

# **Yanukovich's Ukraine after the Orange Revolution: Mere Parenthesis or Way Back to Normalcy?**

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***Abstract:***

*Viktor Yanukovich's victory in 2010 six years after the Orange Revolution came as a shock for those expecting democracy in Ukraine. Was Yushenko or is it on the contrary Yanukovich but a mere parenthesis? After considering theories advanced to explain the Orange Revolution (along with similar phenomena in the post-Soviet space), we will consider the origins of the Orange Revolution. Understanding the degree of dependence of the Orange Revolution on either civil society or elite division, should provide us with insights about the prospects of authoritarianism consolidating in the wake of Yanukovich's presidency. The onset of the Orange Revolution points to the determinant importance of elite division, whereas the prospects for a similar elite division seem much more unlikely now than in it was the case 2004 and the years before which led to the Orange Revolution.*

***Keywords: Orange Revolution, Democratization, Authoritarianism, Elites.***

***Resumen:***

*La elección de Viktor Yanukovich en 2010 seis años después de la Revolución Naranja supuso un shock para los que preveían la consolidación de la democracia en Ucrania. ¿Fue Yushenko un mero paréntesis, o lo es Yanukovich? Una vez repasadas las diversas teorías sobre el fenómeno de la Revolución Naranja (y revoluciones similares en el espacio post-soviético), consideramos la génesis de tal fenómeno. El que la Revolución Naranja dependiese en menor o mayor medida de la participación de la sociedad civil o de la división de las élites, debería de ser importante para considerar las posibilidades de que la presidencia de Yanukovich derive en un régimen autoritario. La génesis de la Revolución Naranja apunta a la importancia de la división de las élites, mientras que el panorama en estos momentos para que un fenómeno similar se dé, parecen menores que en 2004.*

***Palabras clave: Revolución Naranja, Democratización, Autoritarismo, Élites.***

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## **1. Theoretic Framework**

Since the collapse of the Soviet Union, the phenomenon of democratization in the successor states has attracted the attention of many among scholars and researchers. The difficult consolidation of democracy in Russia under Yeltsin and the turn towards authoritarianism under Putin (and his successor, Medvedev) have constituted a very important line of research (McFaul 2001, Fish 1995, 2005, Colton & McFaul 2003, Colton & Holmes, 2006, Shevtsova, 2005, 2007). As Graeme Gill points (Gill 2006a), two different explanations have been put forward to understand the relapse into authoritarianism: while some claim that reasons are mainly cultural, others on the contrary consider that Putin's background explains why the initial democratic tendencies were "hijacked" (*Ibid.*: 59-61). Irrespective of either one's solidity, they nevertheless express two different visions, as one relies on structure-based explanations, whereas the other strand rather focuses on agency as the explaining factor. This debate finds a parallel in the literature analyzing the process of democratization in other countries in the post-Soviet space.

More than two decades after the collapse of the Soviet Union, the onset of a new wave of democratization, starting from East European countries as Slovakia and Serbia where the consolidation of democratic regimes had been incomplete and later reaching countries in the post-Soviet space as Georgia (Revolution of Roses), Ukraine (Orange Revolution) and Kirgizstan (Revolution of Tulips) that were barely democratic, has rekindled the debate about reasons, both for the appearance of such phenomena and for their success/failure. Either considered as the latest part of what Michael McFaul came to call the Fourth Wave, which brought the collapse of communist authoritarian regimes (McFaul 2002b: 213), or considered as a phenomenon per se under the rubric of "Color Revolutions", This new wave has been the object of several studies in which, as already stated, contending explanations, some agency based, others on the contrary structure based, have been put forward. From the first group we can highlight: Beissinger 2007, 2009a, Wolchik & Bunce 2009a, 2009b, 2010a. From the second group: Way 2005b, Levitsky & Way 2006b, Hale 2006a, McFaul 2002b, 2005b<sup>2</sup>, Way 2008a,

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<sup>2</sup> We include McFaul in this category considering his thesis on post-communist transition. That thesis suggests (2005b) the evolution of Ukraine to be the result of a certain correlation of forces between opposition and conservative forces. This would explain the outcome of Ukraine as a semi-authoritarian regime. In a certain respect, the Color Revolutions and their difficult if not partial or total failure, could be seen as determined by the inherent instability of this type of regime.

2009a<sup>3</sup>. Both perspectives diverge with regards to the importance attributed to the opposition and to the capacity of the regime and its constitutive elites to resist her challenge<sup>4</sup>.

