

Democratic Revolution in Ukraine

From Kuchmagate to Orange Revolution

Edited by Taras Kuzio

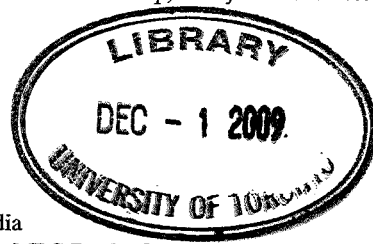
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Revolutionary Bargain: The Unmaking of Ukraine's Autocracy through Pacting

SERHIY KUDELIA

When political scientists fail to foresee something, they rush to explain it. Scholarly debates about the phenomenon of protests against fraudulent elections may be a case in point. Sparked by the spectacle of the Orange Revolution in Ukraine, these discussions generated a new analytic concept – electoral revolutions.¹ The very fact that such popular uprisings even occurred became, for some, a puzzle in itself.² The various possible explanations range from idiosyncratic to structural, from common internal factors to favourable international circumstances. They share an assumption that ‘electoral revolutions’ possess an independent causal significance for producing democracy. This essay, by contrast, puts popular protests in the wider context of intense and protracted elite confrontation, challenging the notion of their direct and unequivocal impact on democratization.

In my view, the protest wave following the 2004 presidential election in Ukraine should be treated as an analytically inseparable part of the broader process, modelled by Dankwart Rustow in his seminal 1970 article, which

advanced a novel insight into democratic transition as a process driven by the incessant and inconclusive political conflict between opposite elite groups.³ Their mutual recognition that neither could achieve a convincing victory provides a crucial impulse for the warring elites to agree on the new democratic rules. In this framework, democratic breakthrough is achieved through elite negotiations and compromise, rather than through popular mobilization on the streets. Electoral revolutions thus represent a vivid, often moving, by-product of elite struggle, which characterizes, in Rustow's terms, the ‘preparatory phase’ of any transition. They may result in a genuine democratic change only as long as they push elites to the negotiating table. The quest to understand elite turnover in semi-authoritarian conditions should then start with the focus on the origins of elite feud itself.

Severe political crisis in Ukraine in 2000–2001 became a starting-point for the gradual demise of Leonid Kuchma's regime. It fuelled society's resentment of the state leaders and roused distrust in state institutions. The crisis also precipitated a bitter clash between entrenched hard-liners in power and rising opposition leaders, who mounted their challenge in response to shifting public sentiments. The first section of this essay explains the sources of the political crisis in Ukraine, the patterns of societal mobilization during the crisis, and its effects on the nature of state–society relations, the regime's institutional coherence and the relative power of various elite actors. The second section looks at the ‘preparatory phase’ between the parliamentary elections of March 2002 and the presidential elections of October 2004, when the elite conflict escalated and reached its peak in the election run-off. It focuses on the attempts of the ruling elite to demobilize the society and achieve institutional re-equilibration, and on the strategies of the opposition to counter demobilization policies and sustain its strength. The third section analyses the ‘decision phase’ of the political process between the second round of presidential elections on 21 November 2004 and the third round on 26 December 2004. It explains how mass popular protests against the rigged election, and the regime's continued control over the coercive apparatus, led both sides to accept a compromise solution in the form an elite pact. I conclude by assessing the prospects of a ‘habitation phase’, when elites learn to live with each other under a new institutional arrangement.

Exposing the Regime: Ukraine's Founding Political Crisis (2000–2001)

In their eminent study of breakdowns of authoritarian regimes, Guillermo O'Donnell and Philippe C. Schmitter attribute the start of democratic transition to a division within the ruling elite between soft-liners and hard-liners.⁴ In Schmitter's earlier analysis of regime change in Portugal he argues that ‘the sources of contradiction, necessary if not sufficient for the

overthrow of authoritarian rule, lie within the regime itself, within the apparatus of the state, not outside in its relations with the civil society'.⁵ The centrality of elites to both the beginning and the outcome of democratization has become the point of consensus in much of the literature on transitions.⁶ In such an elite-centred framework, society plays a role only insofar as it influences the 'willingness and capacity of the two elites to negotiate with each other'.⁷ In the case of Ukraine, however, societal mobilization tore the ruling elite apart and challenged the legitimacy of the existing regime. Protests in Ukraine, which started in late 2000, led to the rapid and irreversible polarization of the regime's relations with society, which later spread to relations within the political elite itself.⁸ Growing confrontation between the authorities and opposition elites in Ukraine emerged in response to the collapse of society's trust in state institutions.

The first, most serious, political crisis in independent Ukraine's history erupted just a year after President Leonid Kuchma was re-elected for another term.⁹ Having secured his office largely through intimidation and fraud, Kuchma immediately moved to expand his powers *vis-à-vis* parliament. His proposed changes to the Constitution included giving the president the right to dissolve parliament, depriving deputies of immunity from criminal prosecution, and making the country's legislature bicameral. In order to ensure the success of his initiative, in April 2000 Kuchma held a nationwide referendum, which resulted in overwhelming public approval of all the proposed changes.¹⁰ If adopted, these constitutional amendments would move Ukraine closer to becoming a full-fledged authoritarian regime, ending Kuchma's six-year effort at consolidating powers in his hands.

Already during his first term in office (1994–99), Kuchma strengthened his rule by acquiring new formal levers of power and establishing informal mechanisms of control. The president's additional formal powers allowed him to issue economic decrees and appoint heads of oblast state administrations; his informal means of control included using 'power ministries', such as the ministry of the interior, the security service, the tax administration, and the general prosecutor's office to ensure the full obedience of lower-level officials.¹¹ This provided Kuchma with 'administrative resources' to manipulate the election process and rig its outcomes.¹² Business oligarchs such as Viktor Pinchuk, Viktor Medvedchuk, Grigory Surkis and Oleksander Volkov became another important element of his informal network, providing critical financial and media support for his re-election campaign.

By 2000 Ukraine had moved into a political grey zone of hybrid regimes, which some scholars define as 'competitive authoritarianism'.¹³ While having formal democratic institutions that provide for limited political contestation, these regimes are also characterized by constant abuse of democratic principles by the ruling elite. According to Rose and his collaborators, fully

democratic regimes have four defining qualities: (1) prevalent rule of law; (2) active institutions of civil society, independent of the state; (3) free and fair elections; and (4) governors accountable to the electorate.¹⁴ In Ukraine's case, rule of law was undermined by the mechanisms of informal control; civil society remained underdeveloped and tightly controlled by the state; elections were largely fraudulent; and the horizontal accountability of the executive was undermined by the president's domination over other branches of power. With the constitutional changes, Kuchma sought to suppress the parliament as the only remaining source of political dissent, thereby minimizing the likelihood of any future political challenge.

Kuchma's assault on the legislature's powers revealed the lack of an organized democratic opposition capable of defending the institutional status quo. By nominating Viktor Yushchenko to head the government and allowing Yulia Tymoshenko to become deputy prime minister for energy policy, the president co-opted parties of the centre-right flank, including the splintered Rukh factions, 'Reforms and Order' and 'Bat'kivshchyna'. In early 2000, national democrats entered into an alliance with the oligarchic factions and formed a pro-presidential majority in parliament. A few non-leftist deputies who refused to join a new majority, such as Serhiy Holovatyi or Anatoliy Matvienko, ended on the margins of Ukrainian politics. On 13 July 2000, 251 deputies (out of 450) gave preliminary approval to the draft legislation expanding presidential powers. Communists and socialists were the only two factions who, along with some independent deputies, resisted constitutional change. Armed with the referendum results showing public support for a stronger presidency, Kuchma confidently headed towards his goal of dominating the parliament.

