

# From Independence to Real Democracy – Ukraine’s Orange Revolution

## INTRODUCTION

Advocacy for fundamental human and civic rights, as articulated in the Helsinki Final Act, increased considerably in the 1980s in the USSR. Residents of the then-Soviet republic of Ukraine were especially and deeply affected by the Chernobyl nuclear disaster in 1986 and the subsequent cover-up. The loosening of strictures on fundamental human freedoms promoted under glasnost allowed these concerns to be articulated, and a growing crop of democratic activists came to the fore. The erstwhile communist leadership of Ukraine declared its independence in 1991, realized following the final dissolution of the USSR in late December of that year. Ukraine was recognized as a new “emerging democracy,” though the simultaneous transition from a totalitarian model to a newly independent democracy would be a massive challenge. Ukraine’s new leadership, new political parties, and civil society all requested assistance in their democratic and market transformations, and this help was forthcoming from early on from the democratic world. Ukraine also proved a willing partner in the efforts to ensure nuclear stability by giving up its nuclear weapons by 1994.

Also in 1994, Ukraine held its first democratic presidential elections, won by eastern rocket scientist and industrial manager Leonid Kuchma after a hard fought campaign against incumbent – and former communist-era boss – Leonid Kravchuk. Throughout this period, Ukraine continued to receive external support for reform processes, including backing for all manner of civic engagement in public life. It also included technical support for and observation of democratic elections, consistent with Ukraine’s obligations as a member of the Organization for Security Cooperation in Europe (OSCE – the post-Cold War institutional product of the Helsinki Final Act) and the Council of Europe to improve, ensure, and promote public confidence in the process.

Yet the connection between political and economic power, with the dominance of competing regional industrial “clans” became more apparent, with attendant allegations of senior corruption. Ukraine’s star began to fall with much of the democratic world, a trend accelerated by the murder of Georgiy Gongadze, a prominent journalist for the independent internet publication *Ukrainska Pravda*, who had been investigating official corruption. Soon thereafter, opposition leaders released recordings they said implicated Kuchma and others in his inner circle in the murder, serving to galvanize a large segment of public opinion against the government.

The 2002 parliamentary elections gave the opposition unprecedented representation. There was relative transparency due to civic efforts to track the vote through exit polls, and the results greatly boosted the democratic opposition. The polarization of the political landscape intensified, with presidential proxy attempts to amend the constitution and flawed by-elections in the western district of Carpathia in April 2004.

The still-unsolved dioxin poisoning of opposition presidential candidate Viktor Yushchenko deepened the polarization of Ukrainian politics. The 2004 presidential election campaign, according to international observers of the OSCE, exhibited numerous instances of bias and abuse by the authorities. A second round characterized by blatant and systemic fraud galvanized public protest. Demonstrations began on election night in Kyiv and grew exponentially, drawing large numbers unforeseen by the Ukrainian activists who had anticipated fraud and planned the protests. These demonstrations soon snowballed into the Orange Revolution.

The democratic world recognized the importance of helping Ukrainians ensure that the 2004 presidential elections were free and fair. In full view of the Ukrainian authorities, diplomats assisted Ukrainian citizens in monitoring and upholding the democratic process. The cooperation among embassies in this effort was unprecedented. Ukraine's case involves the full array of assets that democratic diplomats have at their disposal, as well as the numerous ways that these can be applied to support civil society and the democratic process.

## **RESOURCES AND ASSETS OF DIPLOMATS IN UKRAINE, 2004**

The G-7 democracies began close cooperation to support Ukrainian civil society and the electoral process in 2001, prior to the 2002 parliamentary elections. In 2003, this was formalized in a G-7 EU-Canadian American- Japanese process through their ambassadors in Kyiv, focused on information-sharing and coordination in support of free and fair elections, and in alerting home authorities to trends and developments.

These diplomats had considerable **influence** in Ukraine, due to their countries' support for Ukrainian statehood and state-building, reinforced by the expressed desire of most of the Ukrainian political spectrum – including the Kuchma administration – to shift Ukraine's orientation toward the West, to the EU and NATO, and even eventually to apply for membership status, all of which elevated the importance of the democracy and governance standards.

Diplomats' ability to marshal **funds** proved an essential asset in their effort to support a transparent and fair electoral process. This included any post funds they could disburse to Ukrainian civil society actors, and also their role in advocating programming by international NGOs and donors, adapted to the flexibility required to operate in a fast-changing environment.