Wolchik and Bunce have been defending in several of their articles (2009a, 2009b, 2010a) the thesis that a series of novel techniques adopted by the opposition (mobilization, oversight of the elections, etc.) enabled her to reach the tipping point where the regime loses cohesion and starts crumbling. The opposite thesis, put forward in a series of articles by Way and Way & Levitsky, highlights on the contrary the regime's capacity (repressive capacity and willingness to use it) as the main factor to determine whether demonstrations by a political opposition will be successful or not. If in a strict sense, both theses should not necessarily be seen as theoretically opposed, they nevertheless shed very different interpretations when applied to particular examples. Wolchik and Bunce do not deny the importance of structural factors as the regime's strength, as they do acknowledge that the relative weakness of a regime will provide for reaching the tipping point more easily once the opposition openly challenges the existing political status quo. However, Way & Levitsky (Way 2005b, Levitsky & Way 2006b) try to explain the examples of Color Revolutions discounting the agent that Wolchik and Bunce portray as the main factor, namely the set of tactics that opposing forces pass on to each other after they proved successful in triggering change. Wolchik & Bunce follow Beissinger's thesis (Beissinger 2007), according to which the Color Revolutions respond to a modular pattern where success is guaranteed by the emulation of successful tactics. Whereas their counterfactual is that had these tactics not been put into practice, change would not have been brought forward, Way & Levitsky sustain that their success was predetermined by the regime's level of strength irrespective of the fact that the exogenous element of imported tactics was present or not.

Far from trying to decide the whole debate in favor of one of both sides in a comparative analysis of all the examples involved, this article has a much more modest goal. I will focus on one single case, Ukraine, the goal being to review the origins and onset of the Orange Revolution in 2004 and acknowledge the lessons that could be drawn. These lessons should help us to consider the possibilities of an authoritarian backlash during the presidency of Viktor Yanukovich. It is important to bear in mind the theoretic debate above as to conclude whether

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<sup>3</sup> This classification is reductionist and polemical as many of their authors have reacted against the labels they have been attributed (See the debate: Wolchik & Bunce 2009a, Way 2009a, Silitski 2009a, Beissinger 2009a, Dimitrov 2009a, Fairbanks 2009a).

<sup>4</sup> I have to point that compared to theses that focus on long term and deep changes in the economic realm and on processes of modernization, both perspectives, those focusing on regime elites and those focusing on opposition, are actor-based. Their main difference, that justifying our labeling the first as structure-based theories, is that these opposition-based theories focus on a set of contingent tactics, learnt from abroad, as the determinant necessary factor.

Yushenko's victory was the consequence, both in the origins and possibly also in its (non)-consolidation, of a process of fragmentation within the economic and political elites, or whether it was on the contrary the consequence of the existence of a genuine social basis, whose consolidation could reasonably be foreseen.

In the first case, I will follow the question: Is Yanukovich's presidency only a parenthesis in a pattern of democratic evolution? The middle classes, strengthened in the presidential elections of 2004 after some years of continuous growth, had an essential importance both in swelling the ranks of protesters and maintaining the momentum during enough time as to impose the election of Viktor Yushenko as the legitimate president after massive fraud had been undertaken in tainted elections manufactured as to ensure the election of Viktor Yanukovich. Their eventual consolidation and independence from networks of patronage surely represents a big promise of democratic stability for Ukraine. If the temptation to reinstate authoritarianism in Ukraine was to return, it should be necessary for politically minded middle classes to be able to generate an autonomous process of change not necessarily dependent on dissident economic interests.

In the second case however, the question will be the opposite: Was Yushenko's presidency a mere parenthesis within a pattern of (semi-)authoritarianism? If the main factor in determining a successful outcome for the Orange Revolution was the attitude of some of the elites, namely if Yushenko's victory was the outcome of political supporters of Kuchma's regime deciding either to shed their initial support or at least to adopt a neutral position out of sheer opposition to the clan supporting Viktor Yanukovich (Donetsk clan), the possibility of a similar phenomenon of protests against the current presidency in case of authoritarian backlash will depend on oligarchs deciding to throw their support to protesters the same way they did in 2004. As Henry Hale (Hale 2006a, 2010a) puts it, the only guarantee for at least a minimum democratic standard to prevail in the face of authoritarian temptations, is that the elite division prevails.

## **2. The Orange Revolution**

Regarding the Orange Revolution, there is already a wide literature analyzing the phenomenon both from a general point of view and from its particular aspects: Aslund & McFaul 2006, Karatnycky 2005a, Arel 2005, Kuzio 2005e, 2005i, 2009, Bester-Dilgers 2009, D'Anieri 2005a, 2005b, 2010a, Way 2005b, Wilson 2006.

