tens of thousands of smaller business people. Ukraine's economic elites were divided, not united in the fall of 2004.

Kuchma's inept and blunt attempts to squelch opposition voices – be it his apparent collusion in the murder of journalist Giorgy Gongadze, his jailing of former energy minister Yulia Tymoshenko, or his dismissal of popular Prime Minister Viktor Yushchenko – also served to further weaken the state and mobilize even greater opposition. On the eve of the 2004 presidential vote, three quarters of the Ukrainian voters wanted greater democratization.³¹ This societal response to autocratic government most distinguishes Ukraine from its Slavic neighbors. The “Ukraine without Kuchma” campaign from December 2000-March 2001 and the results of the March 2002 parliamentary elections demonstrated that Ukrainian society was active and politically sophisticated. Especially after the electoral success of Our Ukraine in the 2002 parliamentary vote, Ukraine's opposition also had a foothold in an important institution of state power.

Kuchma also did not control rents generated from oil and gas sales that could be used to purchase the loyalty of societal challengers.³² To be sure, the Ukrainian economy began to grow in 1999 for the first time since independence, peaking at 12% GDP growth increase in 2004. But, in contrast to other resource rich states such as Russia, Iran, Kazakhstan, or Azerbaijan, Kuchma and his regime did not control or own major segments of the Ukrainian economy. Ukrainian growth increased the financial autonomy and independence of the regime's opponents. The middle class contributed in greater amounts to the Yushchenko campaign; voted in greater numbers for Yushchenko; participated in greater numbers on Maidan; and contributed directly to the financial and material support of the demonstrators on Maidan. It is beyond the scope of this study to comment on the broader dissension over whether economic growth or economic crisis is the more potent harbinger of democratization. But, what can be said with some certainty in the case of Ukraine is that an expanding middle class was afforded sufficient political space by the semi-authoritarian nature of the regime to play at least some role in supporting democratic transition.

Finally, it is probable that Kuchma never aspired to construct full-blown autocracy. As he demonstrated in the fall of 2004, Kuchma was more than ready to transgress democratic rules to prevent the opposition from coming to power. At the same time, he also had an interest in keeping up the appearance of democracy, in part because of his desire to integrate Ukraine into the West. He never cancelled elections. He did not try to amend the constitution so he could run for a third term, but instead took the risky move of recruiting a successor, Viktor Yanukovich, to run in the 2004 presidential elections – one who was not a Kuchma loyalist.

REGIME UNPOPULARITY

Since a presidential election triggered the Orange Revolution, an unpopular regime was a necessary condition for democratic breakthrough. Though it may seem obvious, this measure of the regime's weakness distinguishes Ukraine from countries such as a Russia where President Putin is still popular, or countries like Mexico during the heyday of semi-authoritarian rule, when

³¹ Polling data cited from Taras Kuzio, “Everyday Ukrainians and the Orange Revolution,” in Aslund and McFaul, *Revolution in Orange*, p. 61.

³² On how such rents overwhelmed democratic institutions in Russia, see Georgy Egorov, Sergei Guriev, and Konstantin Sonin, “Media Freedom, Bureaucratic Incentives, and the Resource Curse,” CDDRL Working Paper, No. 71 (Stanford: December 2006).

the Institutional Revolutionary Party (PRI) could manufacture electoral victories without major voter fraud.³³

When asked on the eve of the 2004 presidential vote, only 8.4 percent of Ukrainian voters assessed Kuchma's tenure in a positive manner; 62.2 percent gave him a negative assessment.³⁴ No factor undermined Kuchma's standing more than the murder of journalist Giorgy Gongadze, the founder of the Internet publication, *Ukrainska Pravda*. Tapes of conversations between Kuchma and subordinates that were leaked to the press strongly suggested that the Ukrainian president ordered Gongadze's execution. Kuchma was not running for office in 2004, but his handpicked presidential candidate, Prime Minister Yanukovich, did little to inspire hope for a break with past corrupt practices. Yanukovich was a convicted felon who still maintained ties with criminal circles in his hometown region of Donetsk. Among voters, he was perceived as the candidate who would preserve the status quo, not change it.

And yet, in the rerun of the second round on December 26, 2004, Yanukovich captured 44 percent of the vote. This significant level of support reflects both the success and limits of the Yanukovich's campaign strategy. The prime minister and his campaign consultants deliberately tried to accentuate ethnic and regional divisions within Ukraine, mobilizing the Russian-speaking voters in the East against the Ukrainian-speaking supporters of Yushchenko in the West.³⁵ Yanukovich also tried to portray Yushchenko as an American lackey who would undermine the important and stable relationship that Ukraine had developed with Russia under Kuchma's leadership. The Yanukovich campaign called his opponent, "Bushenko" and circulated posters and leaflets warning about an American orchestrated civil war in Ukraine similar to Bosnia, Serbia, and Iraq should Yushchenko come to power.³⁶

The campaign strategy worked. Yanukovich won smashing victories in the December round of voting in a few eastern regions: 93.5 percent in Donetsk, 91.2 percent in Luhansk, and 81.3 percent in Crimea. Conversely, in the Western regions of Ternopil, Ivan-Frankivsk, Lviv and Volyn, Yanukovich failed to break into double digits. This strategy of fostering polarization did not help Yanukovich win votes in the center of Ukraine, including Kyiv, which swung decidedly toward Yushchenko (71.1 percent). Given the economic boom underway throughout Ukraine in 2004, but especially in Kyiv, this strong popular support for change suggests a deep, genuine rejection of the regime constructed by Kuchma in the 1990s.

UNRELIABLE COERCIVE CAPACITY

The post-Soviet Ukrainian state never developed the coercive capacities of a full-blown autocracy, including the kind of intelligence services or special forces needed to repress popular revolt. Political arrests and even assassination happened, but massive repression never occurred. Unlike Russia in 1993, political competition in Ukraine never devolved into military conflicts between different state institutions. Tension between the Ministry of Interior and the intelligence

³³ Beatriz Magaloni, *Voting for Autocracy: Hegemonic Party Survival and Its Demise in Mexico* (Cambridge: Cambridge University Press, 2006).

³⁴ Razumkov Centre Sociological Survey as reported in "2004 Presidential Elections: How Ukrainians Saw Them," *National Security and Defence*, No 10, 2004, p. 19. See also, Natalya Panina, *Ukrainian Society 1994-2005: Sociological Monitoring* (Kyiv: Institute of Sociology, National Academy of Sciences of Ukraine & Democratic Initiatives, 2005), p. 25.

³⁵ Author's interview with Mikhail Pogrebinsky, Director of the Kiev Center for Political Studies and Conflictology, and campaign advisor to Yanukovich, November 2005. See also Wilson, *Ukraine's Orange Revolution*, pp. 86-95.

³⁶ Wilson, *Ukraine's Orange Revolution*, p. 95.

services was particularly acute.³⁷ In contrast to Russia or Armenia, the line between civilian government and military service remained clear in Ukraine.

Consequently, when faced with mass social mobilization against the regime during the Orange Revolution, Kuchma could not invoke tradition or call upon a loyal special forces unit to disperse protesters. Kuchma threatened to use force. A week into the protest, troops from the Ministry of the Interior armed and mobilized, with the intention of clearing the square.³⁸ But Orange Revolution sympathizers from within the intelligence services warned the opposition of the impending attack and commanders within the regular army pledged to protect the unarmed citizens if these interior troops tried to march into the center of town.³⁹ These defections made clear that the guys with the guns – that is, the military, the intelligence services, and police -- could not be trusted to carry out a repressive order.⁴⁰ These splits helped to convince Kuchma to call off the planned police activity, even though Yanukovych was urging the Ukrainian president to take action.

Divided loyalties within the security forces are closely intertwined with mass mobilization. Had only a few thousand demonstrators remained, Kuchma might have been less reluctant to use force. To understand why there were hundreds of thousands and sometimes a million people mobilized for two weeks after the vote requires a closer examination of the resources which made Ukrainian's democratic opposition so powerful and effective.

b) Components of Increased Democratic Power

In retrospect, all revolutions seem inevitable. On the eve of revolution, they seem impossible. The Orange Revolution was no exception. Autocracy in Ukraine was weak, but democratic supporters seemed even weaker. In comparative perspective, Ukraine's civil and political society looked poorly organized, ranking well below other countries in the region regarding societal memberships in civic organizations.⁴¹ The boldest attempt at mobilization against the regime -- the "Ukraine without Kuchma" campaign in 2001 -- ended in demoralizing defeat. Everyone knew that the 2004 presidential elections offered a major opportunity for renewed societal mobilization, but few were optimistic of a positive outcome.⁴² The naysayers were wrong this time. Several resources were critical for success:

UNITED AND EFFECTIVE OPPOSITION

A united opposition – or at least the perception of one – was crucial for the 2004 democratic breakthrough in Ukraine. In the previous decade, division, disorganization, and the absence of a single, charismatic leader had crippled Ukraine's democratic forces. Ironically, Kuchma helped opposition unity when he dismissed Viktor Yushchenko as prime minister in 2001. At the time, Yushchenko cut an image of a technocratic economist, not a revolutionary. Those who knew him

³⁷ Julie Anderson and Joseph Albini, "Ukraine's SBU and the New Oligarchy," *International Journal of Intelligence and Counterintelligence*, Volume 12, Number 3, 1 July 1999, pp. 282-324.

³⁸ Taras Kuzio, "The Opposition's Road to Success," *Journal of Democracy*, Vol. 16, No. 2 (April 2005), p. 125; and interview with SBU chief Ihor Smeshko, in *The Orange Revolution*, documentary film written, directed and produced by Steve York ([York Zimmerman Inc.](#), 2007).

³⁹ Author's interview with Yurii Lutsenko, MP and one of key organizers of the Maidan protests (Kyiv: November 2005).

⁴⁰ C.J. Chivers, "How Top Spies in Ukraine Changed the Nation's Path," *New York Times*, January 17, 2005, p. 1.

⁴¹ See Marc Morje Howard, *The Weakness of Civil Society in Post-Communist Europe* (Cambridge: Cambridge University Press, 2003) chapter four.

⁴² Wilson, *Ukraine's Orange Revolution*, p. 123.

best worried that he did not have the drive or temperament to become a national political leader.⁴³ But he was a popular prime minister with a record of achievement, an image of not being corrupt, an appealing biography, and a handsome appearance.⁴⁴

A critical step for forging unity was the 2002 parliamentary election. To participate in these elections, Yushchenko succeeded in creating a new electoral bloc, Our Ukraine, which captured a quarter of the popular vote. Our Ukraine's success in 2002 made Yushchenko the focal point of a united front for the presidential election in 2004. Most importantly, Yulia Tymoshenko – an opposition leader with more charisma than Yushchenko but also more baggage – agreed not to run independently for president, but instead backed Yushchenko.⁴⁵

Unity behind a single candidate was essential for the electoral success of Ukraine's opposition. Without electoral victory, there would have been no Orange Revolution. Whether Yushchenko was necessary for the opposition's electoral success in 2004 is impossible to know; that he was a candidate who could unite the democrats was clear.⁴⁶

Beyond acknowledging the importance of unity behind one candidate, assessing the general effectiveness of the opposition's electoral campaign is difficult. The second round of the vote essentially became a polarized referendum on the Kuchma regime.⁴⁷ The vote was polarized along geographic lines: the farther west one lived, the more likely one supported Yushchenko, while the farther east one lived, the more likely one supported Yanukovich.⁴⁸ Therefore, while always difficult to trace in normal elections, measuring the causal impact of campaign efforts in this polarized election about the past is particularly difficult. Yushchenko won, suggesting that he effectively used his campaign assets, such as effective party organization, his personal appeal, targeted messages, and financial resources to pay for campaign staff, leaflets, and get-out-the-vote activities.⁴⁹ He also stuck to his message – criticizing Kuchma's regime rather than pushing a comprehensive agenda of policy changes.⁵⁰ His message structured the vote as a choice between two different systems of governments; one that was corrupt, authoritarian, and criminal, and his regime which would be “for the truth,” “for freedom,” and “for our rights.” Rather than appealing to concerns of individuals, Yushchenko and his campaign asked voters to make assessments about the overall political and economic health of their country.⁵¹ Yushchenko also tried to keep his own speeches positive. The use of the word Tak!, (Yes!) and the color, orange, were carefully chosen positive symbols.⁵² Regrettably, however, no one collected the kind of survey data necessary to trace the effects of Yushchenko campaign strategies and tactics.