Democratic embassies expressed **solidarity** by working together and supporting projects financially and operationally that connected democratic activists from countries that had recent civil society-driven democratic breakthroughs, including Slovakia, Serbia, and Georgia, as well as an effort to bring election observers from other countries in transition.

Finally, diplomats had a strong platform of **legitimacy** to draw upon in Ukraine, given the country's obligations to observe clear human rights and democratic standards as a member of the OSCE and the Council of Europe. The OSCE's Copenhagen Criteria provided a regular talking point for democratic diplomats in Ukraine before and during the Orange Revolution. In conjunction with subsequent OSCE statements that threats to stability were not just internal affairs, these provided western Ambassadors a ready riposte to Ukrainian MFA complaints of interference.

## **WAYS THESE ASSETS WERE APPLIED TO MAKE A DIFFERENCE IN UKRAINE**

The above Assets were creatively and effectively applied in all the methods categorized in the preceding Toolbox chapter. Examples of each will be discussed in turn, some of which involve two or even more ways of deploying these Assets.

### The Golden Rules

*Listening, Respecting, and Understanding:* Diplomats recognized the differing roles and capabilities of partners in the effort to ensure the fairness and transparency of the 2004 election, and, over time, seemed to develop a process that allowed each to play to its institutional strength. The mechanisms developed in the working-group process (see sharing below) actually seemed to be designed around these realities.

According to a seasoned civil society advocate and former funder, “People need to work together while maintaining their autonomy.” One Ambassador told a civil society roundtable when it was launched in early 2004, “You do what you intend to do. Let me know if you come under pressure – I’ll help.”

In disbursement of assistance, the relatively small sums managed at post allowed embassies to dispense with procedures that might impede quick reaction. Rather than simply finance trainings and workshops, diplomats made, facilitated or encouraged grants that enabled civic activists to act within their remit. This is not necessarily common.

*Sharing:* As mentioned above, efforts to share information and coordinate policy approaches on Ukrainian democratic development began in 2001 among G-7 members. The Italian and then Dutch EU presidencies took an energetic role in bringing all the EU members into the process. The monthly meetings were chaired by Canadian Ambassador Andrew Robinson, with the US and EU as co-chairs. Japan remained engaged (and also had observer status at the OSCE). Different members came to the process emphasizing different goals for the group: the Americans stressed more coordination while Canadians and others were more interested in information exchange. According to Ambassador Robinson, these approaches complemented each other.

### Truth in Communications

*Reporting:* Democratic embassies had established relationships with relevant political actors, media, and civil society organizations, as well as among themselves. This broad proactive information collection allowed them to inform and help direct their countries’ policies. Canada’s diplomats in Kyiv at the time felt that they were able to wield significant influence because of their reporting. Information sources later included election observers in the field, especially the European Network of Election Monitoring Organizations (ENEMO) long-term observers, who remained in the field during the revolution, when it was unclear whether there would be a continuation to the electoral process.

*Informing:* In this area, diplomats coordinated their activity to ensure that independent media, such as internet daily *Ukrainska Pravda* received sufficient funding to continue its important work of providing uncensored news, including from embassies’ own post funds. The U.S. embassy made one such grant to editor Yulia Mostova to finance *Dzerkalo Tyzhnia* (“weekly mirror”), an internet publication with serious analytical and investigative pieces, many of which were (and remain) translated into English for an international audience. USAID and the Open Media Fund also supported media monitoring of television content, the prime news source for most Ukrainians. The OSCE-ODIHR Election Observation Mission publicized its own independent media analysis, showing the strong slant on almost all television networks for the incumbent Prime Minister Viktor Yanukovich and against the opposition candidate Yushchenko, both in quantitative (relative air time) and qualitative (tone) terms.

### Working with the Government

*Advising:* From the advent of Ukrainian independence and democracy, diplomats were engaged in advising both Ukrainian government institutions and civil society actors in democratic governance and economic reform. Much of this engagement was direct, both with governmental actors and with Ukraine’s civil society. But it required an even greater mobilization of home authority resources to fund programs.

*Dialoguing:* On election and governance issues, the OSCE Project Coordinator in Ukraine office served as a focal point for regular discussions among the civic sector, Ukrainian government, and diplomatic actors. No embassy or government funding or assistance was undeclared; the government could in no way

claim to have been uninformed about diplomatic and international donor activity prior to and during the electoral cycle.