## **2.1. Literature about the Orange Revolution:**

Within the literature on the Orange Revolution, we also find, as in the literature reviewed above, a smaller or bigger emphasis within the specter of the structure/agency debate. For example, we find that Binnendijk & Marcovic 2006, Karatnycky in Aslund & McFaul 2006, Kuzio 2005b, 2005e, acknowledge, at least partially, an essential role to the opposition and to organizations which like PORA organized the protests and anti-Kuchma propaganda and mobilized activists who uncovered a wide array of fraud making and who were able to start a well coordinated campaign of protests. However, Lucan Way (2005b), puts the main emphasis on the factor of elite division, both economic and political, that had been so far supporting Leonid Kuchma and Viktor Yanukovich.

Contributions as that from Abel Polese (Polese 2009a), explaining in full detail the process of formation of the two organizations known as Black PORA and Yellow PORA, Sushko & Prystavko's chapter (Aslund & McFaul, 2006) where they lay their emphasis on the diplomatic factor as one of the main factors explaining the regime's final yielding to the opposition, Tammy Lynch's chapter (D'Anieri 2010a) where we can thoroughly follow the process of preparation by social actors, Pritula's chapter (Aslund & McFaul 2006) explaining the journalists' rebellion against their directions in support of the Orange Revolution and finally Shukan's chapter (D'Anieri 2010a), where we see the progressive learning of actors involved in the final protests of 2004 since the first anti-Kuchma campaigns, are very good examples of a strand of the literature which highlights the central role of actors involved in the opposition

However, as we have already seen, Lucan Way (Way 2005b) represents one of the most explicit examples of an elite-centered thesis. Lucan Way states that the inherent weakness of the regime and its fragmentation in different and very diverse factions are the real factors that can explain the outcome of 2004 (pp: 131; 144). David Lane (Lane 2008) goes as far as to question whether the whole Orange Revolution deserves to be called a revolution. On the contrary he prefers to see it as a "revolutionary coup" where the power of decision making remained within the elites that were directing the whole process to change the political status quo. As it is the case of the literature centered on actors in the side of the opposition, the literature covering the Orange Revolution equally provides many examples of the complex interplay of interests among different factions which enabled divisions to occur and opened the door to successful opposition to the incumbent regime. This literature shows what position they ended up taking up along the whole revolutionary process: Anders Aslund (Aslund & McFaul 2006) gives a detailed analysis

of the different clans who composed the economic and political elites. Michael McFaul (Aslund & McFaul 2006) explains a vital detail which was the logistic support by the capital's Kiev administration, led by a prominent oligarch, Olexandr Omelchenko, to the protesters. Taras Kuzio (Kuzio 2009) shows the degree of division the elites presented when they were faced with the prospect of Kuchma's succession (pp. 52-53). Serhyi Kudelia (Kuzio 2009) explicitly portrays in his chapter the beginning of the "revolution" as the outcome of division among the elites and the end thereof as a "reunification" (namely the pact between Viktor Yushenko and Leonid Kuchma to repeat the second round). Gerhard Simon (Besters-Dilger 2009) provides a very interesting remark when he points to the fact that the clans remain as they used to be before the Orange Revolution (which is something by the way that might explain the failed consolidation of the orange coalition). In another chapter, Dieter Segert (Besters-Dilger 2009) points to something even more disturbing, the fact that all parties depend financially on different economic clans, whereas Heiko Pleines (Besters-Dilger 2009) shows how fast oligarchs rushed to show their support to the new president-elect. Finally, we cannot forget how fast the pro-Kuchma coalition crumbles when protests consolidate (Wilson 2006, Kuzio 2010a).

Other contributions provide us with information about a third, but no less important actor, which does not belong either to activists and political leaders of the opposition or to the political and economic elites. This third actor is the diffuse mix of normal citizens, members of the middle classes and small entrepreneurs who actively threw their support for the revolution. Karatnicky (Aslund & McFaul 2006) for example goes as far as to coin a new term, "minigarcs" when he refers to small entrepreneurs supporting the Orange Revolution. Nadia Diuk's chapter (Aslund & McFaul 2006) makes the explicit claim that the bulk of financial support going to the Orange Revolution came from the middle classes (p. 79). Suschko and Prystavko's chapter (Aslund & McFaul 2006) also focus its attention on the civil society highlighting the influence stemming from the Western countries and the way they shaped it up the Orange Revolution, in a certain way reproducing the patterns of democracy support common to Western middle classes.

