

Ukraine's 'Orange Revolution' of 2004: The Paradoxes of Negotiation

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Ukraine's 'Orange Revolution' is normally timed at seventeen days. A presidential election on 21 November 2004, rigged in favour of the then prime minister, Viktor Yanukovych, provoked massive street protests. Numbers may have topped 500,000 in the capital Kiev by the time it became difficult to count. The world's media filled with telegenic images of peaceful crowds dressed in seas of orange, the campaign colours of the 'defeated' challenger Viktor Yushchenko, Yanukovych's more liberal predecessor. The authorities were initially caught off guard; an aborted attempt to clear the streets by force on 28 November being too little, too late. The Supreme Court broke the deadlock on 3 December, when it ruled the election fraudulent and ordered a rerun. Nevertheless, further compromise was necessary. On 8 December 2004 parliament agreed a package of constitutional reform that meant any incoming president would only enjoy full powers until 1 January 2006, in exchange for changing the election law and election commission in order to allow a free and fair repeat vote on 26 December; this Yushchenko duly won by 52 per cent to 44.2 per cent.

I will argue that the choice of non-violent methods in Ukraine in 2004 was over-determined—that is, it resulted from a confluence of many factors pointing in the same direction. There was an important 'learning effect' from previous 'colour revolutions' in Georgia in 2003 and Serbia in 2000, and also from the Slovak experience in 1998; there were intellectual influences from Gene Sharp and others; and some consequent international tutelage. More important, however, were the domestic lessons learnt from the failed 'Ukraine without Kuchma' campaign in 2001. Incipient divisions in the authorities' ranks also meant that non-violence would likely gain leverage.

Non-violence also clearly worked, at least in the short term. Arguably, however, the sheer number of demonstrators meant that the Revolution's aims became increasingly diffuse, and the protests culminated in an elite compromise that largely prevented an 'electoral revolution' from spreading its effects elsewhere, although not before certain key sectors, particularly civil society and the mass

The author would like to thank the following: Dmytro Potekhin, Valentin Yaukushik, Olexii Haran, and Rostyslav Pavlenko.

media, had been profoundly transformed. Ukraine's 'Orange Revolution' was therefore a curiously self-limiting affair.

WHAT WERE THE REASONS FOR THE USE OF NON-VIOLENCE?

Some have argued that non-violence is ingrained in Ukrainian political culture. At least in recent history, both Ukrainian elites and public have consistently opted for compromise over confrontation. Ukraine avoided the civil strife that Russia suffered in October 1993, despite similar tensions at the same time between president and parliament. Unlike Russia, an agreement that both should be subject to early elections in 1994 was adhered to, despite the president's private plotting.¹ Potential conflict in the Crimea has, at this writing, yet to become actual. Pacts of varying degrees of formality and finality were negotiated in October 1990 (to end student hunger strikes), August 1991 (to usher in independence), June 1995



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Figure 20.1 Orange revolution. Thousands of orange balloons cover supporters of Ukraine's opposition presidential candidate Viktor Yushchenko during a rally in Kiev's Maidan square, 2 December 2004. The colour had been carefully chosen for the autumnal season by the opposition parties' campaign advisers.

¹ Leonid Kravchuk, *Maiemo te, shcho maiemo. Spohady i rozdumy* (Kiev: Stolittia, 2002), 227–9.

and June 1996 (to enact the constitution), December 2004 (at the height of the Orange Revolution), and August 2006 (the National Unity 'Universal'). One article in the wake of the Orange Revolution satirized this as a different 'aesthetic of revolution', a preference for 'tents over tanks'.²

Although it changes but slowly, political culture is not a fixed variable.³ Not so long ago, Ukraine had a tradition of armed struggle embodied by the Organization of Ukrainian Nationalists (1929), and the wartime Ukrainian Insurgent Army (1943).⁴ In the 1960s, however, the local dissident movement decisively rejected this tradition, and not just because of the apparent stability of the Soviet state.⁵ Dissidents were forced to rethink the self-limiting narrowness of Ukrainian ethno-nationalism, and, as elsewhere in the Soviet Union, turned towards working within Soviet law and within the 'original' ideology of Marxism–Leninism. The main dissident organization of the 1970s called itself the Ukrainian Helsinki Group, in an attempt to encourage the Soviet authorities to live up to their formal commitments in the 1975 Helsinki Final Act. In the Gorbachev era there were no major groups that preached anti-regime violence. The main opposition movement, Rukh, was always lukewarm about boycott and civil disobedience tactics, even at the most dangerous moment for its cause, Gorbachev's referendum on the preservation of the Soviet Union in March 1991.⁶

The tents that would become Ukraine's political trademark were first pitched in the 'Maidan', or 'square', the main open space and transport intersection in downtown Kiev, in October 1990. At the time they sheltered student hunger strikers, who forced the resignation of the Soviet Ukrainian government headed by Vitalii Masol, although other concessions, in particular the promise of early multi-party elections, were subsequently not delivered. Elections had been held in March 1990, but simultaneously with the abolition of the communist party's 'leading role'. Arguably therefore, one of the lessons of 1990 was not learned as well as those of 2001—namely the importance of winning an enforceable agreement. Nevertheless, several of the leaders of the 2004 protests were veterans of 1990.

'Ukraine without Kuchma': non-violence as principle

Many of the lessons learned in the 1960s and in 1990 were soon unlearned. The most important precedents shaping behaviour in 2004 were the mistakes made in

² Oles' Donii, 'Īkhnim tankon na nash namet', *www.pravda.com.ua*, 4 Dec. 2004, <http://ua.pravda.com.ua/ru/news/2004/12/4/14328.htm>.

³ Stephen Whitefield (ed.), *Political Culture and Post-Communism* (Basingstoke: Palgrave Macmillan, 2005).

⁴ For recent analyses of a highly controversial period, see Stanislav Kulchyts'kyi et al., *OUN i UPA: istorychni narysy* (Kiev: Naukova dumka, 2005); Yaroslav Hrytsak, 'Tezy do dyskusii pro UPA', in his *Strasti za natsionalizmom; istorychni eseї* (Kiev: Krytyka, 2004), 90–113.