⁴³ Author's interviews with Roman Bezsmertny, Member of Parliament, “Our Ukraine”; And Alexander Moroz, Member of Parliament, Chairman of the Socialist Party (Kyiv: July 2002).

⁴⁴ *His enemies ruined his physical appearance when they poisoned him in September 2004. But this attack, however painful and tragic for Yushchenko personally, did help to bolster his appeal as a tough and embattled candidate.*

⁴⁵ Author's interview with Yulia Tymoshenko, (Kyiv: February 2006).

⁴⁶ On the misplaced emphasis on leaders more generally in such situations, see Kurt Schock, “Nonviolent Actions and Its Misconceptions: Insights for Social Scientists,” *PS: Political Science and Politics*, Vol. 36, No. 4 (October 2003) pp. 705-712.

⁴⁷ Morris Fiorina, “Economic Retrospective Voting in American National Elections: A Micro-Analysis,” *American Journal of Political Science* Vol. 22 (1978), pp. 426-443.

⁴⁸ Razumkov Centre Sociological Survey as reported in “2004 Presidential Elections: How Ukrainians Saw Them,” *National Security and Defence*, No 10, 2004, p. 9.

⁴⁹ Tracing the effects of these campaign messages and techniques, however, is fraught with complexity even in older democracies where candidates and academics gather the kind of data to measure these effects. See Henry Brady and Richard Johnston, eds., *Capturing Campaign Effects* (Ann Arbor: University of Michigan Press, 2006). Regarding the 2004 Ukrainian election, we do not have the survey data needed to accurately trace these campaign effects.

⁵⁰ Of course, he did have a program, including a list of presidential decrees that he promised to enact should he be elected. These actions of the future, however, were not emphasized. For instance, after the election, two thirds of the electorate reported that they had never heard about these decrees. See Razumkov Centre Sociological Survey as reported in “2004 Presidential Elections: How Ukrainians Saw Them,” *National Security and Defence*, No 10, 2004, p. 10.

⁵¹ Donald R. Kinder and D. Roderick Kiewiet, “Sociotropic Politics: The American Case,” *British Journal of Political Science*, vol. 11 (April 1981), p. 132.

⁵² Author's interview with Ihor Gryniv, Our Ukraine MP and campaign manager (November 2005).

One aspect of the campaign can be traced -- voter mobilization. The Yushchenko campaign believed that a higher voter turnout helped their cause and therefore devoted huge resources to get-out-the-vote efforts. In addition to party efforts, the non-government organization Znayu carried out a massive voter education and GOTV efforts, recognized by friends and foes as a positive contributor to Yushchenko's electoral success. The youth groups Black Pora, Yellow Pora and its closely affiliated Freedom of Choice Coalition, and the Committee of Ukrainian Voters (CVU) also organized extensive get-out-the-vote campaigns, while groups such as Internews-Ukraine placed public service announcements on television educating Ukrainian voters about their electoral rights, which was also an indirect method for increasing voter turnout. In the second round, voter turnout reached an amazing 80.4 percent; in the rerun of the second round (the third time Ukrainians were asked to go to the polls that fall), turnout was still very high, 77.2 percent.

EXPOSING FRAUD

Another component of the opposition's success was the ability to provide quickly an accurate and independent account of the actual vote after polls closed. Several organizations monitored the vote count, but the Committee of Ukrainian Voters (CVU) played the central role in monitoring all rounds of the 2004 presidential vote. CVU also conducted a parallel vote tabulation during all three rounds. In addition, the Ukrainian NGO Democratic Initiatives coordinated the National Exit Poll (NEP), conducted by four polling firms: The Kyiv International Institute of Sociology (KMIS), the SOCIS Center, the Social Monitoring Center, and the sociological service of the Razumkov Center.⁵³

CVU had ten years of experience, while the Democratic Initiatives Foundation orchestrated the first exit polls in Ukraine in the 1998 parliamentary elections.⁵⁴ Compared to earlier elections, however, these groups also faced a much more sophisticated voter manipulator. Kuchma's regime executed successfully two novel methods for obscuring the actual tally. First, Kuchma's regime falsified the vote at the precinct level and not between the precinct level and higher levels of counting where fraud traditionally occurs.⁵⁵ A parallel vote tabulation (PVT) attempts to expose fraud by sampling the actual vote count at the precinct level. But if the precinct numbers are already fraudulent, then a PVT will simply reflect the result of the falsified vote, an outcome that CVU encountered. Because CVU figures from their PVT did not expose, they did not release their second round results.⁵⁶

Second, the legitimacy of the National Exit Poll came into question when two firms in the consortium used a different tallying method. As a response to the polarized atmosphere of the 2004 presidential vote, pre-election opinion polls recorded very high no-response rates, exceeding 70% in some regions and over 50% nationwide. As a corrective, two consortium partners, KMIS and the Razumkov Center, agreed to switch from the face-to-face method to a more anonymous method of collecting exit poll data. They essentially placed a second ballot box outside of the polling station, into which voters could report on how they voted without the interviewer seeing. However, SOCIS Center and the Social Monitoring Center, allegedly under government

⁵³ The Ukrainian Institute of Social Research, a government sponsored organization, and the Russian firm, Foundation for Social Opinion (FOM) also conducted exit polls. FOM discontinued its exit poll if the first round because more than forty percent of all voters asked were refusing to reveal how they voted. See Tetiana Sylina, "Exit Poll: A Long Ordeal," *National Security and Defence*, No. 10 (2004) pp. 24-28.

⁵⁴ <http://www.dif.org.ua>

⁵⁵ Author's interview with Yevgen Poberezhny, Deputy Chairman of the Board of the Committee of Voters of Ukraine (Kyiv: November 2005).

⁵⁶ Author's interview with Ihor Popov, Chairman of the Committee of Voters of Ukraine Voters, (Kyiv: March 2005).

instruction, refused to adopt this new method. The two methods then produced different results: using the more anonymous method, KMIS and the Razumkov Center reported higher levels of support for Yushchenko than the results collected by SOCIS and the Social Monitoring Center using the open method. The consortium dissolved for the second round. In this round, results released by KMIS and Razumkov showed that Yushchenko received 53.0% of the vote compared to 44.0 percent for Yanukovych.⁵⁷ Official CEC results claimed that Yushchenko won 46.6% of the vote while Yanukovych won 49.5 percent. This discrepancy was key in mobilizing citizens to protect their votes.

When the PVT and exit polls yielded ambiguous results, qualitative, micro-methods came to the rescue. Individual election monitors reported hundreds of instances of irregular procedures.⁵⁸ In addition, turnout levels in some eastern regions were so outrageously high, and jumped so dramatically in the last minutes of voting, that election officials and analysts knew they could not be true. This combination gave a few members of the CEC the courage to not certify the final count, sending the issue to the parliament, which sent the issue to the Supreme Court.⁵⁹ On December 3, 2004, the Court then used evidence of fraud collected by the CVU and other NGOs to annul the official results and call for a replay of the second round of the presidential election later that month.

It is unlikely that either the defecting CEC members or the Supreme Court majority would have acted the way they did if hundreds of thousands of protestors were not on the streets by the time of their deliberations.⁶⁰ At the same time, we do know that a necessary condition for the Court's decision was hard evidence that the results had been falsified in a systematic manner. This evidence came from Our Ukraine election monitors and commission members, CVU monitors, and several other NGOs. The effort to document violations and then take legal action to prosecute the offenders was much greater in this vote than in previous elections, and proved critical to Our Ukraine's case before the Supreme Court.⁶¹

MODICUM OF INDEPENDENT MEDIA

Some independent media was another important ingredient that created momentum for the Orange Revolution. Kuchma's failures as a president could only adversely influence the popularity and legitimacy of his regime if his actions were communicated to the voters. Any media reporting, think tank publication, Our Ukraine press release, or parliamentary hearing that provided an objective analysis of the Gongadze affair or corruption played some role in decreasing popular support for Kuchma. As discussed above, the murder of an independent journalist -- *Ukrainska Pravda* founder and editor, Giorgy Gongadze -- critically undermined support for the *ancien regime* and sparked mass mobilization in support of regime change. The initial wave of civic protest in 2001 failed to dislodge Kuchma's regime, but also helped to create the permissive conditions for Our Ukraine's victory in the 2002 parliamentary vote and Yushchenko's subsequent rise in popularity. Importantly, *Ukrainska Pravda* and Ukraine's other

⁵⁷ Democratic Initiatives, "Final Results of the National Exit Poll 2004 for the 2nd Round of the Presidential Election in Ukraine," November 27, 2004, mimeo.

⁵⁸ For instance, see CVU's report following the November 21, 2004 (second) round of the presidential elections at <http://www.cvu.org.ua/doc.php?lang=eng&mid=docs&id=828>; the OSCE monitoring mission's report following the second round of elections: http://www.osce.org/documents/odihr/2004/11/3811_en.pdf. Election monitoring efforts of ngo's to gather evidence of falsification were facilitated by the multi-party composition of the local election commissions. This method of forming election commissions put Our Ukraine members and supporters in the room in most election districts (but not all) in the country when counts were taking place. This method of constituting CEC commissions was another direct consequence of competitive authoritarianism. Full blown autocracies do not allow such pluralism in this most important tool for limiting democracy.

⁵⁹ Author's interview with Central Election Commission member, Roman Knyazevich, (Kyiv: March 2005).

⁶⁰ Author's interview with Knyazevich.

⁶¹ Author's interviews with Mikhola Katarynchuk and Yuri Kliuchkovsky, Our Ukraine MPs, who argued the Our Ukraine case before the Supreme Court (Kyiv: November 2005).

independent media outlets did not fold or begin to practice self-censorship after Gongadze's death, but continued to investigate and expose Kuchma's alleged crimes, often under very threatening circumstances.⁶² This critical media, while not national in reach, did help to set a polarized stage for the 2004 electoral showdown.

During the 2004 campaign, Kuchma's regime controlled or enjoyed the loyalty of most national media outlets. By 2004, Ukraine boasted several independent television networks, but all the major channels were owned or controlled by oligarchs loyal to Kuchma and Yanukovich.⁶³ Through a system of *temniki*, or secret commands, Kuchma and his staff directed the news coverage on all of these channels, resulting in a massive asymmetry of television exposure for Yanukovich compared to Yushchenko.⁶⁴ Russian television stations ORT, RTR, and NTV, which enjoy considerable audiences in Ukraine, also gave favorable coverage to Yanukovich.

But important independent outlets did remain and develop in the run up to the 2004 presidential campaign. In 2003, a wealthy Yushchenko ally, Petro Poroshenko, acquired the rights to a small television station and then transformed it into Channel 5. Poroshenko then hired a team of professional journalists whose aim was to provide an outlet for media coverage of the entire campaign and not just Yanukovich. Channel Five did provide positive coverage of the Yushchenko campaign, but Channel Five's audience was much smaller than the major channels', roughly 8 million viewers, and its signal reached only approximately 30% of the country.⁶⁵

Regarding radio, Radio Era provided news that was not shaped by the government. External stations such as Radio Liberty, the BBC, and Voice of America were also important channels of independent news for those with the ability to receive short wave broadcasts – a small fraction of the Ukrainian population.⁶⁶

Some important print newspapers such as *Zerkalo Nedeli*, *Ukrayna moloda*, *Vecherny visty* and *Silsky visty* (controlled by the Socialist Party), as well as Internet news outlets such as *Ukrainska Pravda* (the independent online publication founded by Gongadze) and *Telekritika* -- a web-based forum for discussing television coverage of the campaign -- also provided sources of election news that were not controlled by the state or oligarchs closely tied to the state. But all had limited circulation.⁶⁷ Every region also had at least one opposition newspaper, including such famous papers as *Kafa*, *Hrviyna*, and *Vechirney Cherkassy*. In 2004, the media was skewed in favor of Yanukovich, but independent and pro-Yushchenko outlets did exist.