## **2.2. The Genesis and Development of the Orange Revolution:**

After the events which brought about the downfall of the Soviet Union, an independent Ukraine experienced an extremely traumatic quadruple transition (market economy, democracy, and both state and nation building; Kravchuk, D'Anieri y Kuzio 1999), where the necessary reforms that enabled consolidation and a successful transformation did not come until the first presidency of

Leonid Kuchma in the mid-nineties. After having completed these reforms, Kuchma started in 1999 his second presidency nominating a reformist minded government headed by the technocrat Viktor Yushenko (while Yulia Tymoshenko held the post of vice-prime minister) and preparing a reform of the 1996 constitution meant to increase his power. This positive scenario however came to an end when the “Kuchmagate” scandal exploded. The conversations leaked to the public uncovered the degree of corruption of the president’s entourage and showed their involvement in the assassination of the journalist Georgyi Gongadze, who publicly attacked Kuchma’s corrupt system.

The first consequence of the scandal was the parliament blocking constitutional reforms approved by referendum in 2000. After that, came a campaign of protests, “Ukraine without Kuchma”, that took place during the first months of 2001. These protests were initially supported by the Socialist Party and at the beginning the Communist Party too (they would eventually end up backing down). But they soon also received support from the first desertion from the coalition in power, the ex vice-prime minister Yulia Tymoshenko (dismissed in February 2001). However, this campaign did not manage to gain the support of one vital political actor, Viktor Yushenko, who in fact was the most popular politician and who chose to side with the president and to keep his post of prime minister. Devoid of her best potential asset, the opposition led protests hardly managed to attract many supporters and were easily wiped out. But then, in what may be seen as a fatal mistake by Kuchma, he dismissed his popular prime minister and granted the opposition the leader she had been lacking so far. Trying to get rid of a competitor, Kuchma in fact threw him directly into his enemies’ arms.

The solidity of the opposition once she was able to find a leader in the popular Viktor Yushenko was manifest in the parliamentary elections of 2002. Viktor Yushenko built an electoral coalition, “Our Ukraine” that managed to gain two thirds of the popular votes in the party lists, clearly outnumbering the incumbent coalition “Ukraine United”. These results were still not sufficient to grant the opposition the control of the parliament. The results for representatives elected in uninominal districts shed much better results for the incumbent candidates. In addition to that, the coalition in power was able to bribe enough candidates from within the ranks of the opposition to gain a majority. However these results nevertheless put the opposition in the right track to mount her major challenge: the presidential election of 2004.

Up to the presidential elections, the government would be led by Viktor Yanukovich, whose stronghold was (and still remains to-day) Donetsk, a region located in East Ukraine, heavily

industrialized, russophile and home to the most powerful (homonymous) clan in Ukraine, controlled by the magnate Rinat Akhmetov. Viktor Yanukovich was eventually to be nominated the power backed presidential candidate in 2004 in a decision that to-day remains clearly controversial. That nomination was bound to generate frictions within members of the presidential entourage and supporters of Kuchma coming from the rival clans of Kiev (to which the head of the Presidential Administration, Viktor Medvechuk belonged) and Dnipropetrovsk (whose main oligarch, Viktor Pinchuk, was the son-in-law of the president himself). This in fact might have been one of the main factors explaining the degree of support to Yushenko when the Orange Revolution started.

When the presidential election finally came, the first round, in spite of wide suspicions of fraud, shed nevertheless a promising score for Viktor Yushenko, who stood in a draw with his opponent Viktor Yanukovich (actually, he was slightly leading 39,90 % to 39,26 %). Thus both main candidates disputed the second round on the 21st November. The results, as it had been expected given the prospects of fraud, proclaimed the incumbent candidate, Viktor Yanukovich, as the winner with 49,46% to 46,61% of the votes. However, the polls conducted by opposition activists revealed a result more adjusted to what many thought were the real results: Viktor Yushenko was actually leading with 52 % of the votes. These results, along with the many reports of manipulation, violations of the electoral law and surprisingly high participation rates in the strongholds of Yanukovich, were enough to encourage a wave of protests supporting Viktor Yushenko as the legitimate winner of the presidential contest. The leadership of “Our Ukraine”, having foreseen such a scenario, had been organizing her activists who started pouring into Independence Square (popularly known as the “Maidan”). Many citizens supported the initial protests. The affluence however widely overcame whatever had been expected so far and the ranks of protesters swelled. When protests reached its climax, the number of protesters was hovering over a million. Ukraine was witnessing demonstrations unseen since the collapse of the Soviet Union.