*Demarching:* “The position of the diplomatic corps was taken very seriously by the authorities,” according to a prominent opposition figure, and their statements influenced the authorities on numerous occasions throughout the electoral process on the need to adhere to democratic norms to which Ukraine was a party. Two examples stand out.

The first was a reaction to the widely held fear that the mobile phone network would be shut down for the election night vote count, effectively atomizing civic and opposition efforts to coordinate verification and post-election activities. Opposition figures warned the democratic embassies of the threat, and these diplomats played a key role in summoning official reaction from their capitals. European Union High Representative for Common Foreign and Security Policy Javier Solana and high-level State Department officials called President Kuchma directly to warn against an engineered communications blackout on election night. The phone networks remained active throughout the election and post-election crisis.

In another instance, taking their cues from their embassies and the OSCE-ODIHR Preliminary Statement on November 22, the democratic world coordinated its expression of lack of faith in the second round election results. US Secretary of State Colin Powell stated that the US “cannot accept the... result as legitimate,” and called for an investigation into electoral fraud, with consequences for the Washington-Kyiv relationship if this did not occur.

### Reaching Out

*Connecting:* Democratic ambassadors and diplomats were a crucial link between Ukrainian civil society and the full political spectrum in their home countries. Senior opposition campaign staff credited the Polish, US, French and German embassies with helping them connect with NGOs and political figures in their capitals. Such connections proved especially important during the post-election crisis that became the Orange Revolution. According to another senior opposition figure, diplomats also used “their connections with different camps to deliver messages.” The embassies facilitated similar links with their home authorities and civic sectors, including with *Verkhovna Rada* (parliament) speaker Volodymyr Lytvyn, who played an important role in the post-election crisis roundtable mediation led by Polish President Aleksander Kwaśniewski, Lithuanian President Valdas Adamkus, and EU Common Foreign and Security High Representative Javier Solana.

Opposition figures credit democratic embassies for facilitating an early 2004 conference in Kyiv, which drew from the full Ukrainian political spectrum and many senior external actors; later in the year former US Secretary of State Madeleine Albright adopted and promoted the idea of visa bans and asset freezes on Ukrainians responsible for impeding a fair electoral process. Indeed, a prominent Kyiv oligarch and MP, Hrihoriy Surkis was denied entry to the US. A longtime Yushchenko advisor summed up the significance of this message to others not yet affected – “you will lose your honestly stolen money” if you try to steal the election. This had “the most effect... even on Kuchma himself.”

*Convening:* Most Western ambassadors hosted dinners at which political actors from across the entire political spectrum met, along with civic leaders, in “open and informal” discussions with political opponents that would not have occurred otherwise.

*Facilitating:* The opposition attributes the most significant facilitation by external actors in Ukraine not directly to democratic diplomats, but rather to an international NGO, the National Democratic Institute (NDI). NDI actively helped to mediate and broker the coalition among Our Ukraine presidential candidate

Viktor Yushchenko, the bloc of Yulia Tymoshenko, and Socialist Party leader Oleksandr Moroz. Moroz was the third-place finisher in the first round of the election and possessed valuable party infrastructure in northern and central Ukraine that the Yushchenko team needed for the second round.

US Ambassador Carlos Pascual encouraged NDI and IRI party assistance programs to be open to the full political spectrum. Their popularity even with “parties of power” helped ensure that they could continue activity despite post-2002 government efforts to prevent their registration.

*Financing:* Democratic embassies engaged in some direct financing of civil society activities related to the electoral process, but the lion’s share of external funding for Ukrainian civil society came from development agencies, international NGOs, and foundations. Development agencies like Sweden’s International Development Agency (SIDA), Canada’s International Development Agency (CIDA), and USAID, had been fixtures on the donor scene since Ukraine became independent. But local civil society actors note that there appeared to be a lack of strategy and local knowledge in the international donor approach for some time. The Gongadze murder galvanized the political atmosphere. Democratic embassies feared for the integrity of the 2002 parliamentary elections, so the need for greater strategic coordination of donors and policy in support of electoral process was apparent. With training and funding to conduct exit polls for the 2002 elections, “the international community set the bar” for electoral transparency, according to a former ambassador serving at the time.