The triggering event of the 2000–2001 political crisis in Ukraine was a public statement by the leader of the Socialist Party of Ukraine and veteran legislator, Oleksandr Moroz. On 28 November 2000, speaking from the parliament's podium, Moroz accused the country's top leadership of plotting the murder of an opposition journalist Heorhiy Gongadze. He named President Kuchma, Interior Minister Kravchenko and the head of the presidential administration Volodymyr Lytvyn as responsible for the crime against Gongadze. The journalist had become an outspoken critic of Kuchma during the 1999 presidential campaign. He later worked as editor-in-chief of the news website 'Ukrains'ka Pravda' (Ukrainian Truth), which provided hard-hitting coverage of Ukrainian politics. Gongadze disappeared on 16 September 2000, and his headless corpse was found buried in the woods near Kyiv on 2 November. Twenty-six days later, Moroz publicized recordings in which the Ukrainian president and his entourage were allegedly discussing ways to silence the journalist. Responding to these allegations, leaders of most factions in the pro-presidential majority signed a statement accusing Moroz of attempts to

raise his political profile after losing his 1999 presidential bid. Although later the majority of deputies voted for the resignation of top law-enforcement officials, parliament still proved incapable of challenging the president directly.

Despite the authorities' immediate attempts to censor all the news about the shocking allegations, ten days after Moroz's statement 81 per cent of respondents in Kyiv said they had heard about it.¹⁵ Although 51 per cent did not believe Moroz's accusations, 41 per cent said they were convinced of the authorities' involvement in the journalist's murder. In the absence of institutional channels to express their discontent, more aggrieved citizens were now ready for street protests. In early December, 75 per cent of Ukrainians fully or partially approved of attending a protest demonstration or a rally, while just one in five disapproved.¹⁶

Students of social movements note that, apart from change in the political opportunity structure, popular mobilization requires the existence of a framework for collective action or a 'set of action-oriented beliefs and meanings that inspire and legitimate social movement activities'.¹⁷ Evidence indicating President Kuchma's responsibility for Gongadze's murder created two elements of a collective action framework: a sense of injustice and an element of identity. The sense of injustice reflected people's moral indignation at the atrocity committed against a defenceless individual by the powerful authorities. It testified to the vulnerability of every citizen in the face of autocratic leadership. The fact that grievances could be shared equally among all members of the society added an identity element to the collective action framework, delineating 'us' (citizens) against 'them' (the authorities). The disadvantaged group was not just a cohort of journalists suffering because of their professional activities, but all citizens threatened for exercising their civil rights.

Protests started on 15 December in the form of non-stop sit-ins in tents on Kyiv's Independence Square (Maidan), demonstrations and marches along the central streets of the capital, and pickets on the main government offices, including those of the presidential administration and various ministries. Although representatives of some political parties participated in the protests, most protest organizers were not formally affiliated with any political force.¹⁸ Moreover, political activists participating in protest actions represented the entire ideological spectrum from extreme right (Ukrainian National Assembly–Ukrainian National Self-defence, UNA–UNSO) to the left (Socialists), which testified to the civic nature of their involvement. The movement's radical goal was succinctly expressed in its name: 'Ukraine Without Kuchma'. In addition to demanding the president's resignation, protesters called for the dismissal of all top officials implicated in Gongadze's murder, plus the prosecutor-general, who allegedly supplied the investigation's cover-up. Finally, the movement's broader goal was to change the political system by expanding the powers of parliament and turning Ukraine into a parliamentary republic.

In calling for institutional change, the protesters challenged not only the legitimacy of the Ukrainian authorities, but the very basis of the regime.¹⁹ In an address to parliament on 21 December 2000, one of the protest coordinators, Volodymyr Chemerys, characterized the existing regime as 'presidential authoritarianism'.²⁰ Subsequently, all the opposition manifestos throughout the crisis included demands to change the Constitution so that parliament could form the government, thereby limiting the powers of the president. They also demanded an end to the clan-based oligarchic system that provided Kuchma with the informal mechanisms of political control. So Ukraine's democratization was no longer a question of elite turnover, but of radical change in its institutional set-up. Consequently, the political crisis led to the institutional breakdown of the state and attempts by the ruling elite to re-equilibrate the regime by acquiescing to some of the protesters' key demands.

The phase of active popular mobilization in Ukraine continued from mid-December 2000 to 9 March 2001. Initial protests in Kyiv, which gathered up to 7,000 people, diffused to the regions. Kuchma's decision to meet the leading protesters a few days after the first anti-presidential march in Kyiv indicated that the authorities could not thwart the rising collective action by coercive means. By January, however, the authorities recovered from the initial shock and used court rulings to dismantle protest tents in the regional centres. The decisive stage came in February 2001 when Kyiv's central streets became crowded with the largest number of demonstrators in a decade. Apart from more than 60 tents set up along Khreshchatyk, four massive demonstrations took place around Maidan, drawing up to 50,000 people. One of them, on 9 March, ended with the demonstrators' violent attack on interior troops guarding the presidential administration. This led to a sharp decline in protest participation and eventually resulted in the dissolution of the protest movement. As one of the movement's organizers later explained, 'We always felt that our strength was in not resorting to force, while the weakness of the authorities was that they had too much force behind them. After the events on 9 March, we could no longer feel this way'.²¹

Despite ending on a violent note and failing to achieve its declared objectives, the three-month protest movement 'Ukraine Without Kuchma' had a profound effect on both the society and the political elite. It reorganized state–society relations, cleared political space for democratic opposition, and linked the issue of further democratization to the idea of institutional change.

Popular mobilization in the winter of 2000–2001 produced the phenomenon that Steven Fish calls 'demonstration politics'.²² Continuous street protests became the channel for the expression of public discontent, the means of mass communication thwarting state-controlled media, and a powerful instrument for swaying public opinion against the authorities. In March 2001,

more than 80 per cent of those polled said that they were informed about the allegations against the top leadership in the case of a journalist's murder, and only 3 per cent had no knowledge of the so-called 'Tapegate' or 'Kuchmagate' scandal.²³ At the same time, only about 15 per cent expressed no interest in this case.²⁴ Moreover, just 16 per cent said that they did not trust the authenticity of the recordings implicating Kuchma and others in the crime, while 23 per cent trusted them fully. Half of those polled still remained ambivalent on this issue.²⁵ In their attitudes to the protest movement itself, 65 per cent of Ukrainians said that they were either positive or neutral, while just 26 per cent had a negative view of the protesters.²⁶ Moreover, 31 per cent asserted that protest was 'the only possible way to get rid of Kuchma's regime'.