Facing the enormous success of demonstrations, the leadership of “Our Ukraine” remained split between two options. Yulia Tymoshenko and the most ardent activists advocated a strategy of confrontation and were planning a Rose Revolution (Georgia 2003) style assault on the main institutions. Viktor Yushenko however rather defended keeping to the non-violent strategy applied so far and that had managed to attract so many supporters. His position finally prevailed. Given the readiness to break apart the regime started showing, it seemed suitable to keep to that strategy. In fact, the opposition enjoyed wide contacts with members within the power

administration, first of all in the Central Electoral Commission, which leaked the fraud the authorities were carrying away. Increasing support from other state institutions would eventually come. Soon, even the parliament dismissed the members of the Central Electoral Commission and withdrew its support from the prime minister and president elected, Viktor Yanukovich. The move was orchestrated by the Radas's (Parliament) president, Volodymir Lytvyn, who changed sides and threw his support to Viktor Yushenko. The Supreme Court then, also gave reason to the opposition in the wake of indignation that was engulfing a big part of society: she decided to cancel the final results and called for a rerun of the second round on the 26<sup>th</sup> of December. As the regime weakened in the wake of a growing loss of support within its own ranks, its leaders started looking for a compromise. The option of a violent crackdown as advocated by Viktor Medvechuk could hardly be pursued in the face of the unreliability of the security forces, starting with the Minister of Defense, Yevhen Marchuk, who expressed his unwillingness to shoot on peaceful protesters. The option of compromise, strongly supported by the US and the mediators from the EU, had the advantage of Yushenko's support. Both sides finally reached an agreement which opened the way for the rerun mandated by the Supreme Court, while Yushenko had to accept a series of constitutional amendments and electoral reforms which would kick in 2006. After this compromise, the elections were repeated as planned, and as expected, Viktor Yuhsenko claimed the victory with 52 % of the votes.<sup>5</sup>

### **2.3. Viktor Yushenko's presidency and the orange coalition:**

The Orange Revolution appeared to most of the observers as a triumph for democracy and as a new landmark in that phenomenon that many started to know as "Color Revolutions". Many saw it as the determinant step towards democratization of the whole post-Soviet space after the precedent of 2003 in Georgia (many other precedents could be found in similar phenomena as Rumania 1996, and in particular as electoral driven protests, Slovakia 1998 and Serbia 2000). Actually in 2005 a new "color revolution" would happen in Kirgizstan (Tulip Revolution). All the hopes put on the Ukrainian democratic turn would soon however prove to be somehow unjustified.

Going back to the theoretic discussion which opened this article, we can easily deduce the important role that both in the inception and final outcome of the Orange Revolution divisions within the ranks of the governing elite played. Without the financial support of many of the

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<sup>5</sup> A detailed chronology can be found in: Stanislavsky 2005.

oligarchs, the Orange Revolution would hardly have been possible. The middle classes played a very important role indeed, as important were financial contributions from small entrepreneurs. However we cannot forget the string of supports stemming from oligarchs: the vital logistic support by Kiev's mayor, Olexandr Omelchenko, Petro Poroshenko's financing of Yushenko's campaign and vital coverage by his own channel, Kanal 5 and Olexandr Zinchenko's (Way 2005b) (another media magnate) direction of Yushenko's campaign. These personalities, far from representing a new entrepreneurial class, came from the same milieu as many other oligarchs who had been supporting Kuchma's regime. Their active support and the readiness of the new leadership to come into deals with shady elements of the "ancient regime" gives ground to the suspicion that the orange coalition shared more with them than it might have been suspected at the beginning. The fact that many businessmen were nominated in important posts of responsibility in the new administration (Aslund 2006: 340) is definitely proof of a disturbing interpenetration with business interests. That in fact should not be so surprising, as both Yushenko and Tymoshenko hail from the very regime they ended up fighting. Yushenko was a technocrat who had been heading the Central Bank in the mid-90s and thereafter became prime minister. This may be after all but a mere anecdote, but many will remember Yushenko's statements claiming Kuchma was his political godfather. Regarding Yulia Tymoshenko, she started her career as a wealthy businessman in the lucrative sector of energy and became one of the right hands of Pavlo Lazarenko, a corrupt prime minister from 1997 to 1998. She abandoned her political godfather's party "Hromada" after being co-opted by Leonid Kuchma for Viktor Yushenko's government, leading with her a new scission, "Batkyvshina". Significantly, neither Alexander Moroz or Yury Lutsenko, both members of the Socialist Party, nor the activists and leaders of PORA who were determinant for the success of protests held the leadership of the new administration and government. Yushenko and Tymoshenko and their allies, who as seen above (especially in the former's case), had tight ties with the circles of oligarchs, were the ones who really held the leadership. In addition to these alliances, we have to bear in mind the links woven with leading figures of Kuchma's regime, as Volodymyr Lytvyn that would further hamper a working entente between Viktor Yushenko and Yulia Tymoshenko in the first months of 2005.