The impact of independent media outlets on the campaign results is difficult to measure. Their role in facilitating popular mobilization after the vote was much more obvious. Independent media played a positive and critical role in communicating news about the falsified vote and helped mobilize and coordinate popular opposition to the regime after the vote. Channel 5 played the central role, first in communicating the results of the exit polls and then in reporting the numerous cases of electoral fraud. Next, Channel 5 provided live, 24-hour coverage of the events on Maidan, broadcasts that helped encourage others to join the protests, especially when viewers

⁶² Author's interview with *Ukrainska Pravda* editor, Olena Prytula, (Kyiv: June 2002).

⁶³ Marta Dyczok, "Was Kuchma's Censorship Effective? Mass Media in Ukraine before 2004," *Europe-Asia Studies*, Vol. 58, No. 2 (March 2006) pp. 215-238.

⁶⁴ For the specific percentages, see International Renaissance Foundation, *Promotion of the Fair and Open Election of 2004* (Kyiv: IRF, January 2005), pp. 14-19.

⁶⁵ Adrian Karatnycky, "Ukraine's Orange Revolution," *Foreign Affairs*, Vol. 84, No. 2 (March/April 2005).

⁶⁶ Some FM stations, such as Radio Continent, Radio NART, and Radio Takt in Vinnytsia did rebroadcast Radio Liberty. Radio Liberty officials claimed that 8% of the Ukrainian population was listening to their broadcasts, a very high number, See Olena Prytula, "The Ukrainian Media Rebellion," in Aslund and McFaul, eds., *Revolution in Orange*, pp. 113-115.

⁶⁷ Internet access in 2004 was very limited. Over half of internet news readers lived in Kyiv. Media Sustainability Index 2004, (IREX: Washington, DC), p. 208-209, 11; <http://www.irex.org/msi/2004/MSI-2004-Ukraine.pdf>

saw the peaceful, festive nature of the crowds. By the end of the demonstration, Channel Five catapulted from 13th to 3rd in the national ratings. Channel 5 coverage also put pressure on the other channels to stop spewing propaganda.⁶⁸ By the fourth day of protests, the staff at most other stations had joined forces with the street demonstrators. Radio Era, Radio Kyiv, and Radio Gala also provided around the clock reporting from Maidan.

Compared to the previous electoral breakthrough in Georgia 2003, Ukraine's opposition had one major advantage – the Internet. In fact, the Orange Revolution may have been the first in history organized in large measure on the Web. During the critical days after the second round vote, *Ukrainska Pravda* displayed the results of the exit poll most sympathetic to Yushchenko as well as detailed news about other allegations of fraud. The website also provided practical information to protestors. During the second round, *Ukrainska Pravda* grew to 350,000 readers and one million hits a day.⁶⁹ Other portals also provided critical information that helped to make the Orange Revolution. The Maidan.org site was a clearinghouse of information and coordination for protestors. The student group Pora and Our Ukraine also had important websites and webmasters that blasted informational and motivational emails to supporters and observers all over the country and the world during the critical moments right after the vote. Telekritika was also a popular site for independent journalists during the campaign, and played an instrumental role in pressuring journalists working at Kuchma-friendly outlets to withdraw their support once tens of thousands had mobilized on the streets. As a technology of mobilization and coordination, text messaging was essential for those on Maidan and in the tent city who did not have access to the web or email.

POPULAR MOBILIZATION TO “PROTECT THE VOTE”

To put Ukraine back on a path of democratization, it was insufficient for Yushchenko to win the election, to prove that the results were falsified, and then to communicate this result to a sizable portion of Ukrainian citizens. A final, necessary condition for the Orange Revolution's success was mass mobilization *after* the election to defend the actual voting results. It happened on a scale and for a duration that vastly exceeded the expectations of both the organizers and their foes.

The protest was not spontaneous. Months in advance of the presidential election, Our Ukraine campaign leaders made plans to organize street demonstrations in what they believed was the likely event that the election results would be falsified.⁷⁰ At the last minute, the location of their protest changed and some tactics of mobilization did not succeed, such as a planned parallel vote count to be conducted in the tents on Maidan Square. However, they did succeed in their central idea of calling on Yushchenko supporters to come to and remain on the streets until the fraudulent vote was overturned. Several components produced success.

First, the regime did not impede the initial mobilization effort. After considering the streets outside of the Central Election Commission (CEC) as ground zero of the protest, Our Ukraine leaders decided instead to make their stand on Maidan Square, since policemen occupied the space surrounding the CEC. The day after the second round of voting, Our Ukraine MPs went to Maidan early in the morning to build a stage, and no one tried to stop them (though MPs were assigned this task specifically because they have immunity). The quick appearance of truckloads

⁶⁸ Author's interview with Tetyana Lebedeva, Head of the Board, Independent Association of Broadcasters (Kyiv: November 2006).

⁶⁹ Prytula, "The Ukrainian Media Rebellion," p. 110.

⁷⁰ Authors interviews with Stetskiv and Grynev. See also interviews with Maidan organizers in York, *Orange Revolution*.

of tents, mats, and food supplies, which had been secured weeks before clearly demonstrated the opposition's preplanning.⁷¹

Second, Our Ukraine leaders coordinated with Yellow Pora activists to set up a tent city downtown. Yellow Pora started with 15 tents in what they called their "territory of freedom", but others spontaneously joined the effort, swelling the number of tents to 2,000 which housed over 7,000 people from all over Ukraine.⁷² This act created a quasi-permanent presence in downtown Kyiv immediately. Like the color orange, the tent city and Maidan became major symbols of the revolution.

Third, Yushchenko appeared on television to call upon his supporters to come to Kyiv and occupy the square immediately after the falsified second round results had been released. Strangely, Yushchenko's first post-election speech was covered on all major Ukrainian television stations. Later in the process of mobilization, as already discussed, independent media outlets encouraged demonstrators to come to Kyiv and also helped coordinate the massive logistics required to keep a million people fed and warm.

Fourth, Yushchenko credibly committed to sustaining the protest until the election results were reversed or annulled when, on November 23, he took the oath of office for president before 191 MPs in the Ukrainian parliament. At that moment, Ukraine had two groups claiming to be the sovereign power over the same land – a classic definition of a revolutionary situation.⁷³ This bold and controversial move meant that there could be no compromise between "presidents" Yanukovich and Yushchenko – one had to step aside. The move also inspired the demonstrators to rally behind their president.

Fifth, NGO's that focused on get-out-the vote activities during the campaign also played an important role in urging voters to "protect their vote" after election day. The Znayu information campaign devoted particular attention to educating voters about their responsibility to insure that their vote was accurately counted.⁷⁴ This kind of message was widely distributed. Other NGOs developed and distributed similar messages during the campaign, helping indirectly to mobilize civic resistance against fraud after the official second round results were announced.

Sixth, regarding the logistics of Maidan, Yushchenko and his team benefited tremendously from the support of the Kyiv city government and the city's mayor, Oleksandr Omelchenko. While at first reluctant to take sides, the Kyiv government eventually allowed the protest, and provided logistical support for the provision of food, water, and sanitation. They also opened more than a dozen government buildings for out-of-town protesters to use as warm shelter. Had political leaders loyal to the *ancien regime* been in charge of the capital, they could have severely constrained the opposition's capacity to sustain the Orange Revolution.

Seventh, civil society and the "middle class" more broadly helped increase the numbers on Maidan from the several thousand who planned to show up to the million or so who spontaneously joined the protest. Our Ukraine and its partners made preparations for tens of thousands to protest a rigged election, but they did not anticipate that their act of civil disobedience would eventually swell to over a million people. Providing for such large numbers required the volunteer work and donated supplies of thousands of individuals, who previously had no direct relationship with Our Ukraine.

⁷¹ According to Stetskiv, Our Ukraine began purchasing tents and supplies a month before the protest began. See his remarks in York, *Orange Revolution*.

⁷² Pora, *Newsletter "Times of Change,"* Issue No. 11, November 27, 2004.

⁷³ Charles Tilly, *From Mobilization to Revolution*, (New York: McGraw-Hill, 1978), chapter nine.

⁷⁴ Author's interviews with Znayu leaders Dmytro Potekhin and Pyotr Kosuchev (Kyiv: March 2005)

Finally, a central feature of the mobilization's success was a commitment to non-violence. Our Ukraine organizers and Pora activists did not take any measures to prepare for an armed conflict. There were no guns in Our Ukraine headquarters and no pro-Yushchenko militias waiting in the wings in the event of violence. On the street, where protestors and soldiers stood eye to eye for days, demonstrators used humor and music to defuse tension. At several moments during the seventeen-day standoff, some political and Yellow Pora leaders, including Yulia Tymoshenko, wanted to end the crisis by storming the president's office.⁷⁵ They calculated, not without reason, that the government's armed forces would not stop them, that Kuchma and his team would flee, and that they could therefore seize power with a minimum amount of violence as the Serbian and Georgian oppositions had done in 2000 and 2003 respectively. Yushchenko, however, categorically rejected these tactics and no one was prepared to act against the wishes of their leader. The protesters stayed in place for over two weeks. They achieved a major victory on December 3rd, when the Supreme Court ruled that the second round results were invalid because of systemic fraud, and therefore a re-run must be held on December 26th.

⁷⁵ Authors interview with Yellow Pora leader, Vladislav Kaskiv, who was one of the advocates for seizing the building (Kyiv: March 2005); and author's interview with Lutsenko (Kyiv: November 2005), who was an opponent of seizing buildings. See also the testimonials of Our Ukraine leaders David Zhvania and Roman Bezsmertny on this subject in York, *Orange Revolution*.

2. External Factors in Weakening the Regime

In accordance with this account of Ukraine's 2004 democratic breakthrough, the role of external factors can be disaggregated and process-traced through each of the identified causal variables of regime change. Starting with those factors that helped undermine the incumbent regime, a significant international contribution can be identified – although in the case of some actors this contribution appeared almost inadvertent.

PREVENTING FULL AUTOCRACY

Western linkages, coupled with aid to institutions that checked presidential power, helped keep Ukraine between dictatorship and democracy, a regime type that – as argued above - proved conducive for the Orange Revolution.

The West – the United States, Canada (a bigger player in Ukraine than in other European countries due to the sizable Ukrainian émigré community there), and Europe – remained a constant pull on Ukrainian government officials. Kuchma was a ruthless leader who erected a corrupt and criminal regime, but he refrained from attempting to construct a truly repressive tyranny because he wanted a cooperative relationship with the United States and Europe. Strikingly, even in the face of harsh criticism, Kuchma sent Ukrainian troops to Iraq, maintained ties to NATO and the European Union, and unlike Milosevic in Serbia, avoided becoming a pariah in the West. Maintaining links to the West was a policy priority for Kuchma, which in the margins constrained his anti-democratic behavior at home.

In contrast to Russian officials during the Putin era, Kuchma and his government continued to believe that Ukraine was a Western country that belonged in Europe. The modalities of membership were tricky: Ukrainian membership into the World Trade Organization was a high and attainable priority in the Kuchma era (though never realized), but Ukraine was too big and too poor to apply for European Union candidacy anytime soon, while a full place in NATO also presented difficulties since a majority of Ukrainians did not support the idea of joining. The goal of European integration or Western integration more generally, however, remained real and widely supported. Kuchma even turned up for a NATO summit in Prague in November 2002 to which he personally was not invited.

Kuchma's desire to be part of the West created opportunities of leverage for American and European diplomats. The lure of partnership with the European Union was a major factor in discouraging any move towards full autocracy. Just how powerful an influence the EU played in this crucial regard is open to question, however. Even if the EU exerted a generally positive magnetic pull, significant limitations persisted in the scale of inducement and partnership offered to Ukraine.