The political crisis in Ukraine resulted in the virtual collapse of the society's trust both in the institution of the presidency and in President Kuchma himself. In January 2000, 60 per cent either fully or partially trusted the presidency as an institution.²⁷ By March 2001, 53 per cent expressed complete distrust in the office of the presidency and just 7 per cent trusted it. The least trusted institution at the time was still the parliament, with only 4 per cent expressing confidence in the legislature. Nevertheless, by March 2001, no Ukrainian politician was more distrusted than Kuchma. In an open-ended questionnaire, with poll participants naming the politician they distrusted most, Kuchma was mentioned by 29.1 per cent of those polled. In a similar poll in October–November 2000, just before the start of protests, Kuchma was distrusted by 17.6 per cent, while in July 2000 only 8.8 per cent of those polled did not trust the president. This sudden drop in the level of trust was the sharpest experienced by any politician over this period. Finally, in a further poll in January 2001, 48 per cent expressed their distrust in Kuchma; by the end of February this figure increased to 53 per cent.²⁸

Thus, despite the demise of the protest movement, the majority of Ukrainians expressed their distrust of all the key state institutions, including the presidency, the parliament, law enforcement and the courts. These levels of distrust persisted throughout Kuchma's second term. They indicated not just people's alienation from the ruling elite, but also the collapse in popular acceptance of government institutions. Lack of popular trust undermined the rulers' legitimacy, thereby weakening their capacity to demand and enforce the public's obedience.²⁹ Such institutional breakdown had two major effects on future political developments in Ukraine. First, polarization of state–society relations was gradually transferred to relations within the elite itself. Second, the widespread distrust of the institutions of government meant that, in order to restore the regime's legitimacy and normalize relations with society, the authorities had to rebuild the country's institutional framework.

Apart from further polarizing state–society relations, the protest movement opened up an opportunity for the development of an organized democratic opposition. At the height of protests in Kyiv in early February, politicians from a broad ideological spectrum formed the Forum of National Salvation. For the first time in Ukraine's history, political leaders representing both right-wing (Yulia Tymoshenko, Levko Lukianenko, Anatoliy Matvienko) and left-wing (Oleksandr Moroz) parties agreed to a concerted action aimed at bringing down the ruling regime. Their immediate goal was Kuchma's resignation and early presidential and parliamentary elections. Some of those deputies (Taras Chornovil, Oleksandr Turchynov) who had earlier voted to expand the president's powers were now demanding his dismissal. Moreover, the weakening of Kuchma's control over the political elite during the crisis enabled centre-right parties to sabotage the implementation of constitutional changes, which never received parliament's final approval. Thus, Kuchma failed to establish a formal basis for his autocratic rule, while the pro-presidential majority in the parliament disintegrated.

By early 2001, the anti-presidential opposition was reinforced as Deputy Prime Minister Yulia Tymoshenko joined the chorus of Kuchma's vocal critics. She was fired from the government on 19 January, and arrested less than a month later on charges of bribery. However, despite their principled opposition stance, neither Moroz nor Tymoshenko saw an increase in their public support. Their popularity in March 2001 remained within single digits (2–4 per cent), which indicated that the public did not associate protests against Kuchma with any specific political force.³⁰ The newly emerging democratic opposition was also incapable of turning those dissatisfied with the regime into opposition supporters. One reason was the lack of a leading figure among the opposition politicians. In May half of those polled still could not name a leader of the opposition alliance.³¹ Only 14 per cent saw such a leader in Yulia Tymoshenko and 11 per cent in Oleksandr Moroz. However, Kuchma's de-legitimization did denote a great demand for a democratic alternative within society, which significantly enhanced the political prospects of the opposition forces.

The political crisis in Ukraine also revealed serious institutional deficiencies in the country's political system. The fact that the president could order state officials to commit crimes against citizens testified to the uncontrolled subordination of all state agencies to the single will of a president. It also indicated the president's freedom to act with complete impunity. After all, subsequent parliamentary efforts to oversee the investigation of Gongadze's murder or to oust Kuchma proved to be futile because there were no mechanisms to ensure accountability. So, the opposition leaders now repeatedly emphasized that Ukraine's democratization would require a fundamental institutional reorganization of the political system. Expanding

the powers of the parliament was the first policy point in the programme of the Forum of National Salvation. Thus, the idea of transforming Ukraine into a parliamentary–presidential republic came to the top of the political agenda. Although only about one-third of the public supported such an institutional change, the majority of Ukrainians showed a clear distaste for concentrating all powers in the presidential office. Asked in March 2001 whether Ukraine needed a Pinochet-like authoritarian rule, only a quarter agreed.³² Over the next three years, the issue of political reform dominated the political process in Ukraine and played a decisive role in its peaceful democratic breakthrough.

Challenging the Regime: Between Reform and Revolution (2002–4)

Having barely survived the most acute political crisis, the Ukrainian ruling elite faced new and serious challenges in the post-crisis environment. The authorities' primary tasks were to restore state control over the political and social arenas and to regain popular legitimacy. These tasks were complicated by the emergence of an organized and vocal opposition that included political forces representing a broad ideological spectrum. Moreover, despite the end of the collective action cycle in March 2001, society remained highly dissatisfied with the regime. President Kuchma, however, seemed to discount both factors. In an interview on 4 April 2001, he again questioned the validity of any opposition other than the communist, adding that he would refuse to negotiate with his new critics unless they could prove they had public support during the forthcoming parliamentary elections.³³ At the same time, Kuchma's strategy of restoring the state's institutional coherence centred on expelling any potential dissenters from the ruling elite. In early March he demanded the resignation of all state officials sympathetic to the opposition, but his main concern then was the second highest ranking official in the country – Prime Minister Viktor Yushchenko.

From the start of the crisis, Yushchenko tried not to take sides in the confrontation and to avoid any definite political statements. But this tactic only made Kuchma more suspicious of his true intentions, given Yushchenko's rising popularity. In the second half of 2000, Yushchenko became the most popular political leader in the country. In September, according to the 'Social Monitoring' poll, 40 per cent of Ukrainians said they fully or partially trusted Yushchenko (compared with 33 per cent in May). By contrast, Kuchma had the full or partial trust of 33 per cent (against 32 per cent in May).³⁴ This made the prime minister's support crucial for Kuchma to offset the sudden challenge from below. When the public mobilization reached its peak in mid-February 2001, Kuchma pressured Yushchenko and the parliament's speaker Ivan Plyush to sign a declaration comparing

protesters to fascists and accusing the opposition leaders of provoking civil conflict in Ukraine. Although this statement enraged many protesters, opposition leaders still viewed Yushchenko as a potential ally. When in April 2001 he faced a parliamentary vote of no confidence, the Forum of National Salvation rushed to his support, calling Yushchenko 'a key for all positive changes'. For Kuchma, however, this statement was another proof that Yushchenko's continued presence in the government could only embolden his critics. At the end of April, oligarchic factions in the parliament, aligned with the communists, voted for the government's dismissal. In his farewell speech to the deputies, Yushchenko pledged that he was 'leaving in order to come back'. That day marked the start of his public political career.

Yushchenko's public criticisms of the protest movement and loyalty to Kuchma did not damage his national popularity. Moreover, the overwhelming majority of respondents – 67 per cent – said that he should not support any political force in the conflict and should continue performing his functions as prime minister; only 4 per cent thought that he should join the opposition.³⁵ Thus, after being dismissed from the government, Yushchenko decided to form a moderate political alliance – Our Ukraine. It was an amalgam of national democratic and centrist parties that did not endorse protests against Kuchma, but also avoided siding with the pro-presidential oligarchic factions. Throughout the parliamentary campaign, Yushchenko consistently refused to characterize Our Ukraine as an opposition, calling it instead a constructive, non-radical and non-militant force.