The diplomatic and donor community put together an array of programs designed to facilitate professional conduct, civic participation and verification of the 2004 presidential elections. According to a key diplomat involved, the level of coordination was “absolutely fantastic.” The system functioned as a clearing house, allowing donors to know what others were doing, identify gaps, and enabled them to volunteer resources to fill those gaps. The resulting breadth of civil society programs was considerable, including funding for domestic and international election observers, voter education and mobilization, independent media (thereby *informing* the Ukrainian public), exit polls and parallel vote counts. Eight western embassies and four NGOs mounted a modestly-priced effort to fund exit polls in both original rounds of the election: “money extremely well spent” according to Ukraine specialist Andrew Wilson.

In light of the circumstances, donors demonstrated great flexibility in order to get the job done. Civil society actors remarked that quality project ideas could get funded without inordinate difficulty, though donors shied away from more “sensitive” activities that might be perceived as partisan. Diplomats and civil society figures interviewed consistently stated that funding was granted to support the electoral process, and not given to parties or partisan projects. A western ambassador and a senior Ukrainian civil society figure agree that civic groups not explicitly political – such as business development and environmental groups – were as relevant as those with a political focus. The government “didn’t get that this was a broad question of civic engagement in public life,” according to the diplomat.

In addition, there were considerable efforts to work with the authorities to assist their capacity to conduct a proper electoral process. The Central Election Commission, lower-level electoral administrators, and judiciary all received technical advisory assistance and training.

*Showcasing:* According to a Ukrainian think-tank veteran now working to reform government administration, diplomats are especially well situated to impart the “lessons of democracy,” such as the function of coalitions, cohabitation, conflict of interest, and legal accountability. “The success of western assistance was the sharing of knowledge and skills of how democracy works,” in her view. Discussion of basic democratic and rule-of-law mechanics can be very instructive. Diplomats have engaged in roundtables on such issues to great effect. Democratic activists from Slovakia, Serbia and Georgia – sponsored by grants from the diplomatic corps and foundations – reinforced a conclusion most Ukrainian

democrats had drawn from their own earlier failed protests – that nonviolence is essential to succeed in mass civic mobilization.

### Defending Democrats

*Demonstrating:* Diplomats at all levels demonstrated their solidarity with Ukrainian citizens exercising their right to peaceably assemble by visiting the *Maidan* (Kyiv’s Independence Square) throughout the crisis. “I could see the representatives of all diplomatic missions... this was at the ambassadorial and staff level,” recalls a senior opposition logistician on the *Maidan*. “I saw (embassy) staff taking coffee and sandwiches to demonstrators.” In a less visible way, one democratic ambassador called an opposition campaign figure multiple times daily, telling him he did so in the knowledge his calls were monitored. He wanted the authorities to know they were in regular contact.

*Protecting:* Diplomats were among the international observers who monitored the mayoral election in April 2004 in the western town of Mukachevo, and witnessed serious intimidation and violence. The OSCE, Council of Europe, European Union and the US criticized these violations. The opposition credits the Czech, Slovak, Polish and Hungarian embassies with ensuring that the family of opposition candidate Viktor Baloha, could escape to safety.

On the night of November 28, US Ambassador John Herbst heard from both the opposition and from government sources that Interior Ministry troops were being sent to clear the *Maidan* by force. There was serious potential for violence. Herbst called Washington, and Secretary of State Colin Powell attempted to reach President Kuchma, to communicate the message that he would be accountable for any violence that might ensue, while Ambassador Herbst himself passed the same message to Kuchma’s son-in-law Viktor Pinchuk and Chief of Presidential Administration Viktor Medvedchuk, regarded by many as the chief advocate of a crackdown. It is impossible to know what factors, in what proportion, tipped the balance in getting the troops to stand-down – there were also flurries of messages from Ukrainian Army and secret service officials warning against a crackdown, as well as opposition figure Yulia Tymoshenko meeting with the Army commander. A senior diplomat believes that “perhaps the Army was more important.” But these messages no doubt made an impression. “This was a moment when the international community showed solidarity,” according to one senior opposition figure.

*Witnessing/Verifying:* Diplomats not only engaged in their normal observation and reporting duties (including following the proceedings of the *Rada* and Supreme Court), but also traveled to observe distant campaign events and to investigate alleged abuses of state authority. They observed elections throughout the country, many as part of the International Election Observation Mission, built around the OSCE-ODIHR mission, and led by a representative of the Council of Europe Parliamentary Assembly. But such witnessing was not restricted to high-profile events: Japanese embassy personnel were among the observers in a municipal election in the central city of Poltava, and Canadian embassy personnel observed a by-election to the *Rada* in Odesa prior to the 2004 presidential poll.