A stress on regular and institutionalized engagement was the guiding philosophy of EU strategy. The EU signed a Partnership and Cooperation Agreement (PCA) with Ukraine in 1994, which included a commitment to support the development of democratic norms. This commitment was reiterated and made more explicit in the EU's Common Strategy on Ukraine, adopted in 1999.⁷⁶

⁷⁶ European Council Common Strategy of December 11, 1999 on Ukraine, 1999/877/CFSP, *Official Journal of the European Communities* L331, no. 1, December 23, 1999.

Europe sought to influence through positive inducements rather than coercive pressure against Kuchma. Serious sanctions were discussed but never applied.⁷⁷

The declared aim was to encourage incremental governance reforms, and in fact to avoid the kind of rupture that took place at the end of 2004. European states backed Yushchenko's appointment as prime minister, in view of his apparent commitment to reform. However, European governments did not respond to Yushchenko's 2001 ousting from that position. Kuchma was constantly given the benefit of the doubt, as EU statements routinely suggested that Ukraine was making a 'progressive transition to democracy' and simply required positive inducements and technical support to help this process along.⁷⁸

Such caution was encouraged by the fact that Kuchma continued to be seen by several European governments as providing a useful bridge to Moscow.⁷⁹ Indeed, Russia-related concerns ensured that this European approach of engagement and inducement was itself limited. A membership prospect was not offered to Ukraine at the crucial meeting of the European Council in Helsinki in December 1999, when other central and east European states were formally recognized as candidates. EU documents and statements from the early 1990s routinely suggested that Ukraine was making progress towards democratic consolidation, when events on the ground suggested that Kuchma's commitment to reform was increasingly doubtful.

Some EU member states held back any significant deepening of relations with Ukraine, worried that these could be interpreted as intrusion by Moscow. Prior to 2004, Kuchma himself was scathing of the limited EU incentives on offer to Ukraine, the president having pushed for a free trade agreement and a 'Europe Agreement' (the more generous, pre-accession type agreements the EU operated with other central and eastern European states).⁸⁰ Ukraine even lagged behind Russia in the depth of its relations with the EU right up to the early 2000s. Across a swathe of policy areas - loans from the European Investment Bank, the granting of market economy status (which conditioned the degree of trade preferences for exports to the EU market), cooperation with Europol, education links and visa facilitation - Ukraine was accorded less than the EU offered Moscow.⁸¹

Conversely, a number of member states argued that the EU should offer Ukraine a deeper and democracy-conditioned partnership, as a means of bolstering reformists. In 2002, the United Kingdom and Sweden first proposed offering Ukraine a further reaching set of relations, through what became the European Neighborhood Policy (ENP). Indeed, the ENP was seen by these states as a way of dealing specifically with 'the Ukraine problem.'⁸² The ENP offered Ukraine incorporation into a wide range of EU policies and programs, within the framework of a partnership formally committed to the fostering of democratic norms. At the bilateral level, in 2002 Lithuania signed a new Strategic Partnership with Ukraine, also with a focus on political reform. Poland pressed for the EU to change its 'Russia first' policy to a 'Ukraine first' policy.

⁷⁷ Richard Youngs, "Ukraine," in Ted Piccone and Richards Youngs, eds., *Strategies for Democratic Change: Assessing the Global Response* (Washington: Democracy Coalition Project, 2006) p. 104.

⁷⁸ Commission of the European Communities, "European Neighbourhood Policy Country Report Ukraine," SEC(2004) 566, pp. 6 and 9.

⁷⁹ P. Kubicek, "The European Union and Ukraine: Real partners or Relationship of Convenience," in P. Kubicek (ed.) *The European Union and Democratization*, London: Routledge, 2003, p. 155.

⁸⁰ Iryna Solonenko, European Neighbourhood Policy - The Perception of Ukraine, in *Foreign Policy Dialogue* 7/19, July 2006 (www.deutsche-aussenpolitik.de), p.45

⁸¹ Marius Vahl, A Privileged Partnership? EU-Russian Relations in a Comparative Perspective, Danish Institute for International Studies, Working Paper no. 2006/3

⁸² K. Smith, "The outsiders: the European Neighbourhood Policy," *International Affairs* 81, no. 4, 2005, p. 768.

The Polish government argued strongly that the EU had been guilty of neglecting Ukraine for fear of incurring Russia's wrath, and that European policy risked failing to halt Ukraine's slide into Belarus-like isolation. Polish diplomats admit that they failed in their attempt to boost EU offers to Ukraine both before Poland's formal accession in May 2004 and after this – and were angrily disappointed with other member states' resistance. This discrepancy was nested within a broader clash between assertive new EU-entrant, Poland and some of the existing member states. For these states the ENP was seen as a means of tying down Kuchma to the reform commitments he had repeatedly made, but failed to implement. The EU concluded negotiations for a Neighborhood Action Plan with the Kuchma government a few months before its fall.

The EU appeared to have done enough over the decade of Kuchma's rule to serve as a reference point for the leader's Western-oriented aspirations and hence encourage at least a formal commitment to basic human rights and democratic procedure – even if the EU was less generous than it might have been in the depth of partnership and cooperation it offered Ukraine. There is only modest evidence that a variation in EU policy offers was linked in any very specific sense to Ukraine's degree of political openness; European influence was imported by the Kuchma regime in the form of a more subjective judgement on the latter's part that longer term partnership with the EU would be more likely if some semi-competitive political processes were retained.

Similarly, the US pursued a policy of constructive if sometimes critical engagement.⁸³ After Gongadze's murder, the Bush Administration did deny Kuchma a presidential visit to Washington which the Ukrainian president had desperately desired. At the Prague NATO summit attended by Bush and Kuchma, the official language was changed from English to French so that the two presidents, whose countries' names begin with the same letter in English but different letters in French, would not have to sit next to each other. Kuchma understood the snub. And more generally, American ambassadors in Ukraine were extremely active in engaging the Ukrainian democratic forces, especially after the murder of Gongadze, in a manner that Ukrainian government officials called meddling. Yet, direct contact with Kuchma never ended, and active courtship of some of Kuchma's closest confidants, including Kuchma's billionaire son-in-law, Viktor Pinchuk, continued during the Orange Revolution. The American strategy was to keep the regime leaders interested in the West, so as to raise the costs of seriously bad behavior during the 2004 presidential vote. U.S. State Department officials stated clearly in 2003 that “the conduct of the presidential campaign and election” was “the primary focus on U.S.-Ukraine relations.”⁸⁴

Western assistance and moral support also helped sustain pockets of pluralism within the regime and independent, opposition actors outside of the state. Within the state, the independence of the Rada was especially critical in checking executive power. Technical assistance provided by a USAID grantee, the Indiana University Parliamentary Development Project, helped make this institution more effective. Party development efforts by the International Republican Institute (IRI) and the National Democratic Institute (NDI) also helped insure that Kuchma's party did not win an overwhelming majority of seats in the parliament as occurred in the Russian Duma during the Putin era. NDI and IRI worked with several parties, which won representation in the Rada, and in turn helped maintain this institution's independence from the president. State Department officials also went out of their way to court the Rada Speaker during the crisis. As Ambassador John Tefft testified, “We welcomed Rada Speaker Lytvyn to Washington five days before the

⁸³ Author's interview with Ambassador Carlos Pascual, U.S. ambassador to Ukraine, 2000-2003 (Kyiv: June 2002).

⁸⁴ Ambassador John Tefft, Deputy Assistant Secretary for European and Eurasian Affairs, “Ukraine's Election: Next Steps,” testimony before the House International Relations Committee, December 7, 2004, at www.state.gov/p/eur/rls/rm/39542.htm, p. 6.

run-off to underscore our support for a legislative body committed to ensuring an outcome that reflected the will of the people.”⁸⁵

European funding was of greater magnitude than US assistance, but was focused more on government and state institutions. The EU’s TACIS aid program prioritized support for ‘legislative approximation’ – a distinctive European approach aimed at harmonizing a swathe of Ukrainian legislation to EU norms and standards. It was here that the EU had its most tangible impact, when in 2002 Ukraine adopted a formal ‘national program of approximation’ with EU legislation. This package included numerous governance-related reforms that further added to the guarantors against Ukraine’s competitive authoritarianism morphing into full blown autocracy.

European policy could be seen in this sense to have played a vital role during the Kuchma years in locking Ukraine into a dynamic of ‘governance convergence’ with the EU. This did not seek directly to undermine Kuchma, but was a key factor in ensuring that some degree of formal political space and constitutional guarantees remained in Ukraine. Critics accused the EU of sanctioning semi-authoritarianism; more positively it could be seen as contributing eventually to democratic transition, nearly fourteen years after Ukrainian independence.

Both the United States and European Union encouraged economic reform from the mid-1990s. However, even if a causal link could be identified between the rise of the middle class and the success of the Orange Revolution, tracing the role of Western assistance programs on the rise of this middle class is fraught with complexity. In interviews with organizations involved in economic reform issues such as Padco, Center for Social Welfare “Dobrochin” (Chernihiv), Local Economic Development project (administered by Chemonics), Centre for Ukrainian Reform Education , and Ukraine Land Titling Initiative in Chernigiv, none of the project managers interviewed claimed that their work contributed directly to the Orange Revolution. When pressed to speculate about indirect contributions (such as the creation of farmers owning land who in turn might have voted differently, or the stimulation of economic growth, which in turn might have influenced the behavior of citizens during the fall of 2004), no one dared. EU policy-makers admitted that engagement with the private sector advanced less smoothly than had been expected and predicted.

Russian leaders and organizations, to varying extents, played the exact opposite role to the US and EU, encouraging autocratic methods as an effective strategy for holding on to power. Years before the 2004 Ukrainian presidential election, Putin embraced Kuchma without criticizing his antidemocratic ways. Through the provision of subsidized gas, Russia provided direct financial support to Ukraine’s government. Putin’s own system of growing autocratic rule provided a model for Kuchma to emulate. Obviously, Russian ideological and financial assistance was not sufficient to build a stable authoritarian regime in Ukraine, yet it is equally true that the Ukrainian regime would have looked less authoritarian and perhaps would have been even less tempted to steal the 2004 presidential election without Russian support. Ukraine’s geographical proximity and significant Russian speaking population facilitated the flow of ideas and resources about Russia’s regime as an alternative to the Western model of democracy.

After the second round, Putin tried to strengthen Ukraine’s “managed democracy” by quickly acknowledging Yanukovich as the winner in the presidential vote, even before the official results were released. Throughout the Orange Revolution, Putin stood firmly on the side of Yanukovich and against reconciliation, flatly denouncing the idea of rerunning the elections.⁸⁶

⁸⁵ Ibid.

⁸⁶ Daniel Williams, “Putin Opposes Rerun in Ukraine,” *Washington Post*, December 3, 2004, p. A16.

FOSTERING THE REGIME'S UNPOPULARITY

Kuchma's own actions, monitored by independent media, drove his government's decline in popularity. Indirectly and marginally, Western reactions to Kuchma's behavior helped magnify Kuchma's image as an illegitimate and criminal leader. Most importantly, American and European leaders strongly denounced the manner in which Kuchma handled the investigation into Gongadze's murder.⁸⁷ When Oleksandr Moroz released tapes implicating Kuchma in Gongadze's murder, the U.S. government granted the producer of these tapes, Yuri Melnichenko, asylum. Miroslava Gongadze, Gongadze's widow, and his two children also received asylum. Miroslava Gongadze eventually took a job working for the Ukrainian division of Voice of America, a U.S. government funded radio and television network. After the murder, as discussed above, the Bush administration never invited Kuchma to the United States and tried hard to avoid and marginalize Kuchma at international gatherings. The Bush Administration further downgraded contacts with the Kuchma regime after it became known that the Ukrainian government had tried to sell its Kolchuga air defense radar system to Iraq.⁸⁸ Kuchma did receive some praise from the White House for his decision to send Ukrainian troops to Iraq. However, the general message coming out of Washington and the American embassy in Kyiv was that Kuchma and his regime were not held in high regard.