Still, during the election campaign Kuchma took steps to accentuate the differences between the regime outsiders and the ruling elite. He pushed most of pro-presidential parties together in one bloc 'For A United Ukraine', which symbolized a new party of power. Its leader was the head of the presidential administration Volodymyr Lytvyn, while the new prime minister, Anatoliy Kinakh, held the second spot on the bloc's list. Throughout the campaign, the pro-presidential alliance dominated the media and received substantial administrative backing in the regions. By contrast, Yushchenko, who travelled extensively and visited some 400 towns across the country, faced constant obstruction and pressure. The authorities' clear irritation with the non-confrontational former prime minister turned his bloc into a quasi-opposition in the public perception. Although the supporters of Our Ukraine were not as radical as the supporters of the Socialist Party or Yulia Tymoshenko's bloc, the majority of them favoured Kuchma's resignation.³⁶ Thus, the 2002 parliamentary election marked the emergence of a 'new elite arousing the depressed and previously leaderless social group into a concerted action', which set off the 'preparatory phase' of elite struggle.³⁷

The election results constituted a resounding vote of no confidence in the existing regime. Of the six political forces that reached the minimum threshold

required to get into parliament, four represented the opposition (Our Ukraine, the Communist Party, the bloc of Yulia Tymoshenko and the Socialist Party):³⁸ together, they received more than 60 per cent of the votes in the party lists. The two pro-presidential forces (For a United Ukraine and SDPUo – Social Democratic United Party) received less than 20 per cent combined. This outcome indicated that the political cleavages that had emerged during the crisis remained no less salient, and that the authorities had failed to quell public discontent. Hence, the need to devise an effective demobilization and re-equilibration strategy in the run-up to the 2004 presidential election became President Kuchma's top priority.

The political process of re-equilibration, according to Linz, is aimed at making the institutions of a regime that has survived a political crisis operate at a new level of 'efficacy and effectiveness'.³⁹ In applying this concept to the communist regimes of Eastern Europe, Grzegorz Ekiert suggests that the necessary conditions for re-equilibration of non-democracies include the demobilization of challenging groups and the restoration of the state's institutional coherence.⁴⁰ According to Ekiert, demobilization involves re-appropriation of the political space opened during the crisis in an attempt to 'stabilize institutional order and restore a specific type of relationship between the state and society'.⁴¹ Successful demobilization takes away the capacity of previously mobilized social groups to act collectively on behalf of their goals and to influence the political process. However, the effectiveness of the demobilization strategy depends not only on the coercive resources of the state, but also on the 'capacity of actors outside the state to resist demobilization efforts'.⁴² The political process in Ukraine over the two years following the parliamentary elections was marked by intense conflict between ruling and opposition elites around the regime's re-equilibration effort.

The centrepiece of the demobilization strategy employed in Ukraine was the so-called political reform – the initiative of the authorities to change the country's institutional structure by redistributing power between the president and the parliament. President Kuchma was a long-standing advocate of a strong executive, so during his first and early second terms he made repeated efforts to acquire new powers. Even in the aftermath of the political crisis he defiantly rejected any suggestions of transforming Ukraine into a parliamentary republic: 'I am 100 per cent, 200 per cent against it. This would be a defeat for the whole country. This would be a threat to Ukraine's existence as a state'.⁴³ However, in August 2002, Kuchma suddenly reversed his position. In a televised address to the nation on the occasion of Independence Day, he declared that Ukraine's transformation into a parliamentary-presidential republic would reinforce its European choice, since 'such a system already proved effective in Europe'.⁴⁴ The principal feature of the institutional change would be allowing the parliament to form the government, which up

to that time had been a presidential prerogative. Another institutional innovation, according to Kuchma, would be changing the election law to a pure proportional representation system. This also signified a dramatic reversal since all the parliament's earlier attempts to introduce such a system had been blocked by the president's veto. Kuchma called on all political forces to start discussion of the details of the reform, and emphasized that the proposed changes would 'promote understanding between the authorities and the constructive opposition, which had often advocated this idea'.⁴⁵

The socialist leader Oleksandr Moroz was the author of the first draft legislation expanding the powers of parliament. He submitted it for the parliament's consideration in May 2000, when Kuchma was pushing for the implementation of the referendum results. However, the constitutional court, under pressure from the president, ruled Moroz's draft unconstitutional. The protest movement returned the issue to the top of the policy agenda, and it became a part of the election platform of three main opposition forces – socialists, communists, and Yulia Tymoshenko's bloc. Although Yushchenko's Our Ukraine did not address this during the parliamentary campaign, in May 2002 his bloc, striving to win some control over the executive, endorsed the idea that the parliamentary majority should form the government.

Thus, with his counter-initiative, Kuchma was neutralizing one of the opposition's principal policy demands. Moreover, he spoke in favour of reversing institutional roles three weeks before the second anniversary of Gongadze's disappearance. On that date, all four opposition forces planned to start a new wave of joint mass protests, calling this action 'Rise up, Ukraine!' So Kuchma's goals were to divide the opposition and draw parts of it from the streets to the negotiating table, and to demobilize the public by suggesting a willingness to limit his own powers. However, he achieved neither goal. Public opinion proved fragmented over a preferred political system, with 17.4 per cent supporting the parliamentary-presidential system, 14.4 per cent a presidential-parliamentary system, 12.5 per cent a parliamentary system, 10.2 per cent a presidential system, and 5.3 per cent opting for dictatorship.⁴⁶ At the same time, growing intra-elite polarization – what Rustow called a 'hallmark of the preparatory phase' – was fuelling distrust between the opposition and the authorities.⁴⁷ All the opposition leaders ridiculed Kuchma's proposal, claiming that it was merely a ploy to extend his term in office.

On 16 September 2002, protests were held in Kyiv and all across Ukraine, gathering, by different estimates, 40,000–150,000 people (with approximately 30,000 in Kyiv alone). Yushchenko not only participated in the protests, but also signed a joint declaration with other opposition leaders demanding Kuchma's resignation and calling for early presidential elections, and also asking world leaders to boycott Ukraine's president. The opposition

also promised to continue holding mass rallies until Kuchma agreed to resign. Subsequent protests, however, gathered fewer and fewer active supporters: the opposition's next action on 12 October 2002 – the People's Tribunal of Kuchma – attracted only 10,000. The joint opposition movement's last demonstration was held in Kyiv on 9 March 2003 with approximately 30,000 participants. Although public readiness for active protests noticeably waned, with only 12 per cent nation-wide willing to participate in opposition demonstrations, society remained highly polarized in its relations with the regime and supportive of the opposition's demands. Half of those polled in March 2003 said they supported the call for Kuchma's resignation, a decline of only 3 per cent from September 2002.⁴⁸ The level of distrust in the office of the president remained at 56 per cent, the highest for any state institution in Ukraine. Furthermore, in a poll conducted in April 2003, 73 per cent of respondents said that the country was moving in the wrong direction, a proportion unchanged from that of a poll conducted in March 2001.⁴⁹

On 6 March 2003, three days before the opposition's demonstration, Kuchma made another televised appeal to the public, presenting the main points of his draft legislation on constitutional changes. Although this legislation provided for parliamentary control over most government appointments, it preserved significant presidential powers and even gave the president a new prerogative to adopt laws on the basis of referendum results, bypassing the legislature. The draft also proposed that parliamentary and presidential elections be held in the same year, thereby allowing for an extension of Kuchma's term until the next parliamentary election, scheduled for 2006. While paying lip-service to the idea of a parliamentary republic, the president was in effect trying to postpone the presidential election. The opposition saw through the president's draft and rejected it, while at the same time signing a joint memorandum committing itself to the principle of a parliamentary–presidential republic. Moreover, the presidential initiative received only limited support within the society. After an intense, month-long propaganda campaign in the media, the majority of those polled could not identify their position on Kuchma's key institutional innovations.⁵⁰ Thus, the president's first draft legislation failed to summon sufficient support at either the elite or societal levels.