One current presidential advisor recalls a bus trip he organized for a cross-section of the diplomatic community to the eastern city of Donetsk, the center of Prime Minister and “party of power” presidential candidate Viktor Yanukovych, enabling them to learn firsthand of the difficulties the opposition had in holding events in the east.

In the tense last two weeks before the first round, the government began a new tactic: raiding civil society group offices, planting then “discovering” explosives, and charging these groups with planning terrorist acts. Civic campaign *PORA* (“It’s Time”) offices were raided on October 15 in the first iteration of this approach. On the morning of October 23, security service officers appeared at the home of (Yellow)

*PORA* leader Vladyslav Kaskiv, demanding to be let in to search for weapons. In the case of Mr. Kaskiv, two opposition MPs blocked the door and prevented a violent entry by using their parliamentary immunity. Three diplomats from the French Embassy and other international representatives from the OSCE, OSCE-ODIHR, and European Commission arrived to reinforce the MPs and forestall a violent break-in by the security personnel. Their presence had the desired effect: after a number of hours, the authorities withdrew.

## EPILOGUE

The 17-day Orange Revolution, after many tense moments, succeeded. Mass popular discontent changed the equation, leading state institutions to reassess their roles and responsibilities. The Supreme Court and then *Rada* determined that the people would have another chance to express their will with minimal interference. Despite the deep-seated tensions in a divided society, and concerted efforts to inflame them for political advantage, Ukrainian society as a whole showed remarkable restraint in avoiding violence throughout the crisis. As historian of Ukraine and its revolution Andrew Wilson succinctly put it, “it takes two sides to avoid an argument.”

### *The Orange Years*

From 2005 on, Ukraine underwent another challenging period. The political infighting and inability of the “Orange forces” to deliver on the promise taxed the sense of many citizens that politics offered avenues for meaningful change. The political situation in Ukraine was often marred by political strife, confrontation and gridlock, most visibly manifest in the open confrontation between two major erstwhile allies and protagonists of the Orange Revolution, Viktor Yushchenko and Yulia Tymoshenko, leading to a succession of unstable governments during Yushchenko’s term in office. Arguments between them began on economic policy, but also included the constitutional distribution of powers between the president and prime minister. While some democratic advances of the Orange Revolution have been consolidated, other important reform opportunities were lost.

Yet despite all this, under Viktor Yushchenko’s presidency Ukraine’s society enjoyed almost unrestricted freedom of speech and press, freedom of association, and respect for civil and political rights. This was a durable gain for Ukraine’s citizens, despite the disappointing and shambolic nature of governance, and has often been underappreciated both by external observers and Ukrainians themselves in light of the disappointment felt over the failure of the “Orange” governments to meet the high expectations set in 2004-5. This new political and social climate stood in a sharp contrast to the era under President Leonid Kuchma, which was marked by increasing censorship, media manipulation, and other restrictions on civil freedoms. Yet, although a pluralistic media environment offered Ukrainians a variety of sources of information, major media outlets still remained under the influence of their private owners, and efforts to create professional and nonpartisan public television came to naught.

Entangled in political squabbling, Ukraine’s political leaders failed to undertake fundamental economic reforms that were long overdue. Hit by a decline in demand for its industrial exports, Ukraine’s economy shrank by between 14 and 15 % in 2009, the largest drop in GDP of any country in the post-Soviet region. In 2008, Ukraine’s 22.8 % inflation rate was the highest in Europe, and the Ukrainian currency, the *hryvnia*, lost around 60% of its value against the dollar in 2008.

The struggle against deep-seated corruption failed to gain traction – Ukraine was downgraded from 134<sup>th</sup> in 2008 to 146<sup>th</sup> in 2009 in the Transparency International Corruption Perceptions Index rankings: at roughly the level of Russia, Zimbabwe and Kenya and even worse than Armenia, Azerbaijan, Kazakhstan and Belarus.