⁵ For the debates of the time, see Heorhii Kas'ianov, *Nezhodni: ukraїns'ka intelihentsiia v rusi oporu 1960–80-kh rokiv* (Kiev: Lybid', 1995).

⁶ Andrew Wilson, *Ukrainian Nationalism in the 1990s: A Minority Faith* (Cambridge: Cambridge University Press, 1997), 125–6.

the previous campaign against the authorities in 2001, when more radical elements succumbed to the temptation of violence, or allowed regime *provocateurs* to create the impression of violence; and the campaign had failed disastrously. This time, the lessons learned went deep: they became a matter of strategic first principles for most, but they followed from a rethink of tactics over only three years, from 2001 to 2004.

The 1990s were largely a time of political demobilization in Ukraine. The original national-democratic opposition had its teeth drawn in 1991, when it made a 'grand bargain' with the communist *nomenklatura*. Former communists could stay in power so long as they supported independence. Rukh split in 1992 and 1999, and many of its leaders were co-opted into government. Politics was dominated by former bureaucrats. Power changed hands within the elite in 1994, from the first president, Leonid Kravchuk, a former party ideologue, to Leonid Kuchma, a former 'red director'. Kuchma proved to be more skilled in the arts of political manipulation, splitting, reinventing, and largely neutering the opposition at the elections of 1998 (parliament) and 1999 (his re-election as president).

The last was a pyrrhic victory. In November 2000, a headless corpse was found in woods outside Kiev. The corpse was widely assumed to be that of the missing journalist Hryhorii Gongadze, who had founded Ukraine's first investigative web site 'Ukrainian Truth'. Oleksandr Moroz, leader of the opposition Socialist Party, used parliamentary privilege to read out extracts from secret tapes supposedly made in Kuchma's office by a disaffected security guard, Major Mykola Mel'nychenko. On these tapes the president was implicated in Gongadze's kidnap—although he was not heard to order his actual murder.

After a false start due to political bickering, during which important momentum was lost, demonstrations against Kuchma began in earnest in February 2001.⁷ As in October 1990, a tent city was set up on the edges of the Maidan, where it adjoins Kiev's main shopping street, Khreshchatyk. Demonstrations of support attracted a maximum of 20,000 to 30,000 in February, but opposition politicians were divided. The organization closest to the Maidan, 'Ukraine without Kuchma', was little more than a slogan. According to Vladyslav Kaskiv, later leader of one version of the student-based opposition movement Pora, "Ukraine without Kuchma" wasn't a campaign as such. It had no management. It was just a wild uprising [*dykyi bunt*].⁸ Younger activists set up the rival 'For Truth!' movement. Both were cold-shouldered by the then Prime Minister Viktor Yushchenko, who, under pressure from Kuchma, even signed a notorious letter accusing the protestors of representing 'a Ukrainian brand of National Socialism'. (Longer-term, however, this encouraged many younger activists to strike out on

⁷ On the events of 2001, see Yaroslav Koshiw, *Beheaded: The Killing of a Journalist* (Reading: Artemia Press, 2003); Paul D'Anieri, 'Explaining the Successes and Failures of Post-communist Revolutions', *Communist and Post-Communist Studies*, 39, no. 3 (Sep. 2006), 331–50; Andrew Wilson, *Ukraine's Orange Revolution* (New Haven, Conn.: Yale University Press, 2005), 58–60.

⁸ Pora actually had two wings, 'Black Pora', which operated more underground, and 'Yellow Pora', which was more mainstream. Author's interview with Vladyslav Kaskiv, leader of Yellow Pora, 31 Oct. 2006.

their own).⁹ Yushchenko's deputy Yuliia Tymoshenko helped to organize yet another group, a 'National Salvation Committee' after she was fired from government on 19 January 2001, but she was in prison by 13 February.

The government propaganda machine went into overdrive, exploiting the agenda created by 'anarchist' and 'nationalist' *provocateurs* from fake parties secretly funded by government supporters in the Yanukovych's Party of Regions, and in the so-called Social Democratic Party of Ukraine (united) which was actually a front for Kiev's business elite.¹⁰ The first artificial disturbance was staged on 6 February, when 300-odd surprisingly muscular 'students' from the faux-nationalist organization 'Trident' (secretly funded by the security services, the SBU), infiltrated the crowds and staged provocations with leftists. The authorities now had the excuse they needed to clear the tent city, but waited for the media furore to die down and caught demonstrators unawares during the morning rush hour on 1 March.

The denouement came on 9 March, the birthday of Taras Shevchenko, Ukraine's national poet, when hundreds of activists were due to arrive in Kiev from west Ukraine for the formal founding conference of the 'For Truth!' movement. Nationalist groups, some real, some fake, were also determined to stop Kuchma laying the traditional wreath at Shevchenko's statue. The plan to use 'two waves' of activists, first students who then stood aside for 'tougher', often skinhead, militants,¹¹ was a recipe for disaster. *Provocateurs* from the Ukrainian National Assembly made sure the regime had the pictures it needed, both at Shevchenko Park and later outside the presidential administration on Bankivs'ka Street, where Molotov cocktails were allegedly thrown. Just to make sure, the L'viv students were arrested at Kiev railway station, before they could get to the park. Two hundred and five arrests were made, and fifty serious sentences handed down. Thirty-six police were allegedly hospitalized. One irony, however, is that the over-use of *provocateurs* in 2001 made the tactic more difficult to use in 2004.

The 2002 elections and 'Arise Ukraine!'