European impatience with Kuchma's stalling of long-promised reforms also increased, and the Gongadze murder did elicit a slightly harsher tone of criticism from European governments. This case represented one example of a more general feature of EU approaches to democracy support: European governments often fail to respond critically to a gradual deterioration in democratic rights but will react to a particularly gruesome or egregious individual case of political violence or human rights abuse, which in turn can feed into an initial triggering of democratic transition.

By 2001, EU declarations became more critical, expressing 'profound concerns' over the tightening of political space and the intimidation of journalists.⁸⁹ At the same time, European governments sought strategically to respond to shifting alliances and trends within Ukraine. The 2002 elections, in which the opposition recorded a strong showing, had a notable impact on European calculations. High level visits reduced: only German chancellor, Gerhard Schröder met with Kuchma in 2003, and by early 2004, contacts at the most senior level had dried up. The text of the Action Plan alluded to the priority of 'Ensuring the democratic conduct of presidential (2004) and parliamentary (2006) elections in Ukraine in accordance with OSCE standards.'⁹⁰ And immediate implementation of the plan was *de facto* halted in the run up to the presidential elections.

The most prominent role was adopted by Poland and Lithuania. These two states pressed for a more positive signal to be given towards Ukraine's potential membership to the EU and for a tougher line towards Russian influence in Ukraine. In the autumn of 2004, Lithuania took the lead in initiating Council discussions on offering stronger relations with Ukraine. It was backed by six other new central and eastern European member states, the Nordic countries and Austria.⁹¹ This group of member states met frequently on an ad hoc basis immediately prior to the elections.

⁸⁷ Author's interview with Pascual. See also, Ambassador Stephen Pifer, Deputy Assistant Secretary for European and Eurasian Affairs, testimony for House International Relations Committee, May 12, 2004, p. 3.

⁸⁸ Michael Wines, "Report of Arms Sale by Ukraine to Iraq Causes Consternation," *New York Times*, November 7, 2002.

⁸⁹ P. Kubicek, op. cit., p. 162.

⁹⁰ Proposed EU-Ukraine Action Plan, p. 2.

⁹¹ Emerson et al., op. cit., p. 17.

Already in early November the Polish foreign minister switched a planned visit to Kuchma and prime-minister Yanukovich to meet Yushchenko instead.⁹²

The extent to which concrete EU positions contributed directly to the unpopularity of the Kuchma government was, however, again tempered by the caution of several governments. Indeed, at this stage most European states actually encouraged Ukrainian reformers still to focus on trying to join the government and gain moderate change from within the parameters of the regime – this even as Kuchma had begun tightening controls on the media and the judiciary and making it clearer than ever that he would seek to block such ‘reform from within’. Kuchma was manipulating political conditions early on in the run up to the elections of autumn 2004 – rigging mayoral elections, threatening students that they would lose their accommodation if they voted for Yushchenko⁹³ - but the EU stuck to its line of preferring to encourage reform from within the regime.

Indeed, it was at this moment, when Ukrainian democrats were emphasizing the motivating force of their European vocation that European Commission President Romano Prodi suggested that Ukraine had ‘as much chance of joining the EU as New Zealand.’ Some liberal reformers complained bitterly at Europe’s reluctance to intervene as tensions deepened early in the autumn of 2004.⁹⁴ Many complained that the ENP Action Plan offered backing and protection to Kuchma, just when the latter’s position assailable. Even as democracy protests erupted and the scale of electoral manipulation was revealed, one diplomat acknowledged that several EU member states remained reluctant to be seen supporting reformists ‘for Russia-handling reasons.’ While central and eastern European member states, along with the Nordic states and the UK, argued for a more assertive and critical EU involvement at this stage, they were reined back by Germany, France and Spain.⁹⁵

Interviews reveal that Ukrainians complained at what they saw to be the weakness of European diplomacy, arguing that external influence was felt more inadvertently through the feeling of exclusion as other central and eastern European states joined the EU in May 2004. It was at this symbolic level that the EU factor fed into Kuchma’s growing unpopularity. The issue of visa requirements was seen as important to ordinary Ukrainians, as the 10 country enlargement of May 2004 left Ukraine outside the EU common visa area. The perception was that the Kuchma regime had contributed to Ukraine’s isolation from the European sphere – interestingly, even through several EU member states had carefully *avoided* making any firm promises that if Ukraine did democratize it would be allowed into the EU. In terms of external influences, another lesson is to be found here in the difference between perception and the actual substance of Western policies.

In addition to its own critical coverage of Kuchma’s domestic actions, Ukraine’s independent media, parliament, and political opposition also covered the West’s negative reaction to Kuchma. Media reporting, think tank publications, Our Ukraine press releases, and parliamentary hearings that provided an objective analysis of the Gongadze affair or corruption played some role in decreasing popular support for the Kuchma regime. Many of these critical sources received Western technical assistance or financial support, including *Ukrainska Pravda*, the Razumkov Center, and the Rada. Freedom House provided direct assistance to Znayu and indirect assistance

⁹² O. Sushko and O. Prystayko ‘Western Influence’, in Aslund and McFaul, op. cit., p. 131

⁹³ For an overview, see A. Karatnycky, “Ukraine’s Orange Revolution,” *Foreign Affairs* 84, no. 2, 2005.

⁹⁴ K. Barysch and C. Grant, “Ukraine should not be part of a ‘great game,’” *Open Democracy*, December 7, 2004.

⁹⁵ M. Emerson et al., “The Reluctant Debutante,” in M. Emerson (ed.) *Democratisation in the European Neighbourhood*, Brussels: Centre for European Policy Studies, 2005, p. 18. G. Gromadzki, R. Lopata and K. Raik, “Friends of Family? Finnish, Lithuanian and Polish perspectives on the EU’s policy towards Ukraine, Belarus and Moldova,” FIIA Report 12, 2005, pp. 31-32

to Yellow Pora and the Freedom of Choice coalition by sponsoring and helping to organize a summer camp for Yellow Pora activists and activists from other organizations. Another USAID grantee, the U.S.-Ukraine Foundation, funded and organized the major portion of the Znayu campaign. Indirectly, these efforts all contributed to more critical coverage of the Kuchma regime and a decline of his government's popularity.

In addition, independent analysis and reporting from these sources helped inform American and European government officials and analysts, who in turn influenced their own governments' perception of Kuchma.⁹⁶ For instance, *Ukrainska Pravda* would publish an article about corruption, which would be read by an analyst at the Carnegie Endowment for International Peace in Washington or a researcher at the German Marshall Fund in Brussels. In turn, he or she might speak out on television, in the op-ed pages, or in briefings to government officials about corruption in Ukraine, and thereby influence the way that the Bush Administration or the European Union acted on Ukraine. Such information flows also influenced Ukraine's Freedom House scores, which in turn helped shape Western assessments of the Kuchma regime. Ukrainian publications that had the resources to translate a portion of their work into English, including *Zerkalo Nedelya*, *Ukrainska Pravda*, and Razumkov's journal, *National Security and Defence*, were especially effective in reinforcing Western non-governmental campaigns to expose Kuchma's illegitimacy. During the final weeks of the campaign and during the Orange Revolution, emails sent and websites operated by the CVU, Pora, Our Ukraine, Internews-Ukraine, and several others also helped inform the outside world about the machinations of Kuchma and Yanukovych, influencing the way foreign governments reacted to the falsified results of the second round of voting.

The Kremlin did not invest major resources in trying to improve Kuchma's international image, but Russian officials coordinated and sponsored various activities aimed at helping Yanukovych win the election. At the urging of the Kremlin, Russian businesspeople contributed to Yanukovych's campaign.⁹⁷ Some reports claimed that Russian sources provided \$300 million to the Yanukovych campaign with the lion's share coming from Gazprom.⁹⁸ Several Russian public relations consultants, including several closely tied to the Kremlin, worked directly for the Yanukovych campaign, while others participated in projects in Ukraine designed to bolster indirectly the Yanukovych efforts.⁹⁹ For instance, in 2004, Russian PR professionals created the "the Russian House" in Kyiv which organized public events to emphasize Russia's positive and pivotal role for Ukrainian economy and security. To help Yanukovych, Putin personally traveled twice to Ukraine in the fall of 2004. A Russian-sponsored election-monitoring group observed the Ukrainian vote and declared the first and second rounds free and fair.

The Ukrainian prime minister and his financial backers also hired American law firms and public relations specialists to help with the campaign, including Barbour, Rogers, and Griffith and DBC Public Relations Experts. These Western public relations efforts included the fielding of an electoral monitoring group consisting of former U.S. Congressmen. The impact was marginal but the effort was real. Resources aimed at bolstering Yanukovych's campaign came not only from Moscow but also Washington.

⁹⁶ This is the "boomerang" effect discussed in Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

⁹⁷ Author's interview with Sergei Markov (Moscow: September 2005).

⁹⁸ These numbers are reported in Jackson Diehl, "Putin's Unchallenged Imperialism," *Washington Post*, October 25, 2004, p. A19.

⁹⁹ Russian PR experts who worked for Yanukovych included Marat Gelman, Sergei Markov, Vyacheslav Nikonov, and Gleb Pavlovksy.

EXTERNAL FACILITATORS OF DIVISIONS WITHIN THE SECURITY SERVICES

Identifying a direct Western impact on division within the security forces is difficult. Some have claimed that those soldiers who participated in NATO's Partnership-for-Peace programs were more likely to support the demonstrators than those who did not.¹⁰⁰ To date, however, the evidence marshaled to support this claim is far from convincing. There is certainly no evidence that Western governments undertook purposive action to provoke the kind of divisions within the security services that are identified above as a key variable in the account of Ukraine's democratic transition. EU states actually expressed concern over defections from security service insiders, these viewed more as a potential source of instability than a positive precursor to democratic transition.

Western actors did contribute indirectly to keeping the peace during the standoff between armed forces and the Orange demonstrators. Well before the election, U.S. diplomats explicitly warned officials in Kuchma's government that they would become pariahs if the vote was not free and fair. Ambassador Herbst called upon visiting American dignitaries, such as Madeleine Albright, Henry Kissinger, Zbigniew Brzezinski, Tom Pickering, and Richard Holbrooke to communicate threatening messages about the negative consequences of bad behavior should the election process become tainted.¹⁰¹ As a signal of seriousness, the U.S. government denied a visa to Ukrainian oligarch Hryhoriy Surkis to warn Kuchma and his family (including and most importantly, his son-in-law, TV media mogul and billionaire Viktor Pinchuk) that they too could face a similar fate of persona non-grata status in the West. In the end, these threats did not prevent Kuchma and his team from trying to steal the vote. Yet, the threats and warnings against violently breaking up the peaceful demonstration did continue throughout the standoff, including a late night phone call from Colin Powell to Kuchma (which Kuchma refused to take) on the night when security forces were getting ready to try to clear the square. The U.S. embassy learned of these troop movements from an anti-Kuchma source within the SBU.¹⁰² Throughout the crisis, Pinchuk was a consistent and accessible channel of communication for U.S. government officials who wanted to get a message to Kuchma. Polish President Aleksander Kwasniewski, who was working with a European Union delegation to help mediate the crisis, also used his contacts with the regime to discourage the use of force on this critical evening. Measuring the impact of these efforts, however, is difficult. Even if impossible to measure *how* helpful, several participants in the standoff did report that the American interventions were helpful in providing moral support on a very tense and critical day.¹⁰³ Nevertheless, the number of protesters on the streets was the decisive deterrent to violence, not a phone call from Washington.

Anecdotal evidence suggests that the Kremlin supported Yanukovich's desire to use force to clear the streets. Some press accounts even claim that Russia sent its own special forces to Kyiv to assist in the protection of the presidential administration building, which at one point was under threat of forceful takeover by Orange leaders.¹⁰⁴ Press reports also claim that Putin sent his special forces unit, Vypel, to Kyiv in order to evacuate safely Kuchma and his family along with secret documents, if the moment to flee arose.¹⁰⁵ Definitive evidence of Russian military involvement never materialized, and statements made subsequently by Orange Revolution leaders

¹⁰⁰ See, for instance, comments of Major General Nicholas Krawciw, U.S. Army, retired made at American Enterprise Institute event (Washington, DC), "Ukraine's Choice: Europe of Russia?" December 10, 2004 during panel discussion entitled, "Ukraine's Armed Forces: On the Way to Join NATO?"