Ukraine has intensified its cooperation with the European Union. However, a clear membership perspective has not been on the table given the EU's need to consolidate previous rounds of enlargement prior to committing to new entrants. Many disappointed Ukrainians believe that the lack of the clear potential for membership negatively affected the impetus for and pace of reforms. Negotiations on an Association Agreement began in September 2008 as part of the European Neighborhood Policy that has been described as an "everything but membership" approach. Additionally, in May 2009, Ukraine together with Belarus, Azerbaijan, Armenia, Georgia, and Moldova, has also become a member of a new EU initiative spearheaded by new member states, the "Eastern Partnership." Though the Eastern Partnership boosts EU-Ukraine cooperation and opens the prospects for visa-free regime and a free trade zone, it lacks the transformative potential on Ukraine's political process that a membership perspective might carry.

In May 2008, Ukraine joined the World Trade Organization, a boon to its trade-dependent economy. Membership was also an essential step to the creation of a free trade area with Ukraine's largest trading partner – the European Union. The establishment of a Deep and Comprehensive Free-Trade Area (DCFTA) that is being currently negotiated is an integral part of the future Association Agreement.

The prospect of NATO membership was much more contentious, both within Ukraine and outside. The idea of NATO membership never captured a majority of the Ukrainian electorate, despite it being one of the issues the "Orange" leaders could all (at least rhetorically) agree about being in the national interest. In January 2008, President Yushchenko, Prime Minister Tymoshenko and Parliamentary Speaker, Arseniy Yatseniuk, sent a joint letter to NATO Secretary General Jaap de Hoop Scheffer, declaring Ukraine's readiness to advance on a Membership Action Plan (MAP) with NATO. However, at the NATO Bucharest Summit in April 2008, NATO did not grant further MAPs. Following the war between Georgia and Russia in the summer of 2008, the willingness of many NATO members to allow in members from the former Soviet space cooled even more.

Since the Orange Revolution, Ukraine had three major election campaigns. These included elections to Ukraine's parliament, the *Verkhovna Rada*, and local self-government bodies on March 26, 2006, early parliamentary elections on September 30, 2007, and presidential elections on January 17 and February 7, 2010. A historic legacy of the Orange revolution is that the conduct of all these elections was recognized as competitive, free and fair by international observation missions.

At the first round of presidential elections on January 17, 2010, the incumbent President, Viktor Yushchenko, received the support of only 5% of voters. His dismal election performance can be ascribed to the failure to deliver on fundamental reforms. In the run-off on February 7, 2010, Party of Regions leader Viktor Yanukovich winning by more than a four-point margin over with then-Prime Minister Yulia Tymoshenko.

The European Union and its members, the United States, and other Western countries applauded the free and fair election and extended congratulations to the winner, Viktor Yanukovich. In addition to their senior representatives, Russian President Dmitriy Medvedev also attended the inauguration ceremony.

### *Post Post-Revolution*

President Yanukovich has quickly consolidated his power over the legislative, executive, and judicial branches. On March 11, 2010, the new government headed by long-time Yanukovich ally Mykola Azarov was endorsed by a parliamentary coalition. However, its constitutionality was initially uncertain.

Indeed, Western diplomats reportedly played some role in legitimizing the government's formation. According to local press reports, a day before the confirmation of the Azarov government in the Verkhovna Rada on March 11, President Yanukovich consulted the ambassadors of the G8 countries (i.e. including Russia's envoy) about whether their countries would accept a government elected by individual MPs, i.e. including deserters from opposed camps, and not by whole factions. Observers report that while concerns were debated, the Ambassadors gave Yanukovich the advice that he seek to legitimize the arrangement by asking the Constitutional Court to rule on its constitutionality. The ambassadors reportedly also urged the Party of Regions to cooperate with other political forces. While such cooperation has been less than apparent since, President Yanukovich indeed submitted a request concerning the legitimacy of the Azarov government to the Constitutional Court, according to Andreas Umland.

The issue is that Ukraine's Constitution ascribes a decisive role in the formation of a governmental coalition to parliament's factions rather than to individual members of parliament, and the three factions that formed the coalition – the Party of Regions, the Communist Party, and the Lytvyn Bloc – did not have a majority, with only 219 of the 450 deputies. A majority was attained by attracting individual deputies from opposition parties, the Yulia Tymoshenko Bloc and the Our Ukraine – People's Self-Defense coalition, to the government coalition. On March 9, Ukraine's legislature amended the law on the parliament's regulations, removing the imperative mandate that had banned MPs from leaving their factions and allowing deputies to join the coalition individually. On April 8, 2010, the Constitutional Court gave legitimacy to those new provisions, having ruled that a coalition could also be formed with deputies not belonging to the coalescing factions.