The authorities had temporarily won control of the 'narrative'. The campaign against Kuchma never officially ended, however. The 'For Truth!' movement eventually became one branch of Pora. Both Yushchenko, who was forced out of office in April 2001, and Tymoshenko, who was released from her supposedly 'prophylactic' prison term on 27 March 2001, belatedly founded or refounded their own political parties. The regime had survived, but had tottered precariously, and new parliamentary elections were due within months, in March 2002. Moreover, the new opposition was empowered when Kuchma's protestations of

⁹ Author's interview with Dmytro Potekhin, leader of Znayu, a campaign to inform and activate voters, 30 Oct. 2006.

¹⁰ Andrii Duda, "Natsyky" z Bankovoï, www.tribuna.com.ua/politics/2004/05/17/9843.html.

¹¹ Author's interview with Kaskiv.

clean hands led him to permit an unprecedented domestic and foreign election monitoring operation. A large-scale exit poll limited the possibilities for feasible fraud. Public opinion, aided by the economic successes of the Yushchenko government in 1999–2001, had belatedly rallied behind the newly minted moderate opposition, if not behind the more radical protestors. Yushchenko's 'Our Ukraine' won 23.6 per cent of the vote, the Tymoshenko block another 7.3 per cent and the Socialists 6.9 per cent, easily outscoring in total the 18.1 per cent won by the two main pro-government forces.

The opposition's success allowed it to reclaim some public space—if not to win control of parliament. The techniques used in 2002 had an ambiguous long-term effect on the next elections in 2004. On the one hand, groups like Freedom of Choice (i.e. freedom of voting choice) had gained valuable experience in election monitoring. On the other hand, the authorities took note of the success of the exit poll and would try to confuse voters by 'cloning' it in 2004. Fraud had been reduced in comparison to 1999, but other types of 'administrative' pressure had still effectively reversed the voters' verdict. Many activists were convinced the next step must be a more active engagement with the administrative machine itself.

Extra-parliamentary protest continued after 2002, although Yushchenko in particular was usually reluctant to join it. A new 'Arise Ukraine!' campaign began on the anniversary of Gongadze's disappearance on 16 September 2002. Numbers were, again, not large—a maximum of 30,000 in Kiev—but the protests were notable for reconnecting with the leadership of the nominally united new opposition, including Tymoshenko, the socialists, periodically Yushchenko, and even temporarily the communists. The 'Arise Ukraine!' campaign was also notable for debuting satirical and theatrical tactics to mock the authorities,¹² although much of this satire was too black to attract a wider audience. A public mock trial of Kuchma, with the former chief procurator Viktor Shishkin and former justice minister Serhii Holovatyι providing an air of mock formality, ended with Kuchma predictably sentenced to life imprisonment and the burning of his effigy.

The campaign continued into spring 2003. Smaller demonstrations were again held on the third anniversary of Gongadze's disappearance in September 2003. If the initial reaction to the Gongadze scandal had been muted in 2000–1 because it came at a psychological and organizational low-point, with the opposition demoralized after the elections of 1998 and 1999, the 2004 elections would now take place amidst a powerful upswing of activism.

2004: CULMINATION OF A LEARNING PROCESS

In 2004 Ukraine had a united opposition, characterized above all by its variety. It had a rapidly developing NGO sector, a well-tested system of election and media

¹² On the 'Arise Ukraine!' campaign, see 'Opposition Launches Anti-Kuchma Protest Campaign', *RFE/RL Poland, Belarus and Ukraine Report*, 4, no. 35, 17 Sep. 2002; Yaroslav Koshiv, *Gongadze: Ubiistvo, kotoroe izmenilo Ukrainu* (Moscow: Prava cheloveka, 2005), 190–2.

monitoring, a campaign to inform and activate voters (Znayu), an independent exit poll consortium, a new youth movement (Pora), and a rapidly expanding Internet which was mostly one step ahead of governmental control. The political opposition and the various civic movements kept their distance from each other, however, despite overlapping in parts. Unlike Georgia after the Rose Revolution in 2003, this has meant limited NGO influence on government since 2004, but the NGO sector has at least kept its independence. According to Dmytro Potekhin, the leader of Znayu, 'the traditionally political and the "non-political" met at a certain point—the election—and this made the change possible. But civic and political campaigning shouldn't mix directly. We were trying to do different things, and reach a different audience.' This, however, was not true of all groups; others, such as Yellow Pora, 'had stronger links to political players'.¹³

Both the civic and the political tendencies were agreed on non-violence, but with subtle differences. Older groups like the Freedom of Choice umbrella or the Committee of Voters of Ukraine confined themselves to analysis and reporting. Znayu and initially Pora saw themselves as leading an 'informational-educational campaign'.¹⁴ Over time, Pora especially saw its role more in terms of Gene Sharp's principles of 'strategic non-violence': engaging the regime's weak points and undermining the will and capacity of repressive organs. Both were also drawn towards street theatre and situationist tactics designed to mock the authorities and dispel the fear of repression, but both avoided satirical excess.

Non-violence and 'electoral revolution'

The 2004 election vindicated the tactic of assembling a broad hinterland of social support. Pora wanted to begin protests immediately after the first round of voting on 31 October.¹⁵ The politicians were less sure, so Pora activists went ahead and organized their own prototype protest camp, already using the eventual winning formula of tents and entertainment, down the hill in Kiev's lower town, opposite the Kiev-Mohyla Academy (UKMA), Kiev's main independent, and independently minded, university.

A head of steam was therefore already building up before the second round, but out of sight of international and most local media. However, the speed with which protestors poured onto the Maidan on the day after the second round of the election surprised everybody—10,000 to 20,000 by breakfast time on Monday 22 November and 100,000 by the afternoon. Numbers held up over a cold night, and by midday the next day exceeded 200,000.¹⁶ If the authorities were to have cracked down, the time to have done so would have been early on the Monday morning, or possibly on election night itself (the Sunday), after an initial early

¹³ Author's interview with Potekhin.

¹⁴ Author's interview with Kaskiv.

¹⁵ Author's interview with Kaskiv.