As what regards Viktor Yushenko's presidency, we can divide her in three parts: a first one, from January to September 2005, features Yulia Tymoshenko's first government. This government ended up crumbling under the weight of acrimonious opposition between her and the president. Heavy disagreements regarding the scope of projected privatizations and an increasingly bad relationship between Yulia Tymoshenko and Petro Poroshenko, nominated by

the president to the post of Head of the Security and Defense Council and widely credited with corruption, along with Yushenko's obstruction in many judicial investigations against personalities involved in Kuchma's corrupt system of rule, made it impossible to sustain the orange coalition. In the end, Yushenko decided to dismiss Tymoshenko as prime minister.

After a short transitional government headed by Yuri Yekhanurov, starts the second part of the presidency, arguably the stormiest from the first parliamentary elections of March 2006 to the early elections of October 2007. The orange coalition proves after lengthy discussions unable to form a new government and Viktor Yanukovich ends up receiving the support of the Socialist Party to his Party of Regions to head a new government.

In the third part Tymoshenko returns as the prime minister and heads a new government from December 2007 to March 2010. During this time, she has to cope with the opposition not only of the Party of Regions, but of the president, extremely unpopular among his early supporters and who had now turned into her most bitter enemy. This last part is characterized by the worsening of the economy in the wake of the world financial crisis and the worst ever energy crisis with Russia in January 2009 stemming from disagreements regarding the pricing of supplies.

Considering the whole presidency and her bitter end, it is sensible to regard Tymoshenko's opposition to Yushenko's "dangerous liaisons" with oligarchs and early allies of Kuchma as the main reason for the tearing apart of the early oppositional alliance. A coalition hailing exclusively from the civil society might have been fitter not to fall into the trap of dependence on opportunistic interests whose origin was the very regime the opposition rose to fight. However we must acknowledge that many of the disagreements might have happened anyway. The opposed economic recipes advocated by Yushenko, Tymoshenko and the Socialist leaders might have happened the same way between members of opposition owing their origin exclusively to the civil society. Such leaders might have been equally divided in more moderate and radical wings and been confronted with the same dilemmas of having to deal with an unclear institutional division of competences between the presidential and the government's administration. It must also be acknowledged that such actors might have also inherited the same clientelistic and corrupt nature of their enemies even without having had to deal with them. Although very plausible, the counterfactual thus cannot be fully supported.

However, rather than considering the reasons for the failure of the orange revolution and rather than pointing to oligarchic interests as the main explanation of that failure, the objective of this article is other. Having found supporting details to claim that the elite division was a necessary

factor for the final outcome that led to Viktor Yushenko's victory, we need to draw from it some lessons that could be applied to the prospects of democracy now that Viktor Yanukovich has been elected president.

### **3. Yanukovich's presidency and the prospects for democracy in Ukraine**

The presidential elections of 2010 bore witness of the state of decay that the orange coalition had reached. Rumors about a possible alliance between Yushenko and Yanukovich (Eurasia Daily Monitor, January 5, 2010) and the desperate attempts by the former to make in into the second round supporting candidates like Arseniy Yatseniuk that would undermine Tymoshenko's candidacy (the use of "technical candidates" was nevertheless used by every candidate. Hale 2010a: 88-89), are some examples of how low the "hero" of the Orange Revolution had fallen and how far he stood from the principles he had sworn allegiance to. Yushenko could now be easily associated to the opportunistic methods characteristic of the times of Kuchma. The bad news for the ideals of the Orange Revolution were that after a legacy of political and economic disorder, neither Tymoshenko, who had absorbed most of the previous support for Yushenko and contested the presidency to Yanukovich in the second round, was able to beat him in fair elections (Herron 2010b: 764). The new president was inaugurated on the 25<sup>th</sup> February 2010. For the most ardent supporters of the Orange Revolution, it must have seemed as a cruel irony of destiny that the official candidate to succeed Kuchma in 2004, finally came to be fairly elected five years later.