Observers point out that this ruling reverses an earlier resolution of the same Constitutional Court in September 2008, where it stated that “only those people's deputies of Ukraine who are members of the deputies factions that form a coalition can enter the ranks of that coalition,” and accused the Court of having made a political decision that some believe results in an excessive concentration of power. “The concentration of power in the hands of one person and the weakening of the opposition now endanger the pluralist nature” of Ukraine's politics, is how FRIDE analysts Balazs Jarabik and Natalia Shapovalova phrased it in their June 2010 policy brief on the new administration, “100 Days of President Yanukovich: Ukrainian Democracy on Hold?” “(T)he price of government effectiveness and political stability seems to be the rule of law and democratic governance.”

Contrary to some speculation, President Yanukovich has not renounced Ukraine's EU aspirations – he made a point of making his first presidential visit to Brussels. Some see the new administration as more serious than its predecessor about meeting EU reform standards. The FRIDE analysts believe that “Yanukovich is living up to his promise on EU integration: less airy pro-European talk, more action,” in contrast to what some diplomatic observers saw as a sense of entitlement by the Yushchenko administration. But cooperation with Russia, until recently a fraught relationship, has risen to a post-independence high. During Yushchenko's presidency, Russian-Ukrainian relations were so tense that during the final months of Yushchenko's term, Medvedev refused to send a Russian ambassador to Kyiv. On May 17-18, 2010, Russian President Medvedev paid the first official visit to Ukraine since his election to the post. In a controversial deal signed on April 21, 2010 between the Ukrainian and Russian Presidents in Kharkiv, Ukraine agreed to extend the lease of naval facilities in its Black Sea port of Sevastopol to Russia until 2042 in exchange for 30% discount on natural gas until 2019. The Russian Black Sea Fleet was due to leave Sevastopol in 2017. While delivering immediate economic benefits to a deeply depressed economy, including paving the way for the IMF credit, this agreement has also raised political, security, and constitutional concerns among many Ukrainians – particularly centered on the potential for separatism in ethnic Russian majority Crimea. In another pronounced policy turnaround, in June 2010 the parliament approved in a first reading a bill cementing Ukraine's new status as a nonaligned state. The

previous government included NATO membership among its primary goals, though – unlike EU membership – membership in the alliance had thin public support. Despite the political “honeymoon” between Russia and Ukraine, Yanukovich refused the invitation for Ukraine to join the Customs Union with Russia, Belarus and Kazakhstan due to country’s WTO commitments. Some analysts, including FRIDE’s, see the new administration focus on “quick, easy ‘wins’ with the EU...(and) Russia,” but they question how durable progress can be built without wider popular consultation or broader political buy-in.

Yet concerns have been raised within and outside Ukraine that some gains of the Orange Revolution might be under threat. In February, the Parliament cancelled regular elections to local councils scheduled for May 30, 2010, ostensibly due to the state budget not yet having been adopted. However, elections were not rescheduled even after the budget’s approval. In April, Reporters without Borders issued a statement on the deterioration of press freedom in Ukraine, and journalists of leading private TV channels 1+1 and STB spoke about renewed official censorship.

## **CONCLUSION**

Five years since its democratic breakthrough, Ukraine remains a fragile democracy with a competitive, free and fair electoral process and respect for human rights and freedoms. But its political institutions and political comportment often remain mired in a lack of transparency on the part of political parties and corruptible courts. According to one Ukrainian policy and administration analyst, “Once dictators are out, democracy doesn’t just flourish... Here democracy is only regulated in elections...After elections, we’re flying blind.” The situation is aggravated by a faltering economy hard hit by the economic crisis due to structural weaknesses that were not addressed by previous governments.

While there are recently worrying signs in terms of adherence to rule of law and civic freedoms, Ukraine’s vibrant civil society and civic activism would pose strong challenges to any attempts to pull the country back into authoritarianism. Continued engagement on the part of the democratic diplomatic community is needed to support Ukrainian efforts to complete the democratic advances that they have made and to build the enduring institutions stable democracies need. The full diplomatic toolbox now needs to be available to assist Ukrainians – especially the agents of civil society – to consolidate and develop further adherence to democratic norms.