¹⁰¹ Author's interview with Ambassador Herbst, (Kyiv: November 2005). See also Celeste Wallander, *Ukraine's Election: The Role of One International NGO* (Washington: CSIS, March 2005).

¹⁰² Author's interview with Herbst.

¹⁰³ Author's interview with Timoshenko and Lutsenko.

¹⁰⁴ United Press International, "Russian Troops in Ukraine Capital," November 24, 2004.

¹⁰⁵ Petrov and Ryabov, "Russia's Role in the Orange Revolution," p. 151.

implied that the Russian military threat was greatly exaggerated.¹⁰⁶ Moscow's ability to influence the internal cohesion and actions of Ukrainian armed forces was just as limited as the West's.

¹⁰⁶ Ibid.

3. External Factors That Strengthened Democratic Power

As a necessary concomitant or flip-side to this weakening of the ancient regime, a unified mobilization of pro-democracy forces was also essential to the Orange Revolution. This was, of course, the aspect that captured the attention of the world's media during the autumn of 2004. It is, however, a component of Ukraine's democratic transition in relation to which external influences can easily be over-stated.

EXTERNAL CONTRIBUTIONS TO A UNITED AND EFFECTIVE OPPOSITION

Assessing the role of external actors on the formation of a united and effective opposition in Ukraine (or anywhere else) is a difficult task because of the nature and sensitivity of the work. The nature of the work is difficult to evaluate because the process of making an impact occurs indirectly over extended periods of time and in parallel to local inputs. The transfer that takes place between groups like the International Republican Institute (IRI) and the National Democratic Institute (NDI) on the one hand and Our Ukraine on the other is essentially one of ideas and know how, the most difficult variables to trace systematically.¹⁰⁷ Assessing this work is sensitive, because Ukrainian actors do not want to taint their reputations or legitimacy by reporting that Western actors contributed to their domestic success, while Western actors seek to protect their partners and also maintain a claim of acting as non-partisans. Recognizing these huge constraints, observations about the role of external actors on the development of Ukraine's opposition coalition can still be made.

First, there is no evidence that the United States or any other European government contributed financial resources directly to the campaign of Viktor Yushchenko and Our Ukraine.¹⁰⁸ Our Ukraine did receive financial contributions from citizens living in the United States and Canada, though the greatest source of foreign funding for the Yushchenko campaign came from Russia.¹⁰⁹ The Yushchenko campaign also hired American and Russian campaign consultants.¹¹⁰ But foreign governments or foreign NGOs receiving financial support from Western governments did not pay for these professional services.¹¹¹ Ukrainians did.

The EU had conspicuously declined to support the popular demonstrations that erupted in 2000. Nor did it offer material support for the democratic opposition that took shape in organized and systematic fashion after 2001. At the 2002 elections, no EU support was forthcoming for reformers, and the latter were outmaneuvered by Kuchma for positions and representation after the poll. By 2004 a small amount of party training was being offered on a bipartisan basis and

¹⁰⁷ Because tracing causality in this sector is so difficult, few have tried. Serious attempts include Carothers, *Confronting the Weakest Link*; and Sarah Mendelson, "Democracy Assistance and Political Transition in Russia, *International Security*, Vol. 25, No. 4 (Spring 2001) pp. 68-106.

¹⁰⁸ Authors' interviews with Kathryn Stevens, Director, Office of Democracy & Governance USAID Ukraine; Chris Holzen, Resident Director, Ukraine, International Republican Institute; David Dettman, Resident Director, Ukraine, National Democratic Institute; Taras Stetskiv, Member of Parliament and Our Ukraine campaign manager (Kyiv: November 2005).

¹⁰⁹ Author's interview with a board member of a major Russian corporation, which gave funds to the Yushchenko campaign. The businessman asked not to be identified (Moscow: June 2005).

¹¹⁰ An American firm, Aristotle International, provided some marginal campaign advice to Our Ukraine. The Russian firm Image Kontakt, headed by Aleksei Sitnikov, also worked for Yushchenko. (Author's interviews with Sitnikov and David Dettman, a former Aristotle employee).

¹¹¹ The head of NDI's office in Kyiv, David Dettman, used to work for Aristotle International and most certainly facilitated the initial contacts between Our Ukraine and Aristotle International. Interestingly, in the 2006 parliamentary election, this company worked for Kuchma's former chief of staff, Viktor Medvedchuk. Likewise, Yanukovich and his Party of Regions dumped the Russian consultants for the 2006 contest and hired one of the Washington's most prominent Republican firms, Davis Manafort, which had previously worked for Ronald Reagan and George W. Bush. See Jeremy Page, "Revolution is reversed with a little spin from the West," *The Times*, March 28, 2006.

some indirect logistical support provided in-kind for pro-democracy protestors, Germany, Spain and France eschewed directly political aid projects in the run up to or in the wake of the first round of the 2004 elections. The role of quasi-independent party foundations such as the Westminster Foundation for Democracy, the German Stiftungen or the Dutch Alfred Mőzer Foundation represented the more notable aspect of European political assistance. In interviews, actors in the Orange Revolution reported favorably on the demonstration effects that Serbia 2000 and Georgia 2003 had on their own mobilization efforts. Contacts between youth activists from Serbia, Slovakia, and Georgia provided inspiration to their counterparts in Ukraine, even if the transfer of technical knowledge about civic resistance is more difficult to measure. The most tangible backing for democracy activists came not from Western official initiatives, but through links between Pora and its Serbian counterpart, Otpor (Pora was too high profile to receive either European or US funding).¹¹²

While his role was praised *ex poste*, EU foreign policy representative, Javier Solana, was initially reluctant to get involved in supporting the Orange Revolution. The more activist states complained at Solana's passivity; Solana's team were concerned that they lacked a clear mandate supported by all EU governments. One civil society representative lamented that Solana focused on events in Ukraine only after being pushed hard by Poland and when he belatedly saw 'history being written'. The triumvirate that was eventually assembled of Solana, Aleksander Kwasniewski and Valdas Adamkus, the Polish and Lithuanian presidents, respectively, focused on mediating more than bolstering support for the opposition. There was general agreement that it was Kwasniewski who served as the crucial interlocutor, based on a long-standing mutual confidence with Kuchma. Solana was generally recognized as having played a valuable mediating role, while maintaining a line of, 'we do not meddle, or take sides'. This tempered the degree to which EU intervention served as a rallying point for the uniting of an erstwhile fractious opposition.

As discussed above, the Our Ukraine campaign had greater organizational reach than any other party in Ukraine. Our Ukraine leaders accomplished this feat primarily on their own through years of hard work. At the same time, Our Ukraine political leaders reported that the development of their organizational capacity benefited from years of close relationships with the National Democratic Institute and the International Republican Institute.¹¹³ Well before the formation of the Our Ukraine bloc in 2002, IRI and NDI also worked closely with many of the individuals who later assumed senior positions in the Our Ukraine organization and campaign. After the creation of the party, NDI and IRI provided additional training assistance, though using different strategies. IRI conducted multi-party training programs focused almost exclusively on regional party leaders outside of Kyiv, while NDI provided trainers to programs organized by Our Ukraine, a service they provided to other parties as well.¹¹⁴ NDI staff also focused more of their efforts on working with Our Ukraine's senior leadership in Kyiv. Measuring systematically the results of these interactions, be it NDI's engagement with senior party officials or IRI regional training efforts, is beyond the scope of this study.¹¹⁵ That there were purposive efforts by both IRI and NDI to strengthen Our Ukraine's campaign abilities is without question.

Indirectly, both NDI and IRI also helped to increase the respectability of Yushchenko in Washington. IRI organized a trip to Washington for Yushchenko and his senior staff in February

¹¹² T. Kuzio, "The Opposition's Road to Success," *Journal of Democracy* 16, no. 2, 2005, p. 127.

¹¹³ Interviews with Stetskiv and Katarynchuk.

¹¹⁴ Author's interviews with Dettman and Holzen, and Tetiana Soboleva, NDI trainer (Kyiv, November 2005).

¹¹⁵ To measure the impact of these long-term programs on party development would require the use of surveys of recipients of this technical assistance then compared to the ideational and organizational development of parties not exposed to this kind of aid. Such data do not exist.

2003, at which time the Ukrainian presidential candidate met with key Bush Administration officials and members of Congress. Significantly, he met Senator Lugar, who would eventually play a key role in helping to impede American endorsement of the second round result of the 2004 vote.¹¹⁶ Former Secretary of State Madeleine Albright, chair of NDI's board, traveled to Ukraine in February 2004 to meet with Yushchenko and other Our Ukraine officials. Upon her return to Washington, she also spoke favorably about Yushchenko's candidacy. These kinds of contacts helped assure the Bush administration that the Ukrainian opposition was viable and worth supporting. Our Ukraine ties with other European parties also bolstered Yushchenko's image in the West. More generally, elite networks between Our Ukraine leaders and Western leaders nurtured Our Ukraine allies in the West when debates erupted in Washington and European capitals about how to respond to the Orange protestors.¹¹⁷

Turnout in regions supportive of Yushchenko were much higher in the 2004 election than in previous elections. Several American and European organizations, including IRI, NDI, the International Renaissance Foundation (the Ukrainian affiliate of the Soros Foundation), Freedom House, Internews, and the Eurasia Foundation contributed direct financial assistance to the get-out-the-vote projects organized by their Ukrainian partners.¹¹⁸

For years before the 2004 vote, Russian state authorities tried to weaken and divide the Ukrainian opposition. In August 2001, Russian prosecutors charged Yulia Timoshenko with "complicity in bribe-giving."¹¹⁹ In 2004, Russian media outlets with reach inside Ukraine described Our Ukraine as having fascists within its coalition. These same sources also cast Yushchenko as an American puppet, controlled by his wife, an American and former Department of Defense official.

EXTERNAL CONTRIBUTIONS TO EXPOSING FRAUD

Many of the Ukrainian activities that contributed to the exposure of fraud had significant assistance from external actors. In fact, the West's central contribution to the Orange Revolution was in the form of long-term support of voters' rights groups, think tanks, youth groups and other civil activist organizations and media organizations that would be instrumental in monitoring, polling, conducting PVTs and exit polls, disseminating information about voters' rights and violations of those rights.

Even with the mixed results of the parallel vote tabulation, CVU still played a leading role in exposing fraud (and creating the perception of fraud) during the second round of the presidential vote, first through its network of 10,000 monitors (the number cited in CVU press releases), second through the CVU-initiated legal actions that helped challenge the legitimacy of the official results, and third through the evidence of falsification gathered by CVU officials and then used by the Our Ukraine lawyers before the Supreme Court. Based on its experiences first in the Philippines and later in other countries in post-communist Europe, NDI provided the original idea for a Ukrainian election monitoring organization and also substantial technical and financial

¹¹⁶ Author's interviews with Lorne Craner, president of International Republican Institute, and Steve Nix, Director of FSU Programs, International Republican Institute (Washington: October 2005).

¹¹⁷ Zbigniew Brzezinski, Lech Walesa, Ambassador William Miller (former U.S. ambassador to Ukraine), and Adrian Karatnycky are examples of private citizens with close ties to Our Ukraine who played active roles in shaping Western debates about the Orange Revolution.

¹¹⁸ Author's interviews with Eric Boyle, Regional Director, Kiev Regional Office, The Eurasia Foundation; Yevhen Bystrytsky, Executive Director, International Renaissance Foundation;

Juhani Grossman, Senior Program Officer, Civic Participation in Elections in Ukraine, Freedom House; Petro Koshukov, co-director of Znayu project; Inna Pidluska, President, Europa XXI Foundation (Kyiv: November 2005).