¹⁶ Author's interviews with participants: Feb. 2005, July and Oct. 2006.

rally had largely dispersed; but this would have been to prejudice even the authorities' fraudulent result. The relatively muted protests after the first round of voting had also lulled some in the regime into a false sense of security. It has also been argued that elite 'signalling' allowed protestor numbers to grow,¹⁷ but this was probably at the secondary accumulation phase from day three onwards, when numbers climbed to over half a million.

Mood was just as important as numbers for the success of the Orange Revolution. In private discussion in the summer of 2004, 'there were propositions to make the protests more dramatic'.¹⁸ Ideas that were floated included hunger strikes, either of youth activists or of prominent Ukrainian intellectuals,¹⁹ and protestors chaining themselves to public buildings. But carnival was better. 'It was planned, from the start, to have less drama than in the Georgian case, even.' The practice rallies that began in Kiev in July 2004 and moved on to regional cities were a show of strength, but were also designed to show that any protests in November 'would be peaceful, fun, and, above all, safe'.²⁰ That said, there were some accidental elements. The authorities had turned the Central Election Commission into a fortress after sporadic protests that followed the first round—so the focus shifted downtown to the Maidan.

Carnival was also telegenic. The organizers of what came to be known simply as 'the Maidan' skilfully exploited the world media's appetite for positive pictures and symbolic events. Even the fact that the militia were placed close to the Maidan in full view of the cameras allowed the demonstrators to show their peaceful purpose in the interface between the two, giving out flowers to the militia and placing folk groups to entertain them in no-man's-land. Entertaining the crowd with so much music was also astute: it obviously advertised non-violent intent, the programme itself was deliberately wide and inclusive, and it helped reassure the militia that the crowd would remain stationary. The Maidan also began and ended every day with a multi-denominational religious service, to emphasize inclusivity and peaceful intent.

Non-violence and the temptation of force

The authorities were clearly foxed by the sheer numbers simply staying put on the Maidan and elsewhere. But progress was slow. On several occasions the demonstrators contemplated more radical measures, although these did not necessarily involve violence. The next step advocated by some was usually occupation of, rather than mere encirclement of, government buildings—although these were of course heavily guarded. The leaders of Yellow Pora admit that they had already shifted from 'Plan A' to 'Plan B' at the start of the protests, from 'an information-educational

¹⁷ D'Anieri, 'Explaining the Successes and Failures of Post-communist Revolutions', 344.

¹⁸ Author's interview with Rostyslav Pavlenko, Kiev political scientist, 30 Oct. 2006.

¹⁹ Author's interview with Oleksii Haran, political scientist from UKMA, 30 Oct. 2006.

²⁰ Author's interview with Pavlenko.

campaign' to 'active resistance' 'in the face of mass falsification', though the latter 'was necessarily a work in progress'.²¹

On the night of 23 November, two days into the protests, Pora led its 3,500-strong self-styled 'Guard (*Varta*) of the Revolution' from the Maidan towards the presidential administration. There were some ill-thought out plans to climb over the militia with ladders, and also amongst some the hope that the men in uniform might simply disperse or stand aside—some hoped to replay the capture of parliament in Georgia's Rose Revolution. A more concrete plan involved chaining the members of the Guard together in groups of five. The plan was then to lock them all together on arrival, creating one big immovable mass outside Kuchma's office. However, Yuliia Tymoshenko arrived independently and urged the column to go home, given a real risk of bloodshed, claiming she had seen 'with her own eyes' Russian snipers stationed nearby.²²

On later occasions Tymoshenko seems to have been the one calling for more radical measures, once her prominent role on the Maidan had encouraged her to think she might take charge. On 30 November, after parliament revoked its earlier censure of the election commission and talks appeared to be breaking down,²³ several demonstrators broke into parliament, but were pushed back by none other than Yushchenko himself.

The temptation was not great. The opposition knew that the first side to use violence risked losing the battle for public and international opinion, although the former was of primary importance. Significantly, even the SBU statements against the use of force warned more specifically against a 'first strike'.²⁴ Moreover, if the opposition lost discipline, it would allow the regime's 'political technology' narrative (the nationalist 'threat', the use of *provocateurs*) to gain traction. The revolution's opponents were making a strong case before the Supreme Court that the demonstrators' tactics, in particular the blockade of government buildings that supposedly made their work impossible, and the actual takeover of at least three such buildings around the Maidan (the House of Trade Unions, Ukrainian House and the October House), were already in breach of Ukrainian law and the constitution.²⁵

²¹ Author's interview with Kaskiv.

²² Author's interview with Kaskiv. A similar account is given in Dmitri Popov and Ilia Milstein, *Julia Timoshenko: Die Zukunft der Ukraine nach der Orangen Revolution* (Cologne: Dupont, 2006), 305–7.

²³ See Ihor Guzhva, Oleksii Popov and Oleksandr Chalenko, 'Maidan's Secrets', *Segodnia*, 21 Nov. 2005, as translated for *The Ukraine List*, no. 371, available at www.ukrainianstudies.uottawa.ca/ukraine_list/ukl371_12.html.

²⁴ See the key SBU statement on 22 Nov. 2004, warning all participants to stay 'within the law' and use 'only peaceful steps', and citing as its main aim, 'the preserving of civic peace and accord (*zlahoda*) in society', available at www.sbu.gov.ua/sbu/control/uk/publish/article?art_id=41775&cat_id=39575.

²⁵ Author's interview with Valentin Yaukushik of UKMA, who helped put Yanukovych's case to the Supreme Court, 24 Feb. 2005; Yakushik, 'The 2004–2005 Ukrainian Revolution: Basic Characteristics and Manifestations', in Geir Flikke and Sergiy Kisselyov (eds.), *Beyond Recognition? Ukraine and Europe after the Orange Revolution: Conference Proceedings* (Oslo: Norwegian Institute of International Affairs, 2006), 79–86, available at www.dfc.ukma.kiev.ua/books/beyond_recognition_eng_text.pdf.