The first steps taken by the new president do not lend themselves to optimism in what concerns democratic consolidation in Ukraine. Yanukovich has reoriented his diplomacy closer to Russia but has not closed the door to European integration. However, democratic practices, which consolidated, even in a very imperfect way under Yushenko, seem to be under attack: one of the first steps taken by the new president was to force a reinterpretation of the Constitutional Tribunal of the imperative mandate. This reinterpretation allowed for many candidates from the opposition to join a new majority built on the Party of Regions. Thus Yulia Tymoshenko lost the approval of the parliament which lent its support to Mykola Azarov from the Party of Regions. A later but even more significant move, undertaken by the Constitutional Tribunal under the sway of the new president, was to declare the 2004 agreed reforms as unconstitutional, which in fact reinstated the 1996 constitution and gave Viktor Yanukovich all the powers Leonid Kuchma had enjoyed. Meanwhile, the government led by Mykola Azarov counts in his ranks many

personalities linked to corruption and oligarchs from the region of Donetsk (Eurasia Daily Monitor, 29 de marzo 2010). This new government thus bears ill for the prospects of democracy in Ukraine. Actually the results of the local elections of October 2010 might lead us to suspect that the new presidency could go beyond the semi-authoritarian methods of Kuchma and get closer to outright Putin style authoritarianism.

A most disquieting signal of the new times to come came with the local elections of October 2010, which initially scheduled for May 30, were later postponed. A new electoral law was then approved that closed the elections to those parties registered later than a year before. This clearly undemocratic provision was fortunately removed. The election method to the city councils was modified: starting from the approval of the new law, one half of the city councilors was to be elected proportionally in electoral lists, whereas the rest would be elected in uninominal districts by majority suffrage. Tymoshenko's party "Batkivshina" could not participate in many of the districts due to "anomalies" in the new electoral law. As a result of these changes, the Party of regions managed to win in most of the regions (save for the West) and to hold the majority in two thirds of the city councils.

The situation nowadays in Ukraine is not very favorable to the current government led by Mykola Azarov, as a string of unpopular measures, in particular in the field of the economy, has undermined his support. However it is hard to conclude that this imperils the stability of the current presidency. If something seems to distinguish the current presidency to that of Kuchma is that whereas the latter found support in loose and unstable coalitions where every important clan was represented, the former draws her support mainly from one single clan hailing from Donetsk, where corruption and organized crime are rampant and which is hardly representative of the rest of the country. Such a homogenous base for support could be fatal if no counterbalances came from opposing social sectors or regions and would pave the way for a more authoritarian evolution of a system which can arguably already be characterized as semi-authoritarian. Compared to Kuchma's presidency, these counterbalances hardly exist within the ruling coalition. As for external counterbalances, the judicial process open against Yulia Tymoshenko and which arguably responds to political reasons, shows an administration ready to neutralize personalities that could easily become the rallying point for a solid opposition by any means possible.

Given these perspectives, it is time for us to turn to the set of questions we started with at the very beginning: Is Yanukovich's Ukraine a parenthesis in the process of democratization, or was

Yushenko on the contrary the exception and maybe the lost occasion to put an end to an unstoppable process of autocratic consolidation? Is it maybe on the contrary that Ukraine will remain mired in semi-authoritarianism and swing back and forth between alternative democratic and authoritarian extremes? When Michael McFaul characterized Ukraine as semi-authoritarian regime, he seemed to suggest a positive answer to this latter question (McFaul 2002). Certain structural factors indeed seem to support the latter scenario. The regional factor, characterized by a division between East and West, where a pro-Russian sentiment faces a genuinely Ukrainian national identity (the central regions represent a much richer amalgam of “grey tonalities” that allow competition between the two antagonistic poles) is arguably the strongest factor preventing the takeover by one single party or bloc of parties (D’Anieri 2001b: 30-32).<sup>6</sup> Paul D’Anieri (D’Anieri 2001b) cites other additional factors that would arguably make such a consolidation difficult: the plurality of clans in the economic sector, the predatory rentism in the energy sector<sup>7</sup> and the corruption and lack of discipline within the security services (SBU). However, it is precisely in the economic sector, split in different clans, that we can find a factor that may prove capital in the years to come: will the pluralism of clans prevail?