Given the failure of his attempts to devise legal grounds to stay beyond the fixed presidential term, Kuchma decided to start constitutional reforms in earnest. With the opposition leader still at the top of the polls, the president realized that changing the winner-takes-all political system in Ukraine would actually correspond to his political interests. After all, his supporters still dominated the parliament and could effectively constrain any newly elected president. At the end of August 2003, Kuchma made his third major national address on political reform, declaring that the political elite had

managed to reach a consensus on the main elements of a new institutional framework. He pledged that the parliament would now have a constitutional majority to implement proposed changes.⁵¹ New draft legislation on constitutional changes was prepared during several weeks of negotiations between the head of the presidential administration, Viktor Medvedchuk, and two leaders of the leftist opposition – Oleksandr Moroz and Petro Symonenko. Apart from further limiting presidential powers, the legislation provided for eliminating direct presidential elections beginning in 2006. Instead, the head of state was to be elected by the parliament. This meant that anyone elected in November 2004 would be a transitional president serving just over a year.

Viktor Yushchenko, still the favourite to win the coming presidential election, fiercely resisted these constitutional proposals. His counter-strategy was to start a campaign of collecting signatures from those opposed to cancelling direct presidential election and demanding a referendum on the issue. Throughout autumn 2003 Yushchenko also held 26 rallies around the country, in order to maintain his popularity in the polls and keep the public mobilized. When the draft legislation was introduced for parliamentary consideration in December 2003, three opposition factions – Our Ukraine, the socialists, and Tymoshenko's Bloc – blocked voting for two days, but could not prevent its preliminary approval. However, without the socialists' support, parliament still lacked the two-thirds majority necessary to implement constitutional changes. So, in February 2004, pro-presidential factions made another concession to the opposition, restoring direct election of the president in the draft legislation. Although only socialists agreed to join the parliamentary majority in favour of constitutional change, their support appeared sufficient. At an extraordinary session of parliament, meant to provide preliminary approval for the amended draft law, constitutional changes now received 304 votes and headed for a final vote in spring.

The final draft legislation on constitutional changes (registered under the number 4105) was almost an exact replica of the document introduced by Oleksandr Moroz in summer 2000.⁵² It reflected what Ekiert calls the contingent nature of demobilization policies, which 'instead of being a simple implementation of the preconceived political scenario, were in fact ad hoc responses to the changing domestic and international situation and pressures'.⁵³ The draft law provided that the government's composition – the president's long-standing prerogative – would be decided by a majority coalition in parliament. It also left it to the deputies to nominate the candidate for prime minister, and to appoint the head of national bank and half of the constitutional court judges (previously only a third), and to approve and dismiss the head of the SBU (security police) and the general prosecutor. The president would retain exclusive rights to appoint the defence and foreign ministers, but

have almost no influence over the government, which would now be accountable to parliament.

After almost two years of institutional improvisation, the authorities were finally seeing eye-to-eye with the opposition on the future design of the political regime. Kuchma's agreement to Ukraine's genuine transformation into a parliamentary-presidential republic amounted to his acceptance of the country's democratization. Realizing that all attempts to preserve total power would be futile, Kuchma opted for the second-best scenario – transforming the nature of the political system so that the interests of all political actors could be taken into account.

Draft law 4105 was, in effect, Kuchma's power-sharing offer to Yushchenko. While the new president, directly elected in 2004, would still exert power over the country's security and foreign policies, responsibility for the economy would rest with the majority coalition in parliament. Ultimately, however, this first effort at elite compromise failed, and the reasons can be traced to the fundamental disagreement between opposition forces surrounding Yushchenko – Our Ukraine and the Yulia Tymoshenko Bloc – and the authorities on their relative power balance.⁵⁴

From the start of his public political career in 2001, Yushchenko enjoyed the highest level of support of all political leaders in the country, a status that he maintained until the very start of the presidential campaign. Moreover, by organizing public rallies and engaging in direct communication with the people, the opposition forces managed to create in Ukraine what Steven Fish has called a 'movement society':⁵⁵ constant engagement of the society in the political process produced grass-roots mobilization in the form of 'myriad complex and interacting political campaigns'.⁵⁶ The overwhelming mass support for Yushchenko, combined with the absence of any serious competitors within the ruling elite, gave him a perceived advantage in the power balance. Public backing, in his view, should have been sufficient to replace the authorities through the democratic election, so any power-sharing agreement would, in effect, limit his future powers while guaranteeing him nothing in return.

By contrast, Kuchma's calculation of the power balance was based on his full control over the coercive apparatus, which he expected to provide him with a power advantage sufficient to neutralize Yushchenko's public support by rigging the election. At the same time, he constantly played down the capacity of Ukrainian society to mobilize for massive political protests against fraud on the scale of those seen in Georgia in 2003 or Serbia in 2000. However, Kuchma's preference for redistributing power reflected his inability to identify a trusted successor. Prime Minister Viktor Yanukovich was a candidate of a Donetsk clan, but hardly a consensus figure for the whole ruling regime, affiliated with different business groupings.

So Kuchma and his 'grey cardinal' Medvedchuk expected the constitutional reform to serve as an insurance policy for both themselves and the opposition.

Surprisingly, the president's clout turned out to be insufficient to assemble the constitutional majority needed to approve the draft law. During the final round of voting on 8 April 2004, the alliance of the pro-presidential forces and the leftist opposition came up six votes short of the number needed to implement the reform. In last-minute negotiations, Yushchenko managed to draw enough deputies away from the pro-presidential camp to prevent final approval of draft law 4105. Just one week later, Kuchma declared that the main goal of the authorities was to win the forthcoming presidential election, rather than make another attempt at constitutional change. Failure to reach an elite compromise in spring 2004 exacerbated the political confrontation in Ukraine in the run-up to the presidential elections.

Changing the Regime: The Orange Revolution and Elite Settlement

The political cleavages that emerged in Ukraine during and after the crisis were further sharpened during the intense presidential campaign. Responding to the continued polarization in state-society relations, Yushchenko positioned himself as the people's candidate. Speaking on 4 July 2004 to approximately 100,000 supporters in the large park in Kyiv he reiterated: 'There is only one conflict in Ukraine today – a conflict between the people and the authorities ... I have neither TV channels, nor tax police, nor prosecutors. I rely on the power of the people'.⁵⁷ In mid-September, when coercion and intimidation of the opposition were reaching their peak, Yushchenko issued a striking warning. His face disfigured and half-paralysed from what proved to be dioxin poisoning, the opposition leader appealed in a nationally televised address:

I would like to caution criminals in power – don't play with fire, don't rouse people's fury. You will be held accountable for all the falsifications, pressure and persecution of every single individual. The people will not forgive those who try to counter their will through violence!⁵⁸

By contrast, the authorities frequently asserted that they would not tolerate any attempt to mobilize people in the streets, thus reiterating their continued reliance on coercive resources to win the election. In his television campaign, Viktor Yanukovich talked specifically about the negative implications of the Georgian 'rose revolution' for the welfare of the people there, calling all possible attempts to repeat it in Ukraine 'stupid'. In his August 2004 address to the nation, Kuchma also emphasized that 'nothing of this kind is happening in Ukraine and will not happen'. He added that 'people want stability', and therefore 'they will vote for continuity with the past ten years, and not for their

rejection'.⁵⁹ Finally, a day before the second round of elections, Kuchma went on national television to address the country for the last time. His message was loud and clear: 'the authorities will not allow the democratic process of elections to be turned into an undemocratic one, which is the essence of revolution'. Kuchma concluded by citing a statement of the 'Iron Chancellor' Otto von Bismarck: 'We all know that revolutions are planned by dreamers, perpetrated by fanatics, and their fruits are reaped by scoundrels. There will be no revolution. There will be elections worthy of a European, twenty-first-century country'.⁶⁰ The next day, as evidence of massive election fraud mounted, thousands of protesters in orange clothes started gathering on Kyiv's Independence Square. The following two weeks of round-the-clock protests against the falsification of election results became known to the world as the Orange Revolution.