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Figure 20.2 Style statement and branding. Fashion-conscious millionairess and politician Yuliia Tymoshenko—here talking at a press conference on 26 December 2004 in Kiev—was a fiery and popular leader of the Orange Revolution, and at that time a close ally of Viktor Yushchenko (visible on the poster in the background, in a photo taken before his face was pockmarked as a result of dioxin poisoning). Later their alliance would turn to bitter rivalry.

The demonstrators were indeed far from passive. Some, led by Pora, were able to encircle the main government building and even Kuchma's dacha. The authorities knew that there would be mass resistance and bloodshed if they moved against the Maidan. They were sufficiently uncertain about the demonstrators' 'reserve tactics': the demonstrators could blockade the steep access roads to the Maidan with cars, and could put in the front line the militia who had defected. Regime soft-liners like Kuchma clearly baulked at the amount of violence that would be necessary. Later claims that arms had been stockpiled by the opposition near the Maidan seem to have been bravado.²⁶

The carnival in the Maidan helped contribute to the decline of the fear factor. As he zigzagged from a harder to a softer line through 2004, fewer people thought that Kuchma would actually use force against demonstrators; and fewer thought that his strong-arm Chief of Staff Viktor Medvedchuk had the power to order the use of force on his own—although both were still possibilities. Ironically, Kuchma made a self-fulfilling prophecy in private in 2001, when he disparaged the protests of the time by saying, 'I can see only a few hundred pre-paid students. If I see 200,000 people demanding my resignation, I will resign.'²⁷

In 2004 Kuchma was anxious about his image in the West. Ukraine's new model oligarchs (Viktor Pinchuk, Rinat Akhmetov) didn't want to risk their future business plans. Kuchma had used violence before, in 2001; but the propaganda and *provocateur* aspects of his defeat of the campaign to oust him had been more important. Scores of Pora activists were arrested in October 2004, but the early release of many on what was reported to be Kuchma's personal order, gave growing confidence to the opposition.²⁸ Kuchma had put a lot of effort into repairing his image since the Gongadze scandal broke in 2000; and, whether deluded or not, looked forward to an elder statesman role in retirement. He had a foundation to preside over, and a career as an author to promote, with several ghost-written books appearing in his last years.²⁹ Attempts to intimidate the opposition before November were real enough, but half-hearted. After a raid at least one NGO received apologies from officers: 'It's a political thing.'³⁰

According to Potekhin:

[the] preceding political crisis of 2001 . . . produced a clash within the regime. Combined with the perceived likelihood of regime change, this made some people in the security forces and other pillars of [state] support hedge their bets. As a result, when they realized that change was close, they either switched sides, or at least played both.³¹

²⁶ Wilson, *Ukraine's Orange Revolution*, 135.

²⁷ Kuchma was in conversation with first president Kravchuk, as reported to the author by Pavlenko, 30 Oct. 2006.

²⁸ Author's interview with Kaskiv.

²⁹ Most prominently, Leonid Kuchma, *Ukraina—ne Rosiia* (Moscow: Vremia, 2003).

³⁰ Author's interview with Kohut.

³¹ Email from Potekhin to the author, 24 Jan. 2007.

The elite was split. There was no consensus behind a hard line. Even particular institutions were split, especially the security forces.³² One faction in the SBU was even supplying the Yushchenko camp with information.

Just as importantly, Yushchenko was consistently reluctant to go beyond the immediate issues of electoral fraud, and of course his own poisoning.³³ Backdoor contacts allegedly produced an agreement that Our Ukraine would refrain from mass demonstrations if Yushchenko were allowed to win the first round. This led to the first disagreements with Pora. More generally, Yushchenko was temperamentally disinclined to all types of direct action. His business supporters didn't want revolution. Even Tymoshenko calmed the crowds on at least one occasion.

Pora wanted revolution, but Pora was never the prime moving force. At best, they occupied the bridgehead in those crucial early hours. In general, the division of labour was clear: 'sponsors sponsored, Pora did the physical work, and Yushchenko's headquarters coordinated' it all.³⁴ But the crowds made the difference. Even the 'professional revolutionaries' found it easier to operate behind their cloak. More exactly therefore:

Black Pora did most of the physical work. Yellow Pora concentrated on PR, and was in closer touch with Yushchenko's headquarters, who consequently felt they were coordinating everything. However, their inability to coordinate became obvious when Our Ukraine wanted to get election fraud evidence to the Supreme Court. Basically, they failed, and the civic campaigners had to help out.³⁵

The Kiev factor was also crucial. 'The Yushchenko side won the capital, in all of its layers of social life.'³⁶ Even on the official figures, the vote for Yushchenko in Kiev city in the second round was an impressive 74.7 per cent. The key levers of government were in Kiev, beyond the direct control of Yanukovych and his supporters from Donetsk in eastern Ukraine. When institutions made key decisions, such as when the Supreme Court ordered government newspapers not to print the fraudulent results on 24 November (which would have made them official) and when it finally condemned the election fraud on 3 December, they did so with one eye on the local crowd. Following the Tiananmen Square principle, 'outsider' forces from Crimea were present in Kiev, but 'felt themselves in a hostile environment. They were aware their Kiev colleagues would not help them,'³⁷ if they

³² Anika Locke Binnendijk and Ivan Marović, 'Power and Persuasion: Nonviolent Strategies to Influence State Security Forces in Serbia (2000) and Ukraine (2004)', *Communist and Post-Communist Studies*, 39, no. 3 (Sep. 2006), 411–29. For the debate on the role of the SBU, see C. V. Chivers, 'Back Channels: How Top Spies in Ukraine Changed the Nation's Path', *New York Times*, 17 Jan. 2005, versus Taras Kuzio, 'Did Ukraine's Security Services Really Prevent Bloodshed during the Orange Revolution?', *Eurasia Daily Monitor*, 2, no. 16, 24 Jan. 2005.

³³ Yushchenko had been diagnosed with dioxin poisoning after a secret dinner with the leaders of the Security Services of Ukraine on 5 September 2004, which the authorities attempted to blame on a 'hangover', 'herpes', botched 'botox' or self-inflicted stunt.