¹¹⁹ Jan Maksymiuk, "Yulia Timoshenko now faces criminal charges from Russia," *The Ukrainian Weekly*, September 9, 2001.

assistance to CVU throughout its development, support for the 2004 election.¹²⁰ In 2004, other Western donors, including most importantly the International Renaissance Foundation (IRF), also contributed major financial resources to CVU.¹²¹ The PVT technology used by CVU was also imported from the United States.¹²²

CVU was the largest and most visible NGO effort supported by Western funds dedicated to exposing fraud, but not the only effort. At the end of its voter education and voter mobilization campaigns, the Znayu campaign, supported financially by the U.S.-Ukraine Foundation and Freedom House, also turned to exposing fraud, including one leafleting campaign which threatened CEC officials about the legal consequences of committing electoral fraud.¹²³ Yellow Pora, Black Pora, Chysta Ukraina, and hundreds of smaller NGOs also used various tactics to expose fraud. Through its small grants program, Freedom House funded many of the NGO activities at the regional level through its Citizen Participation in Elections in Ukraine program.¹²⁴ Our Ukraine also worked hard to expose fraud, first by training its party representatives serving on CEC commissions on the rules for vote counting and mechanisms for recording irregularities, and second by organizing a parallel network of election monitors. NDI played a major role in training Our Ukraine monitors.¹²⁵

Democratic Initiatives Foundation's (DIF) exit poll, which also played a critical role in undermining the legitimacy of the second round official results, was also an imported technology. Its use in Ukraine was funded almost entirely by Western donors, including the International Renaissance Foundation, Eurasia Foundation, Counterpart, and several Western embassies.¹²⁶ IRF even financed the participation of Russian and Polish polling experts in the exit poll project.¹²⁷

In addition to Ukrainian poll watchers, the Organization for Security and Cooperation in Europe (OSCE), IRI, NDI, and the U.S.-Ukrainian Foundation deployed international election monitoring teams to observe the Ukrainian election. Most innovatively, NDI and Freedom House cooperated to bring to Ukraine the European Network of Election Monitoring Organizations (ENEMO), which was comprised of 1,000 observers from 17 electoral monitoring organizations in formerly communist countries. ENEMO brought trained electoral monitors, experienced in exposing post-communist vote rigging (many observers also spoke Russian) and at a fraction of the cost that it would have taken to bring in Americans or Western Europeans. All of these international teams released critical reports about the election process, which were instrumental in generating a unified American and European condemnation of the voting procedures.¹²⁸

Another successful innovation in the Ukrainian observation efforts was the presence of special envoy, Senator Richard Lugar, who visited Ukraine during the second round of voting as a personal representative of President Bush. An experienced foreign affairs specialist and the chair

¹²⁰ On this technology, see Eric Bjornlund, *Beyond Free and Fair: Monitoring Elections and Building Democracy* (Baltimore: Johns Hopkins University Press, 2004).

¹²¹ The figures are listed in International Renaissance Foundation, *Promotion of the Fair and Open Election of 2004* (Kyiv: IRF, January 2005).

¹²² Author's interview with CVU leaders Popov and Poberezhny. On this method for exposing fraud, Larry Garber and Glenn Cowan, "The Virtues of Parallel Vote Tabulations," *Journal of Democracy*, Vol. 4, No. 2 (April 1993), pp. 95-107.

¹²³ Author's interviews with Koshekov and Potekhin.

¹²⁴ Author's interview with Grossman and several Ukrainian recipients who received these funds.

¹²⁵ Author's interview with Vadim Galaychuk, General Director, Moor & Krosodovich and Coordinator for Our Ukraine Election Monitoring Program (Kyiv: November 2005).

¹²⁶ See <http://www.ukma.kiev.ua/pub/DI/partners.html>

¹²⁷ International Renaissance Foundation, *Promotion of the Fair and Open Election of 2004* (Kyiv: IRF, January 2005), p. 74.

¹²⁸ "Declaration by the Presidency of the European Union on Ukraine," November 22, 2004 at www.eu2004.nl/default.asp?CMS_ITEM=B2C459EC419347E59AA019D53CAE787EX1X60623X25.

of the Senate Foreign Relations Committee, Lugar had the authority to make his judgments meaningful in Washington and European capitals. His press statement on the vote was scathing: “[i]t is now apparent that a concerted and forceful program of election-day fraud and abuse was enacted with either the leadership or cooperation of governmental authorities.”¹²⁹ Lugar’s statement in turn bolstered the negative evaluation and tone of Secretary of State Colin Powell’s first remarks on the vote, which were much more damning than initial reactions from the White House. Powell unequivocally declared the official result illegitimate, “because it does not meet international standards and because there has not been an investigation of the numerous and credible reports of fraud and abuse,” and warned that “[i]f the Ukrainian government does not act immediately and responsibly, there will be consequences for our relationship, for Ukraine’s hopes for a Euro-Atlantic integration, and for individuals responsible for perpetrating fraud.”¹³⁰ Our Ukraine leaders and NGO activists reported that Powell’s remarks provided a major boost of inspiration for their supporters.¹³¹ His statement also raised doubt within the president’s entourage about their ability to make the “official” results stick.

The contribution made by European governments to exposing fraud was slightly more circumspect. It is now well known that the observation mission for the rerun second round of the poll in December was the largest assembled in history. But in the first round, the number of EU observers was limited, with only Poland and Slovakia sending significant numbers.¹³² Even after the first round, the Poles complained of German resistance to the idea of the EU intervening against Russia’s overt backing for Yanukovich. Joschka Fischer was the only German cabinet member immediately to demand a re-run. At the poll, the French foreign minister placed his stress on the risks of destabilizing change spreading through the region more than on the unacceptability of the first round fraud.¹³³ Indeed, interviews uncovered that the French government was particularly ambivalent and tardy in backing protestors’ claims that the second round results were fraudulent.¹³⁴ Conversely, the British, Dutch and Swedish governments did join the US in funding exit polls.

It was only after the electoral fraud had been exposed by local groups that the EU, according to one account, ‘changed to a stick approach’ and threatened ‘serious consequences.’¹³⁵ France and Germany did send observers to the OSCE mission that monitored the re-run of the election, and began to suggest that the future of Ukraine’s relations with the EU would depend on a democratic outcome to the impasse. European diplomats acknowledged that the crucial factor in the case of Ukraine in late 2004 was how fast and radically conditions changed on the ground. The unexpected scale and success of the Maidan protests left Western governments looking highly reactive in their policies, and clearly ran counter to the predictions of many EU member states. Moreover, French and German positions changed (only) at the point when Russia itself concluded that defeat for the incumbent regime was inevitable, and when prudent self-interest required less hesitant backing for the likely next president, Viktor Yushchenko. The latter found strong fraud-reversing assistance from European governments only once momentum towards democratic breakthrough had already taken hold. Here, international influences were imported as a useful secondary back-up, not a factor that was primary in igniting the initial steps towards regime change.

¹²⁹ <http://www.globalsecurity.org/wmd/library/news/ukraine/ukraine-041122-lugar.htm> November 22, 2004.

¹³⁰ Quoted in William Branigin, “U.S. Rejects Tally, Warns Ukraine,” *The Washington Post*, November 25, 2004; p. A36 available at <http://www.washingtonpost.com/wp-dyn/articles/A10212-2004Nov24.html>.

¹³¹ Author’s interview with Lutsenko, Timoshenko, and Pora student leaders.

¹³² Only about 200 observers were sent by foreign governments for the first round, over three thousand for the second round in December.

¹³³ Both quoted in R. Youngs *Survey of European Democracy Promotion Policies 2000-2006*, Madrid, FRIDE, 2006

¹³⁴ A. Guillemoles, *Même la Neige était Orange: La révolution ukrainienne*, Paris: les Petits Matins, 2005, pp. 75-77.

¹³⁵ Sushko and Prystayko, op. cit., p.132

EXTERNAL CONTRIBUTIONS TO INDEPENDENT MEDIA

During the 2004 presidential campaign, Internews subsidized and supported a whole series of activities, including the production of public service announcements, television talk shows, press conferences around the country, and funds to support local coverage of the national campaign and voters' rights in the print media.¹³⁶ These activities only occurred in the margins since pro-Kuchma forces still dominated the national electronic media. The survey data needed to measure the causal impact of these externally supported activities do not exist.

During the Orange Revolution, several journalists, including Andrei Shevchenko and Roman Skrypyn at Channel 5 and Natalia Dmytruk, the famed official sign-language interpreter for state-run television, assumed heroic roles in their coverage of the campaign and the civic resistance triggered the electoral fraud.¹³⁷ At various stages in their careers, many of these people had contact with Western donor programs, most notably USAID-funded media projects.¹³⁸ As already discussed, *Ukrainska Pravda*, which played a central role in the Orange Revolution, received major support from the National Endowment for Democracy.¹³⁹ Telekritika, an Internet publication sponsored by Internews, was a useful source of information and debate during the 2004 campaign and its immediate aftermath. Discussions on Telekritika were especially instrumental in spurring the "journalists rebellion" on October 28, 2004, when forty journalists from five different television stations declared that they would no longer obey the Kuchma regime's secret instructions (*temniki*). Maidan.org -- another media outlet critical for the coordination of "revolutionary" activities -- received major financial assistance from Western donors.¹⁴⁰ When asked *ex poste* what type of democracy assistance had proved most useful and pertinent, both EU officials and members of the Orange coalition referred to European media training and support. They suggested that, while such support was low key during the Kuchma years, it had helped change journalists' perspectives and provided professional know-how, factors that acted as background 'enablers' of the pro-reform role adopted by some Ukrainian media in late 2004.

EXTERNAL INPUTS INTO MASS MOBILIZATION

Several weeks in advance, Our Ukraine planned the first actions of civic resistance after the second round of voting. There is no evidence that they received any Western intellectual or financial assistance in making these preparations. Nor did U.S. or European government sources support their two-week operation on the Maidan. The assertion that demonstrators were paid a daily wage for their efforts is a complete myth. In line with their preference for 'reform from within', European politicians did not encourage mass mobilization. Solana actually called for demonstrators not to impede the working of government ministries -- a call that was unceremoniously ignored by the crowd.¹⁴¹

¹³⁶ Author's interview with Sue Folger, Ukrainian Director of Internews (Kyiv, November 2005).

¹³⁷ When translating the spoken broadcast into sign language, Dmytruk told her viewers through her hands that the announcer was not telling the truth. Her defiance was a pivotal moment in spurring other journalists to defy dictates from the state.

¹³⁸ Author's interview with Andrei Shevchenko, Channel 5, and Kateryna Myasnykova, Executive Director, Independent Association of Broadcasters (Kyiv: November 2005) Natalya Ligachova, Project Director and Chairman of the Board, Telekritika, (Kyiv: February 2006).

¹³⁹ Author's interviews with Nadia Diuk, Senior Program Officer, National Endowment for Democracy (Washington: October 2005) and Olena Prytula, editor *Ukrainska Pravda* (Kyiv: March 2005)

¹⁴⁰ Remarks by Andriy Ihnatov, Board Member, Maidan Inform, at a workshop on the Orange Revolution, International Renaissance Foundation, Kyiv, March 18, 2005.