According to one of the protest organizers, in early November, a few days after the first round of elections, the opposition realized that the 'election would be falsified and it had to prepare for the revolution'.⁶¹ So, in the weeks remaining before the second round, Yushchenko's campaign stocked up tents for 10,000 people, organized student strike committees in universities across the country, and drafted an appeal to all Kyivites and Ukrainians to gather on Maidan in case of massive falsifications. During a meeting on 18 November, leaders of the opposition made the final decision to start mass street protests.⁶² Two days later, Internal Affairs Minister Mykola Bilokon warned that the government was prepared to suppress any attempt at civil disobedience following the elections.

Popular support for the opposition exceeded all the protest organizers' expectations. They had hoped that perhaps 15,000 people might gather on the first day of the protests, and that the number might subsequently grow to 200,000.⁶³ In fact, at the peak of the protests on 27 November, the number of Orange Revolution protesters in and around Maidan reached 1.5 million. With so many involved, the law enforcement authorities were powerless to stop or subdue the protest movement, so they resorted to imitating the opposition, organizing counter-protests around Kyiv in support of Viktor Yanukovich. However, as in 2000–2001, attempts to neutralize the opposition by mobilizing public support for the ruling elite proved futile. Yushchenko's cheerful supporters far outnumbered the male-dominated and disorganized crowds hastily brought from Donetsk.

Two weeks of mass protests in Kyiv and across Ukraine lifted morale, renewed a sense of national pride, and helped the opposition to overturn the outcome of the second-round ballot in the Supreme Court. However, protests could not resolve Yushchenko's main concern: to prevent another fraud during the third round of voting scheduled for 26 December. After all, despite the severe weakening of the authorities, President Kuchma was still in full

control of the coercive apparatus of the state. None of the major military or law enforcement divisions defected to the opposition, while the central election commission was staffed and headed by the same officials who had declared Yanukovich president-elect. This brought the issue of institutional change back to the political agenda.

The stalemate between the opposition and the authorities provoked another acute political crisis, which could have had much more dangerous implications for the country than the crisis of 2000–2001. With hundreds of thousands of citizens vigorously protesting on the streets of the capital, and some protest leaders advocating the seizure of government buildings, Ukraine's Orange Revolution could, at any time, have ended in a bloodbath. By early December, Ukraine had reached a point where the consequences of continued elite conflict would have been disastrous for both the authorities and the opposition. Compromise was the only way out of this devastating confrontation.

As Burton and Higley observed, political crises that trigger elite settlement often grow out of, on one hand, attempts by the ruling elite to retain power indefinitely and, on the other, mass mobilization aimed at preventing it from so doing.⁶⁴ The solution to such a stand-off required ending the conflict-inducing logic of winner-takes-all politics and ensuring that the vital interests of all parties are respected.⁶⁵ Rustow noted that that the 'preparatory phase' concludes with the 'deliberate decision on the part of political leaders to accept the existence of diversity in unity and, to that end, to institutionalize some crucial aspect of democratic procedure'.⁶⁶ In Ukraine, a more democratic institutional arrangement, in the form of a parliamentary–presidential system, had been on the table for the previous four years. However, only when faced with a staggering crisis did elite leaders realize that none of them had a sufficient power advantage to impose its preferred outcome. As they reached agreement on the relative power balance, they also came to accept the idea of an institutional compromise as the ultimate solution for the crisis.

The process of elite settlement requires experienced elite leaders, intensive consultations behind closed doors, speed in decision making, a formal document committing to the new rules of the game, and relative autonomy from mass pressure.⁶⁷ The first face-to-face elite consultations in Ukraine since the onset of the political crisis took the form of round-table talks at the Mariinskii Palace five days after the second round of elections. The principal participants were President Kuchma, Prime Minister Yanukovich, parliamentary Speaker Lytvyn, and opposition candidate Yushchenko. Other parties to the talks were their original initiator, the Polish president, Alexander Kwaśniewski; the Lithuanian president, Valdas Adamkus; the European Union high representative for the common foreign and security policy,

Javier Solana; the secretary general of the Organization for Security and Co-operation in Europe, Jan Kubish; and the speaker of the Russian Duma, Boris Gryzlov. This small elite circle was about to play, in accordance with Rustow's model, a disproportionate role in deciding the country's path.⁶⁸ Although no substantive agreements were initially reached, the very fact that the governing authorities and the opposition agreed to start direct negotiations indicated the possibility of a compromise.

The formula for the compromise was worked out during a second session of talks on 1 December. In his introductory remarks at these talks, Kuchma expressed the feeling that continued confrontation would be devastating for everyone involved: 'If we want to find an agreement today in Ukraine, one side cannot prevail at the cost of the other side. Since, in that case, there would be no victors. We would have only the defeated, and the main blow would be dealt to Ukraine'.⁶⁹ Yushchenko echoed these sentiments: 'We all face the deepest crisis . . . and today we need to reach a comprehensive political solution, which would consolidate the president, the government, and the parliament'.⁷⁰ The president saw the solution in adopting the political reform, while Yushchenko insisted on changing the election law to prevent further fraud during the third round of elections. Their preferences formed the basis of a final compromise. Apart from the commitment on both sides not to use force and to respect the country's territorial integrity, it included an agreement to adopt changes to the Constitution limiting the powers of the president and simultaneously amending the election law in accordance with the opposition's demands.⁷¹ Both constitutional amendments and changes to the electoral law had to be approved by the parliament as a package: they would be voted on simultaneously. All participants signed the round-table agreement, while Yushchenko and Yanukovich publicly displayed their willingness to reach a compromise with a symbolic handshake.

The final talks took place on 7 December and demonstrated the fragility of the agreement reached just a week earlier. By then, the Supreme Court had announced its historic ruling cancelling the results of the second round of elections and scheduling a new ballot for 26 December. The objectives of the last round-table were to commit all parties to following the Supreme Court decision and to finalize the institutional compromise. But the talks produced only a formal recognition of the court's decision.⁷² Agreement on institutional changes was suddenly imperilled by divergent understandings of the substance of the pact. For Yushchenko, compromise on constitutional reform entailed having guarantees from the authorities that the elections scheduled for 26 December would be conducted in a free and fair manner. One such guarantee was amending the electoral law to prevent massive abuse of absentee ballots and voting in citizens' homes, two of the principal loopholes for fraud. He also required changing the staffs of the central election commission

and territorial and district commissions to include his own representatives. All sides agreed to these items. In addition, however, Yushchenko demanded the dismissal of Yanukovich from the position of prime minister, which the opposition deemed necessary to prevent further administrative interference in the election process. President Kuchma had already signed an order for Yanukovich to take vacation leave for the period of campaign, but Yushchenko insisted on having him fired. This demand prevented the round-table participants from reaching a final solution to the conflict, and seriously endangered the elite settlement.