³⁴ Author's interview with Pavlenko.

³⁵ Email to the author from Dmytro Potekhin, 31 Jan. 2007.

³⁶ Author's interview with Pavlenko.

³⁷ Author's interview with Pavlenko.

were ordered against the crowds. Rumours about the presence of Russian Special Forces were never substantiated.

A violent crackdown by the authorities was possible, but never probable, in the first days of the protest. It was, however, seriously contemplated on the night of Sunday 28 November 2004, one week into the Orange Revolution.³⁸ Medvedchuk and/or Interior Minister Mykola Bilokon allegedly gave an order to move troops, but the upper and middle ranks quietly rebelled, delaying implementation and seeking confirmation. A flurry of nervous phone calls and leaks meant that the opposition was instantly informed. When Kuchma was telephoned for a clear 'yes' or 'no', he said 'no' after he was overwhelmed by pressure from all sides: from the US and UK ambassadors and from Colin Powell, from Ihor Smeshko, head of the SBU, and from leading oligarchs like Viktor Pinchuk.³⁹

The role of external actors and norms

Foreign funding was an issue for some early critics of the Orange Revolution,⁴⁰ although their arguments—the amount of money, foreign financing of the key exit poll, accusations of partiality, hints at, or the assumption of, additional covert measures—have so far proved chimerical.⁴¹ As one expert aptly put it, 'the whole Maidan was an indigenous project, in terms of leadership, style, model and money'⁴²—with the important exception of Boris Berezovskii's alleged support, which did great damage to Yushchenko's image when it was revealed in 2005 (1990s oligarchs like Berezovskii being just as unpopular in Ukraine as in Russia).⁴³ Seminars for youth activists had been run as early as 2002–3, supported by the Alfred Moser Foundation (Netherlands), the Westminster Foundation (UK), and the Fund for European Education (Poland).⁴⁴ The main US foundations—National Endowment for Democracy (NED), International Republican Institute (IRI), Eurasia, Freedom House, and George Soros's Renaissance Foundation—were all very active in Ukraine, as were Ukrainian-specific groups like

³⁸ See Chivers, 'Back Channels', and Kuzio, 'Did Ukraine's Security Services Really Prevent Bloodshed?', n. 32 above; and Konrad Schuller, 'Der Befehl wurde nicht befolgt', *Frankfurter Allgemeine Zeitung*, 20 Dec. 2004, translated as 'The Command was not Obeyed' in *The Ukraine List*, no. 318, 20 Dec. 2004.

³⁹ Olexiy Solohubenko, 'How Ukraine Verged on "Civil War"', *BBC News*, 22 Nov. 2005.

⁴⁰ Jonathan Steele, 'Ukraine's Postmodern Coup d'état', *The Guardian*, 26 Nov. 2004; Steele, 'Not a Good Way to Start a Democracy', *ibid.*, 31 Dec. 2004; Ian Traynor, 'US Campaign Behind the Turmoil in Kiev', *ibid.*, 26 Nov. 2004; Nick Paton Walsh, 'Inquiry Sought into Claims of US Funding', *ibid.*, 13 Dec. 2004.

⁴¹ Richard Youngs, 'Ukraine' in Ted Piccone and Richard Youngs (eds.), *Strategies for Democratic Change: Assessing the Global Response* (Washington, DC: Democracy Coalition Project, 2006), 97–121; Wilson, *Ukraine's Orange Revolution*, 183–9.

⁴² Author's interview with Haran.

⁴³ Oleg Varfolomeyev, 'Did Berezovsky Finance Ukraine's Orange Revolution?', *Eurasia Daily Monitor*, 2, no. 173, 19 Sep. 2005.

⁴⁴ Oleksandr Solantai, 'Pravda pro PORU ochyma zseredyny', available at www.pravda.com.ua/archive/2005/april/15/3.shtml.

the Polish-American-Ukrainian Cooperation Institute (PAUCI). The US State Department spent \$US34.11 million on democracy assistance in 2004, mainly channelled through USAID.⁴⁵ Timothy Garton Ash and Timothy Snyder have estimated overall Western assistance at nearer \$US100 million.⁴⁶ Crucially, no evidence yet exists of any extra covert payments.

Pora's own version of events is that:

The [i.e. their] campaign's initial funding was supplied by Pora founders. These funds were directed to organizing activities, information support and printing of materials. Training of activists was supported by small grants provided by the German Marshall Fund of the United States, Freedom House and the Canadian International Development Agency (in the overall amount of approx. \$130,000). It is worth noting, thus, that Pora, unlike its counterparts in Serbia and Georgia, received only minimal financial support from the international community.⁴⁷

Znyau records a \$US650,000 grant from the US-Ukraine Foundation, plus an extra \$US350,000 for the third round, and \$US50,000 from Freedom House.⁴⁸ Most of this went on setting up a toll-free helpline and on distribution of ten million leaflets (see above).

Learning from other colour revolution groups was obviously important. Help came mainly on an individual level from Belarus and Georgia; links were strongest with Serbia and Slovakia. Otpor's Aleksandar Marić helped run seminars for Ukrainian activists in Yugoslavia, though his return visits to Ukraine were eventually disrupted when he was denied re-entry in October 2004. Marić claimed that, 'we trained them [Ukrainian youth activists] in how to set up an organization, how to open local chapters, how to create a "brand", how to create a logo, symbols, and key messages.'⁴⁹ Pora would reject the idea of such comprehensive tutelage, but accept that some particular points were finessed.⁵⁰ Considerable help for Pora also came from Slovak organizations, whose experience in humbling Vladimír Mečiar in 1998 with an NGO-based civic rights and bring-out-the-vote campaign was arguably more relevant to Ukraine, and from Pavol Demeš, the Slovak director for central and eastern Europe for America's German Marshall Fund.