¹⁴¹ *Ibid*, p. 140

External inputs into facilitating mass mobilization were more indirect. Most importantly, a model for “electoral revolution” existed and had succeeded in two post-communist countries in the previous three years – Serbia in 2000 and Georgia in 2003. Serbian and Georgian activists from Otpor and Kmara helped reinforce these demonstration effects through direct interaction with their Ukrainian counterparts.¹⁴² In particular, Yellow Pora leaders had significant contacts with civic resistance activists from Slovakia, Serbia, and Georgia, through the facilitating efforts of Freedom House and the German Marshall Fund. For instance, Freedom House organized and funded a summer camp for Ukrainian youth activists and invited trainers from the Serbian youth movement, Otpor, to attend. Pavol Demes, a leader of the OK 98 movement in Slovakia, traveled to Ukraine several times in the months leading up to the Orange Revolution to train and provide support for Yellow Pora. In their training programs, Znayu also used trainers from Serbia and Georgia.¹⁴³ It is difficult to trace exactly what knowledge about non-violent resistance was transferred in these interactions, but it is without question that Ukrainian activists received inspiration from successful civic organizers from other countries.¹⁴⁴ Moreover, nearly all of these civic mobilization training programs received at least partial funding from Western sources, including the International Renaissance Foundation, Freedom House, the U.S-Ukrainian Foundation, the German Marshall Fund, NDI, the Westminster Foundation, SIDA, and grants from Western embassies in Kyiv.¹⁴⁵ Black Pora and Yellow Pora received direct financial assistance from several Western sources, including the Westminster Foundation, the German Marshall Fund (GMF), and several Western embassies. USAID and its implementers, however, never provided any direct assistance to these youth groups, as they were considered too radical and partisan.¹⁴⁶

Western condemnation of the falsified election also inspired the demonstrators. When Secretary of State Colin Powell’s words of condemnation were read on Maidan Square, the crowd applauded emphatically. Former Solidarity leader Lech Walesa addressed the demonstrators on Maidan, assuring them that the West was on their side. Similarly, several Western ambassadors met with Our Ukraine leaders during this period to express support and empathy. The impact of these acts of solidarity is difficult to quantify, but many leaders of the Orange Revolution subsequently testified that Western support for their protest played a very positive role in keeping people on the streets.¹⁴⁷

EXTERNAL CONTRIBUTIONS TO CRISIS MEDIATION

In parallel to these activities was a mediation effort between Kuchma, Yanukovych and Yushchenko that was facilitated by Presidents Aleksander Kwasniewski of Poland, Valdas Adamkus of Lithuania, and Javier Solana of the European Union. Kwasniewski was especially influential in pressing for a negotiated but “right” solution to the crisis; Solana followed his lead. The Bush Administration deliberately did not seek a public role in the negotiations, but stayed closely involved behind the scenes through contacts with Kwasniewski, Solana and Adamkus. This international effort helped diffuse tensions between polarized enemies. Somewhat contrary

¹⁴² Author’s interview with Andriy Kohut, Member of Board, (Black) Pora! (Kyiv: March 2005).

¹⁴³ Authors interview with Potekhin.

¹⁴⁴ Interviews with Potekhin and Kosuchev from Znayu, and Kaskiv and Zolotarev from Yellow Pora, all participants in these transnational meetings.

¹⁴⁵ Altogether, in the year before the 2004 vote, the International Renaissance Foundation, the local Ukrainian arm of the Soros foundation, contributed \$1,653,222 to non-governmental organizations implementing election related projects. See International Renaissance Foundation, *Promotion of the Fair and Open Election of 2004* (Kyiv: IRF, January 2005), p. 1. Yellow Pora was a recipient of several IRF grants.

¹⁴⁶ Author’s interviews with several USAID officials and Pora members (March and November 2005).

¹⁴⁷ Author’s interviews with Orange Revolution leaders Timoshenko, Lutsenko, Grynev, Galaychuk Stetskiv, Katarynchuk and Yellow and Black Pora activists (November 2005)

to subsequent impressions, European efforts were more significant at this level of elite mediation rather than at the level of proactive support for the Orange coalition.

Western mediators also helped persuade Yushchenko to accept constitutional changes that would weaken the power of the president and strengthen the power of the parliament, a compromise that certainly made it easier for Kuchma and Yanukovych to agree to a third round of elections. That is, the EU pushed for a 'pacted' solution, based on Yushchenko agreeing to cede some presidential powers to the parliament in order to placate Kuchma's allies who would thus retain influence. Views on the deal struck with Kuchma/Yanukovych differed. Some saw it as both necessary and a means of guaranteeing against an over-bearing presidency in the future. But many civil society activists in Ukraine lamented that the EU 'gave too much away' in December 2004 to the Yanukovich camp, with reformists judging that it did so specifically in order to reach a negotiated position between France and Germany, on the one hand, and the new member states, the Nordics and the UK, on the other hand. European diplomats protested that in practice negotiations were not so clear-cut, with the speed of events representing the overwhelming factor in November and December 2004 and with even the more enthusiastic European backers of the Orange Revolution accepting that some form of deal had to be struck.

Hence, whether the roundtable negotiations were *necessary* for the breakthrough, however, is disputable. Critics of the negotiations, including Yulia Timoshenko, have argued that the Western-anchored mediation efforts were not central to the outcome and actually tied the opposition's hands after breakthrough.¹⁴⁸ Ironically, after the 2006 parliamentary elections, Yanukovych became Prime Minister again, this time with more enhanced powers as a result of the Orange Revolution.

¹⁴⁸ Author's interview with Timoshenko. See also Youngs, "Ukraine," p. 100.

Conclusion

The Orange Revolution resulted from miscalculations by the *ancien regime*. Kuchma had successfully manipulated the vote to retain power in 1999.¹⁴⁹ Kuchma and his aides believed they could do the same for Yanukovich in 2004. They underestimated the opposition's ability to win the election, expose fraud, and mobilize citizens to protect their votes through mass demonstrations. They overestimated their ability to withstand or stop the protests. The Orange Revolution was a contentious struggle for power between a semi-autocratic regime and a democratic opposition, in which the opposition had enough power – the necessary strategies, resources, and popular support -- to prevail. Between 2001 (the last time these two sides had clashed) and 2004, the balance of power between autocratic incumbents and democratic challengers had shifted in favor of the latter.

The set of necessary conditions needed to produce this favorable balance of power was large and complex. The presence of only a few of these factors would not have generated the same outcome. A more popular or more ruthless autocrat might have been able to outmaneuver the democratic opposition. A less organized electoral monitoring effort might not have been able to convince people to take to the streets. Thousands on the streets, instead of tens of thousands or hundreds of thousands, might have tempted the regime to use force, and they might have succeeded. A myriad of factors must be in play to produce dramatic events like the Orange Revolution.

Of this long list of factors, external actors played a role in influencing only a few. Given the extremely precarious distribution of power, however, these *imported* inputs from the West were consequential in tipping the balance in favor of the democratic challengers.

With regard to policies, actions, and programs aimed at weakening the semi-autocratic regime, the Ukrainian experience suggests that it is hard for outsiders to foster splits within the *ancien regime* and also difficult for them to influence directly the popularity of the regime. The West played no measurable role in fostering splits within the security forces. Anecdotal evidence suggests that Western criticism of Kuchma contributed to his declining popularity at home, but no hard data exists to isolate the independent causal role of foreign rebuke.

More generally, however, the West did seem to play a role in impeding the full-scale consolidation of autocracy. Western resources helped strengthen institutions such as the Rada, which checked presidential power. Western long-term aid to civil society also helped keep semi-autocracy in Ukraine from becoming a full autocracy. Russia provided technical assistance and resources for constructing a stronger autocracy, but these resources were insufficient. It also remains unclear if Kuchma actually wanted to construct a full-blown autocracy. In the margins, Western engagement of Kuchma, his aides, and his family members raised the costs of completely turning away from democracy.

The EU represented an aspirational reference point for at least some members of the regime, and retaining engagement with the EU constituted one vital pole of Kuchma's multi-vector foreign policy. The depth of partnership promised to Ukraine by the EU was admonished as insufficient by reformists both within and outside the regime. And the EU did not categorically condition its cooperation on prior democratic transition, itself keen to counterweight Moscow's strategic influence. But, the general perception existed within the regime that partnership with the EU -

¹⁴⁹ Wilson, *Ukraine's Orange Revolution*, pp. 42-43.

and keeping open the prospect of eventual EU accession – required at least some of the formal aspects of competitive politics to be retained. At the margins, this was one factor that discouraged any slide into full autocracy. The EU’s focus on economic governance and technical harmonization was not about preparing overtly and directly for democratic transition – indeed, as argued, in some ways it was designed to head off abrupt and destabilizing regime change. But arguably it did lock Ukraine into an area of Euro-governance that provided some of the legal and procedural mechanisms that enabled the Orange coalition to establish its first foothold.

Regarding policies, actions, and programs aimed at strengthening the opposition, the Ukrainian experience suggests that it is difficult to influence the effectiveness of opposition candidates in elections. In the margins, external actors can encourage unity among the democratic opposition, but the real drivers of unity will always be local actors. Western imports were crucial in exposing electoral fraud. The ideas and technology for exposing fraud -- exit polls, a parallel vote tabulation, and poll monitors -- were imported from the United States. Funding for these activities came largely from Western sources, and the presence of international monitors provided moral support for local monitors. External actors also contributed to the development of independent media in Ukraine. One of the most effective media outlets, *Ukrainska Pravda*, relied almost exclusively on external financial support. EU officials would later opine that their most positive influence prior to 2004 was in supporting the modicum of media independence that oiled the wheels of the Orange Revolution at crucial junctures in late 2004. Finally, imported ideas and resources strengthened electoral mobilization, both before and after the vote. If financial assistance for these mobilization activities came from American and West European sources, intellectual and inspirational input came from Serbs, Georgians, and Slovaks. Tracing the intellectual origins of civic resistance ideas back even further, Indian and American ideational inputs – that is, the ideas and practices of Mahatma Gandhi and Martin Luther King – are also present in the making of the Orange Revolution.

In short, it was a general feeling of being ‘left behind’ – as the EU expanded to Ukraine’s immediate neighbours - that was one, albeit secondary factor that motivated protestors. Kuchma himself probably did conclude that an attempt to force through a rigging of the elections in 2004 would have consequences for relations with Europe, even though he himself had enjoyed much support from EU governments up until that point. European influence had impact more at this level than in terms of concrete responses to democratic backsliding after 2000. Members of the Orange coalition would commonly refer to the presence of European Union flags on the Maidan during the 2004 protests as evidence of EU influence. Again, this symbolized the influence of aspiration and hope – that, as became painfully evident after 2004, were not founded on any concrete policy promises or inducements that the EU had provided for democratic transition.

Far from orchestrating democratic protest behind the scenes most international actors were in reactive mode once mass mobilization began to impact events in the autumn of 2004. European democracy assistance proper did not play a prominent role in Ukraine. This was forthcoming at a low level and did not support the political activism that directly undermined Kuchma. U.S. funding was slightly more ‘forward leaning’, but also of facilitative rather than determinant value. The EU arguably set broad set of incentives that loosely filtered into Ukrainian identity and aspirations, and then intervened in a way that had more identifiable impact only when the regime was already on its way out, because of the strength of domestic led pressure for change. European governments did not purposively encourage democratic protest, certainly until this was already potent.

European influence discouraged any temptation the Kuchma regime might have had completely to close the modicum of political space that existed in Ukraine before 2004. But it did not

guarantee against some meaningful reversals in political and civil rights during that period. Nor did it actively seek to hasten the arrival of democracy, at least until the confluence of domestic events presented the denouement of late 2004. The EU's focus on legislative harmonization prior to the Orange Revolution might have helped eventually to load the dice in democracy's favour, but many civil society actors criticized it for shoring up Kuchma for longer than was necessary and diverting attention from the more serious political abuses that occurred after 2001.

This paper has focused very specifically on the precipitants of the Orange Revolution and the external factors that influenced them, and not the longer term structural factors that produced the precipitants. Pushing the causal arrow back and assessing, for instance, how external dimensions influenced the development of the middle class, economic growth, or civil society is a necessary next step in constructing a complete explanation of the domestic and international causes of the Orange Revolution.

This article also has offered a new method for the study of democracy promotion, starting first with a theory of democratization based on domestic variables and then zooming out to see how they were impacted by international factors. This article has deliberately recorded non-findings; some significant domestic factors for producing the Orange Revolution had no external influence, even when we can identify purposive external actions designed to influence these domestic factors. This single case study cannot generate a new or complete theory for external dimensions of regime change. More modestly, this article provides a research strategy for how to isolate the causal mechanisms connecting the international to the domestic regarding democratization, with the expectation that future case studies structured in similar ways might eventually contribute to theory development in this very under-theorized field.