Still, a parliamentary vote on the legislative package had already been scheduled for 8 December, the day following the last round of talks.⁷³ An hour before the vote, Our Ukraine held its final consultations. According to two of the participants, Yushchenko's initial decision was not to support the constitutional changes.⁷⁴ However, his faction was divided on this issue. The strongest advocates of institutional compromise were deputies who had led the protests in the preceding weeks. They argued that the pressure of mass protests would not, by itself, be enough to stop Kuchma from rigging the election again; the only alternative to changing the electoral law would be for the opposition to stage a violent takeover of power. One of the prominent protest organizers, Taras Stetskiv, recalled his plea to Yushchenko and the rest of the faction:

If you pressure Kuchma, but he still resists, then we should go and capture him. But, esteemed deputies, all of you will have to go at the very front. And you will have to be the first ones to climb over his fence. But remember, somebody might be shooting at you. Personally, I am not ready for this revolutionary scenario. But if you are ready, then let's go. However, if you are not ready, then you should go and vote for the political reform.⁷⁵

Faced with a choice between risking violence and losing some of his future presidential powers, Yushchenko announced his final decision: 'I suggest that the faction votes "for" the constitutional changes'.

The legislative package that formalized the elite settlement received an unprecedented 402 votes. While the constitutional amendments were to take effect no earlier than 1 September 2005, changes to the electoral law were to gain force right away. This outcome became the 'second-best' for all the parties involved. It virtually guaranteed Yushchenko the presidency, albeit with fewer powers; it gave Yanukovich an opportunity for a political comeback; and it provided Kuchma with relative safety after his retirement.⁷⁶ Present at the historic voting, Ukraine's embattled president immediately signed the text of the compromise in the parliamentary chamber. The elite settlement of 8 December 2004 paved the way to the fairest election in

Ukraine's history and allowed the opposition leader Viktor Yushchenko to win the country's presidency.

Conclusions

The dynamics of Ukraine's political process in 2000–2004 fit the classic model of transition, which describes democratization as the outcome of a polarized and inconclusive power struggle between elites ending with an 'act of deliberate explicit consensus'.⁷⁷ It also shows the necessity of a 'shared knowledge about the distribution of power'.⁷⁸ Differing perceptions of the power balance prevented the opposition leader from reaching a consensus with the ruling elite in April 2004, which only added to the viciousness of the political conflict. Mass mobilization in support of the opposition after the second round of elections and the authorities' continued control of the coercive apparatus of government clarified the actual distribution of power for each side. Despite mobilizing all the resources, neither side managed to gain a conclusive advantage, while the prospect of a continuing stalemate was becoming ever riskier. Thus, each was willing to accept a second-best option that allayed the fears of one side and quelled the pretensions of the other.

The nature of the political compromise reflected earlier demobilization strategies of the ruling elite. Searching for ways to maintain their power, the authorities initiated a transformation of the political system that later provided the basis for intra-elite compromise. Thus, policy improvisations aimed at preventing the opposition elite from gaining power later helped the opposition leader to win the election and established a new institutional regime.

What role did society and elites play in Ukraine's democratic breakthrough? Societal actors, through mass mobilization in 2000–2001, cleared space for a democratic opposition and later, in 2004, acted as a critical counter-weight to the authorities' resources. In the end, however, it was the elite who decided the essence of the outcome. Their preferences prevailed over the demands of protesters, 'who wearily upheld the banners of the old struggle' as political leaders searched for compromise. In this respect, the result of the political struggle in Ukraine was anything but revolutionary. The stark elite continuity, which differentiates it from other post-communist countries with electoral revolutions, shows that Orange protests by themselves cannot adequately explain the country's further path. They represent just one element in the jigsaw puzzle, which could acquire its full meaning only in the context of the country's preceding struggles.

The ultimate impact of the elite compromise of 2004 on Ukraine's democratic prospects is not certain. Although the elites explicitly agreed on adopting more democratic governing procedures, there is still a risk that they could

abuse or overturn them in later political contests. Moreover, in order to gain legitimacy, new institutional rules need to become accepted and grounded in civil society, which was sidelined during the elite negotiations. Still, a political system favouring conciliation and power sharing may be an optimal fit for the country, scarred by numerous historical cleavages. Therefore, if it lasts, this revolutionary bargain can become a turning-point in Ukraine's democratic development, much more so than the Orange Revolution, which nevertheless made the compromise possible.

NOTES

1. See, among others, Michael McFaul, 'Transitions from Postcommunism', *Journal of Democracy*, Vol.16, No.3 (2005), pp.5–19; Joshua Tucker, 'Enough! Electoral Fraud, Collective Action Problems, and the "2nd Wave" of Post-Communist Democratic Revolutions', paper presented at the First Annual Danyliw Research Seminar, Ottawa, Canada, 30 Sept.–1 Oct. 2005; Paul D'Anieri, 'Explaining the Success and Failure of Post-communist Revolutions', *Communist and Post-Communist Studies*, Vol.39 (2006), pp.331–50; Mark Beissinger, 'Structure and Example in Modular Political Phenomena: The Diffusion of Bulldozer/Rose/Orange/Tulip Revolutions', unpublished paper (2005).
2. Valerie Bunce and Sharon Wolchik, 'International Diffusion and Postcommunist Electoral Revolutions', *Communist and Post-Communist Studies*, Vol.39 (2006), pp. 283–304 (p.284).
3. Dankwart Rustow, 'Transitions to Democracy: Toward a Dynamic Model', *Comparative Politics*, Vol.2, No.3 (1970), pp.337–63.
4. Guillermo O'Donnell and Philippe C. Schmitter (eds.), *Transitions from Authoritarian Rule: Comparative Perspectives* (Baltimore, MD: Johns Hopkins University Press, 1986).
5. Philippe C. Schmitter, 'Liberation by Golpe', *Armed Forces and Society*, Vol.2, No.1 (1975), pp.5–33 (p.20).
6. Valerie Bunce, 'Comparative Democratization: Big and Bounded Generalizations', *Comparative Political Studies*, Vol.33, Nos.6–7 (2000), pp.703–34 (p.707).
7. *Ibid.*, p.708.
8. On the contagious nature of polarization, see Nancy Bermeo, *Ordinary People in Extraordinary Times: The Citizenry and the Breakdown of Democracy* (Princeton, NJ: Princeton University Press, 2003).
9. Political crisis is defined here, following Dogan and Higley, as 'an abrupt and brutal challenge to the survival of a political regime': see Mattei Dogan and John Higley (eds.), *Elites, Crises, and the Origins of Regimes* (Lanham, MD: Rowman & Littlefield, 1998), p.7.
10. In an allegedly rigged referendum (April 2000), Kuchma's four proposals were favoured by, on average, 86 per cent of the voters: see <<http://www.electionguide.org/results.php?ID=653>>, accessed 7 Feb. 2007; see also Kataryna Wolczuk, *The Moulding of Ukraine. The Constitutional Politics of State Formation* (Budapest: CEU Press, 2001), p.275.
11. Keith Darden, 'Blackmail as a Tool of State Domination: Ukraine Under Kuchma', *East European Constitutional Review*, Vol.10, Nos.2–3 (2001).
12. Matsuzato describes how local elites built 'electoral machines' to deliver votes for Kuchma: see Kimitaka Matsuzato, 'All Kuchma's Men: The Reshuffling of Ukrainian Governors and the Presidential Election of 1999', *Post-Soviet Geography and Economics*, Vol.42, No.6 (2001), pp.416–39.
13. Steven Levitsky and Lucan A. Way, 'The Rise of Competitive Authoritarianism', *Journal of Democracy*, Vol.13, No.2 (2000), pp.51–65.
14. Richard Rose, William Mishler and Christian Haerpfer, *Democracy and Its Alternatives: Understanding Post-Communist Societies* (Baltimore, MD: Johns Hopkins University Press, 1998), p.36.