Mostly though, foreign influence was indirect, and only helped to push the key actors in directions they were moving anyway. There were tensions, however. The

⁴⁵ See www.state.gov/p/eur/rls/fs/36503.htm, report dated 13 Sept. 2004, these figures are therefore provisional. Joel Brinkley, 'Dollars for Democracy? US Aid to Ukraine Challenged', *New York Times*, 21 Dec. 2004, quotes \$US97 million in the fiscal year that ended on 31 Oct. 2004, including approximately \$US28 million for democracy-building projects.

⁴⁶ Timothy Garton Ash and Timothy Snyder, 'The Orange Revolution', *The New York Review of Books*, 28 Apr. 2005.

⁴⁷ Kaskiv et al., 'Pora—Vanguard of Democracy', available at <http://pora.org.ua/eng/content/view/2985/325/>.

⁴⁸ 'Making Revolution: Q&A with Dmytro Potekhin', *The Kyiv Post*, 24 Feb. 2005.

⁴⁹ Jeremy Bransten, 'Ukraine: Part Homegrown Uprising, Part Imported Production?', www.rferl.org/featuresarticle/2004/12/BE8E5D97-7EAF-404E-8E91-E21723FF74B6.html; John Simpson and Marcus Tanner, 'Serb Activists Helped Inspire Ukrainian Protests', 26 Nov. 2004, www.iwpr.net/index.pl?archive/bcr3/bcr3_200411_530_1_eng.txt.

⁵⁰ Author's interview with Kaskiv.

Renaissance Fund deemed some of Kaskiv's original plans too political, especially the intention to hand out 'information packs' into which pro-Yushchenko material could easily have been inserted. 'Soros didn't want to be seen to be funding partisans.'⁵¹ On the other hand, 'although the Znayu core group was sure that it would take more than an information campaign to get rid of the ancien regime', it rejected suggestions by US funders that it run a 'negative campaign with a specific "Stop Corruption" logo'.⁵²

Diplomatic pressure encouraged elite 'fence-sitting' before the election. It was also crucial on 28 November—the one occasion when elements in the regime were clearly tempted to use force. At the same time as there was resistance to the use of force within the army and SBU, Western diplomats redoubled their efforts, using political contacts and urging business leaders to put private pressure on political leaders. Ukrainian business in 2004 was much more vulnerable to this kind of pressure than its counterparts in Belarus in 2006. Because of minimal privatization, Belarus has no real 'oligarchs'. Nor do Ukrainian oligarchs enjoy the easy money their Russian counterparts make from oil and gas. Even in 2004 there were signs that Ukrainian oligarchs were more dependent on the rules of international finance, as they sought capital to modernize the assets they had acquired. As foreign investment, foreign lending, and public share issuing all took off in 2005–6, arguably they made the right call as capitalists during the Orange Revolution.

The Polish-led EU intervention—including the round-table negotiations that began five days into the protests, which were led by Polish president Aleksander Kwaśniewski—also worked to deter violence, on both a political and an economic level. Ukrainian elites on both sides had more contacts, and more common language, with Poland's post-communist leaders than with others in the West. East Ukrainian oligarchs had big investment plans in Poland.

Election observers made a huge moral difference. The Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the European Parliament, Freedom House, the NATO Parliamentary Assembly, and Ukrainian diaspora organizations in the US and Canada collectively sent many thousands of observers. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly of the Council of Europe (PACE) reports were particularly damning and important, because Ukraine attached so much importance to continuing membership of the outer ring of the European 'club'. After 2004, Russia would lead a campaign for the 'de-internationalization' of post-Soviet space.

Russia's role in assisting the Yanukovych campaign has been well documented,⁵³ although its one-sided and heavy-handed approach was only decided

⁵¹ Author's interview with Kohut.

⁵² Author's interview with Potekhin.

⁵³ Nikolai Petrov and Andrei Ryabov, 'Russia's Role in the Orange Revolution', in Michael McFaul and Anders Åslund (eds.), *Revolution in Orange: The Origins of Ukraine's Democratic Breakthrough* (Washington DC: Carnegie Endowment for International Peace, 2006), 145–64; Wilson, *Ukraine's Orange Revolution*, 93–5, 118, & 174–6.



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Figure 20.3 A round table again—and international mediators. The round table at which Ukraine's two rival presidential candidates met on 26 November 2004, for the first time since the disputed vote. From left to right: Ukrainian opposition leader and presidential candidate Viktor Yushchenko, Polish president Aleksander Kwaśniewski, outgoing Ukrainian president Leonid Kuchma, Lithuanian president Valdas Adamkus, European Union foreign policy chief Javier Solana, and Ukrainian prime minister and presidential candidate Viktor Yanukovich. The role of international mediators was crucial here, notably that of the Polish president, who himself had participated in the Polish round-table negotiations of 1989.

relatively late, in September 2004. Russia's methods were noticeably different, however. If the West concentrated on funding due process and NGOs, albeit within a broader 'soft power' context,⁵⁴ Russia preferred 'political technology', grand gestures, and big money. The first involved the covert methodology and dirty tricks of the Yanukovych campaign, in which many Russian 'technologists' played a leading role. So-called political technology included black PR against Yushchenko, covert funding of 'technical candidates' to split his vote, and the ballot-rigging techniques that provoked the eventual protest. The second involved symbolic and substantive moves to shore up the Russophile element in the Yanukovych camp: the promise of dual citizenship, VAT concessions on oil exports to Ukraine, easier working conditions for Ukrainian citizens in Russia and so on. The third involved lining up Russian corporations in Yanukovych's support. Any spillage of monies coming from the West was therefore dwarfed by the alleged \$US300 million spent on the Russian side.

Judging the success of the three methods would require judging how close Yanukovych was to success without them. Several activists have claimed that Russia's clumsy bias helped mobilize Yushchenko's supporters, shifted some neutrals towards them, and fuelled overconfidence on the side of the authorities.⁵⁵ During the Orange Revolution itself, however, Russia was mostly shocked into passivity, but there is some evidence of private pressure that did little to encourage a peaceful solution. When Kuchma met Putin at Moscow's Vnukovo

⁵⁴ Michael McFaul, 'Ukraine Imports Democracy: External Influences on the Orange Revolution', *International Security*, 32, no. 2 (Fall 2007), 45–83.

⁵⁵ Author's interview with Kohut and author's exchange of emails with Potekhin, 24 Jan. 2007.

airport on 2 December, Putin's alleged comment to 'put your cattle back in the barn' was leaked by Kuchma's aides.

Negotiation, away from the Maidan

The crowd made the revolution in its first week. In fact, given later disappointments, it is this active agency of the mass public that is the main reason for continuing to insist that, in its initial phase at least, the Orange Revolution was truly revolutionary. With time, however, more thoughtful members of the opposition worried about holding the line. According to Potekhin, 'after five or six days people were tired. The risks of an upset were greater. There were reports of clashes in the suburbs, which were not necessarily believed, but risked becoming a self-fulfilling prophecy. The longer the stand-off, the greater the risks of a clash. That's why negotiations were needed. Otherwise, it was just too tense. The terms of the negotiations were another matter, however.'⁵⁶ There was also a justifiable fear that the Maidan wouldn't hold the attention of the world's media forever. The opposite point of view was represented by Pora, who argued that Yushchenko shouldn't even sit at the same table as people who should be in jail. 'It legitimized them—whatever the outcome of the negotiations',⁵⁷ and shifted power away from the Maidan, helping the gradual return of 'corridor politics' (*ku'urna polityka*,⁵⁸ meaning politics not just behind closed doors, but outside of official offices, producing agreements that are never written down).

Nevertheless, there were many forms that a pact could have taken. It was far from clear that Yushchenko needed to cede most of the fruits of victory by agreeing to a radical constitutional reform that would take away much of his power after 1 January 2006, especially as the reform was so similar to that originally proposed by Medvedchuk before the election, when he had attempted to deprive any incoming president of much of his or her power. Kuchma was the main obstructive force this time, insisting on bracketing together the constitutional reform with the reform of the election commission and the electoral law that was deemed necessary to ensure a clean 'third round'. Many activists have said they would have stayed in the Maidan almost indefinitely—which in any case they did until the end of January, albeit in circumstances that were considerably less tense. Yushchenko could have called Kuchma's bluff, but he wasn't temperamentally inclined to do so. As even the real results in the second round had been so close, and the mood in eastern Ukraine was so volatile, it was quite rightly felt that a third round had to be held soon to give a Yushchenko presidency real legitimacy.

However, there was so much negotiation 'in the corridors', that all sorts of other deals have been alleged.⁵⁹ Tymoshenko became prime minister because of a

⁵⁶ Author's interview with Potekhin.

⁵⁷ Author's interview with Kaskiv.

⁵⁸ Author's interview with Kohut.

⁵⁹ See Marcin Bosacki and Marcin Wojciechowski, 'Behind the Scenes of the Ukrainian Revolution', *Gazeta Wyborcza*, 3 Apr. 2005, as translated by Maciej Mark Karpinski for *The Ukraine List*, no. 354, 15 July 2005, available at www.ukrainianstudies.uottawa.ca/ukraine_list/ukl354_11.html.

secret deal. Yushchenko's main campaign financier Petro Poroshenko became head of the National Security and Defence Council after private reassurances. He and others soon became involved in business scams that were uncomfortably similar to the ones that had run in the Kuchma era.⁶⁰ Most controversially, there was allegedly a private amnesty for those involved in the election fraud and the broader crimes of the Kuchma era. Yushchenko shocked many supporters by agreeing to a public amnesty with Yanukovich in September 2005,⁶¹ by which time the policy seemed to operate in practice anyway. This agreement was supposedly protected by the return of do-nothing Procurator Sviatoslav Piskun, on a dubious legal technicality, two days after the 'package agreement', on 10 December 2004. In June 2005 a tape was released on which Piskun supposedly promised to be a 'great friend' to leading oligarchs, 'like family' and that 'everything will be normal' after his appointment.⁶²

CONCLUSION

What difference did non-violent civil resistance ultimately make? It prevented an immediate declaration of a Yanukovich victory based on fraudulent results. It provided the foot-soldiers for key tasks that Our Ukraine couldn't accomplish; not just Pora acting as the vanguard of the Maidan, but also in practical areas like gathering evidence for the Supreme Court. Non-violence prevented bloodshed, which briefly seemed possible on 28 November. It brought the old order close to revolutionary collapse.

Ultimately, this was not what the key politicians wanted, Yushchenko especially. The civil resistance movement was unable to prevent the shift to negotiation and compromise, in part because it overlapped with the political organizers of the Maidan. The Ukrainian case shows that negotiation can achieve the original aims of civil resistance, but it can also frustrate them. One great paradox, however, is that the civic movement and opposition avant-garde would never have been in the position it was without Yushchenko, who led the reinvention of opposition electoral politics between 1999 and 2004. Ukrainian voters wanted a moderate. Tymoshenko or the leaders of Pora were at this time simply unelectable. Yushchenko's great achievement was actually to be elected. His great weakness was to defuse the forces that helped propel him to power.

The Orange Revolution was indeed an 'electoral revolution', yet its effects were largely electoral rather than revolutionary. Viktor Yushchenko became the presi-

⁶⁰ On the RosUkrEnergO affair, see the report 'It's a Gas: Funny Business in the Turkmen-Ukraine Gas Trade', at www.globalwitness.org/reports/show.php/en.00088.html.

⁶¹ This deal was to secure the necessary votes in parliament to push through Yurii Yekhanurov as prime minister, after Yushchenko sacked Tymoshenko after only seven months.

⁶² Koshiv, *Gongadze*, 221.

dent of Ukraine, but the potentially broader impact of the protests of November and December 2004 was blunted. Not only did Yushchenko lose many powers on 1 January 2006, but the Orange parties contrived to argue amongst themselves and allow Yanukovych's Party of Regions back into office after parliamentary elections in March 2006. A very non-revolutionary revolution has had paradoxical effects.