15. 'Bol'shinstvo kievlyan schitayut, chto ot vlasti mozno bylo ozhydat' i ne takogo ...', *Zerkalo Nedeli/Dzerkalo Tyzhnya*, No.48, 9–15 Dec. 2000.
16. Thomas Carson, *Attitudes Towards Change, the Current Situation and Civic Action* (Washington, DC: IFES, 2001), pp.A1–35.
17. William Gamson, *Talking Politics* (Cambridge: Cambridge University Press, 1992), p.7.
18. Yuri Lutsenko, member of the Socialist Party and assistant to Moroz, was a major exception.
19. Following Fishman, 'regime' is defined here as 'the formal and informal organization of the center of political power and of its relations with the broader society': see Robert Fishman, 'Rethinking State and Regime: Southern Europe's Transition to Democracy', *World Politics*, Vol.42, No.3 (1990), pp.422–40 (p.428).
20. 'Vystup u Parlamentu Ukrainy Volodymyra Chemerysa, spivholovy aktsii "Ukrainy bez Kuchmy"', *Ukrainska Pravda*, 21 Dec. 2000.
21. Interview by the author with Yurii Lutsenko, 23 March 2003.
22. M. Steven Fish, *Democracy from Scratch: Opposition and Regime in the New Russian Revolution* (Princeton, NJ: Princeton University Press, 1995), p.128.
23. *Sotsiopolis*, March 2001.
24. 'Gromads' ka dumka pro uriad Viktora Yushchenka', available at <<http://www.dif.org.ua/modules/pages/files/1508011528.zip>>, accessed 7 Feb. 2007.
25. 49 per cent could not say whether the recordings were authentic or not: see *ibid*.
26. The poll was conducted two weeks after the violent clash in Kyiv: see *Sotsiopolis*, March 2001.
27. *Sotsiopolis*, Jan. 2000.
28. *Democratic Initiatives*, Jan.–Feb. 2001.
29. Juan Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Re-equilibration* (Baltimore, MD: Johns Hopkins University Press, 1978), p.17.
30. In March 2001, 11 per cent named Moroz and Tymoshenko as the least trusted politicians in Ukraine, and only Kuchma had a worse result: *Sotsiopolis*, March 2001.
31. 'Holovni politychni aktory ta konflikty v Ukraini: otsinka hromads'kosti', *Instytut Polityky*, 21 May 2001.
32. *Democratic Initiatives*, March 2001.
33. Interview with President Leonid Kuchma, *Ukrainian Service of RFE/RL*, 4 April 2001.
34. 'Yushchenko ide u vidryv', *Ukrainska Pravda*, 16 Oct. 2000.
35. *Democratic Initiatives*, March 2001.
36. 'Yushchenko Startuet', available at <<http://www.korrespondent.net>>, accessed 30 April 2002.
37. Rustow, 'Transitions to Democracy', p.352.
38. For complete election results, see <<http://www.electionguide.org/results.php?ID=417>>, accessed 7 Feb. 2007.
39. Linz, *The Breakdown of Democratic Regimes*, p.87.
40. Grzegorz Ekiert, *The State Against Society: Political Crises and Their Aftermath in East Central Europe* (Princeton, NJ: Princeton University Press, 1996), p.339, n.56.
41. *Ibid.*, p.28.
42. *Ibid*.
43. RFE/RL interview, 4 April 2001.
44. 'Kuchma predlozhl pereiti k parlamentsko-prezidentskoi sisteme', available at <<http://www.korrespondent.net>>, accessed 25 Aug. 2002.
45. *Ibid*.
46. 'Ukraintsy ne podderzhivayut deistviya Prezidenta', available at <<http://www.korrespondent.net>>, accessed 30 Sept. 2002.
47. Rustow, 'Transitions to Democracy'.
48. 'V aktsii "Povstan", Ukrainoi!" namereny uchavstvovat' 12 pertsent ukraintsev', available at <<http://www.korrespondent.net>>, accessed 4 March 2003.
49. *Sotsiopolis*, April 2003.
50. *Ibid*.
51. 'Kuchma obratilsya k narodu po sluchayu Dnya Nezavisimosti', available at <<http://www.korrespondent.net>>, accessed 23 Aug. 2003.
52. Author's interview with Oleksandr Moroz, 23 May 2004.

53. Ekiert, *The State Against Society*, p.314.
54. On the significance of the perception of a power balance between actors for democratic transition, see Michael McFaul, *Russia's Unfinished Revolution: Political Change from Gorbachev to Putin* (Ithaca, NY: Cornell University Press, 2001).
55. Fish, *Democracy from Scratch*, p.61.
56. *Ibid*.
57. Viktor Yushchenko's speech on Spivochko Pole, Kyiv, 4 July 2004, available at <http://ww2.yuschenko.com.ua/ukr/Press_centre/168/846>, accessed 7 Feb. 2007.
58. Viktor Yushchenko's speech on European Square, Kyiv, 18 Sept. 2004, available at <<http://ww2.yuschenko.com.ua/ukr/present/174/1150>>, accessed 7 Feb. 2007.
59. 'Kuchma schitaet, chto ukraintsy nichego ne khotyat izmenit' v svoei strane', available at <<http://www.korrespondent.net>>, accessed 23 Aug. 2004.
60. 'Kuchma zayavil, chto revolyutsii ne budet', available at <<http://www.korrespondent.net>>, accessed 21 Nov. 2004.
61. Tatiana Silina, Serhiy Rahmanin and Olga Dmitricheva, 'Anatomiya dushi Maidanu', *Dzerkalo Tyzhnya*, No.50, 11–17 Dec. 2004.
62. *Ibid*.
63. *Ibid*.
64. Dogan and Higley (eds.), *Elites, Crises, and the Origins of Regimes*, p.55.
65. On the essence of elite pacts, see O'Donnell and Schmitter, *Transitions from Authoritarian Rule*, p.37.
66. Rustow, 'Transitions to Democracy', p.355.
67. Dogan and Higley, *Elites, Crises, and the Origins of Regimes*, pp.55–6.
68. Rustow, 'Transitions to Democracy', p.356.
69. 'Druhyi kruhlyi stil pid chas revoliutsii', *Ukrains'ka Pravda*, 9 March 2005.
70. *Ibid*.
71. 'Uchastniki kruglogo stola prinyali sovmetnoe zayavlenie', available at <<http://www.korrespondent.net>>, accessed 1 Dec. 2004.
72. 'Peregovory po uregulirovaniyu politicheskogo krizisa v Ukraine zakonchilis' neudachno', available at <<http://www.korrespondent.net>>, accessed 7 Dec. 2004.
73. For procedural reasons, the draft law with constitutional changes was registered as 4180, although it was in essence identical to 4105, which had failed in April.
74. Silina *et al.*, 'Anatomiya dushi Maidanu'.
75. *Ibid*.
76. The elite pact has been rumoured to contain a secret provision giving Kuchma a guarantee of immunity from criminal prosecution. Although Yushchenko denied this, his decision to retain Sviatoslav Piskun, Kuchma's appointee, as prosecutor-general fuelled further suspicions regarding his unofficial commitments to the ex-president.
77. Rustow, 'Transitions to Democracy', p.356.
78. McFaul, *Russia's Unfinished Revolution*, p.19.