The presence of many oligarchs in the ranks of the Orange Revolution in 2004 (Petro Poroshenko, Oleksandr Zinchenko and the initially tepid but later decisive support of Kiev’s mayor, Olexandr Omelchenko), the neutrality of key players from Kuchma’s coalition as Volodymir Lytvyn and Viktor Pinchuk (who was already abandoning politics), the support of important technocrats as the ex-prime minister Valeryi Kinakh or the future prime minister Yuriy Yekhanurov and the active support of civil society activists, mainly politically minded students and middle class citizens who rallied with the opposition led protests (Lane 2008: 536) lent the revolutionary process a formidable force. However as we have seen so far, the division of the elites is a factor without which it is hardly possible to imagine how the opposition would have succeeded. If this division of elites as it happened in 2004, when a combination of dissident businessmen hailing from rival clans based in Kiev and Dnipropetrovsk, will not happen in the future, namely if no serious counterbalance will exist any longer to an almighty Donetsk clan, we must wonder whether a repeat of the Orange Revolution is possible. In contrast to Kuchma’s rule, we hardly see now the subtle balance that once used to prevail. The clan of Kiev, always the

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<sup>6</sup> See Way 2005a for an argumentation in favor of considering the national factor as the biggest counterweight against authoritarianism. According to the author that would have contributed to the triumph of “democracy by default” in countries like Moldova and Ukraine, whereas countries like Belarus and Russia, where the national sentiment is either very weak (Belarus) or homogenous (Russia) and can hardly be turned into a vector of anti-incumbent protests, turned towards authoritarianism.

<sup>7</sup> See the detailed work of Margarita Balmaceda: Balmaceda 2008b.

weakest of all, no longer keeps a presence in the parliament through its unpopular SDPU (Social Democratic Party of Ukraine), whereas the clan of Dnipropetrovsk, who once had in Viktor Pinchuk and his still thriving group “Interpipe” a leading figure that even translated in the small PT (Labor Party), seems now to be less involved in politics. If this situation remains, the only counterbalance available would have to come exclusively from the citizens. Is the appearance of middle class based parties relying not on big oligarchs but on small entrepreneurs for financing powerful enough as to challenge authoritarianism? It does not seem very likely. Ukraine had to wait for a popular technocrat like Viktor Yushenko to be dismissed by Kuchma for the opposition to become a real alternative. This seems consistent with a survey on public opinion published by Anna Fournier (D’Anieri 2010a). The author shows that in many respects, protesters supporting the Orange Revolution reproduced the Soviet political mentality of reliance on leadership as the solution for political and economic woes. It makes sense that instead of self-organizing themselves, many citizens threw their lot with the Revolution once a reliable technocrat joined her ranks. This hardly fits into the concept commonly held of a dynamic civil society.

Scarce divisions within the elites compounded by a weak civil society are negative factors if democracy must withstand the next challenge at the 2012 parliamentary elections. The electoral law that is finally chosen for these elections might have either amplifying or minimizing effects. The law currently in force that ruled both in 2006 and 2007 elections clearly reinforced parties (there are only five parties in the current Rada) by the way of eliminating uninominal districts<sup>8</sup>. This law at its present stage however could have the unwanted effect of closing the doors to competing clans that relied on these districts to obtain representation in the Rada. The clan of Donetsk, far from needing the presence of uninominal districts to get his representatives elected, performs very well in party lists where they compete with the strongest party, the Party of Regions. As it has a steady base in the stronghold of Donetsk and has also absorbed the Communist Party which once held sway in the industrialized Eastern regions, the Party of Regions is indeed a powerful tool for the current leadership in power. If the authoritarian bend of Azarov’s government does not subside and the current campaign of harassment of the weakened

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<sup>8</sup> The parliamentary elections of 2002 are a good example: Yushenko’s coalition managed to win around two thirds of the seats elected through party-lists. However, Kuchma’s coalition, although clearly unpopular, could compensate her losses through gains in seats determined through uninominal districts. These gains were “perfected” through bribing of representatives from the opposition. This latter recourse however, would have surely been to no avail if so many pro-Kuchma allies could not have “sneaked in” through uninominal districts.

opposition continues<sup>9</sup>, we could be witnessing the evolution of Yanukovich's presidency into an authoritarian regime more akin to what prevails in Putin's (and Medvedev's) Russia, limited however by the big regional and identity divide that characterizes Ukraine .

#### **4. Conclusions**

The objective of this article is very modest as we focus on one single case, Ukraine, from which it is hard to draw generalizations. Daring to suggest predictions based on features the new presidency of Yanukovich has started to display and which cannot yet be proved is still harder. To state which, whether Yushenko's or Yanukovich's presidency, was the one which strayed herself from a pattern of authoritarianism or democratization, or whether both are but alternative phases of a semi-authoritarian regime, cannot be done, at least until this presidency is over.

However, this article provides data based on the extensive existing literature and diverse analyses made on the Orange Revolution, which explore the beginnings, development and eventual decay of the most serious attempt at democratization undergone so far in Ukraine. I draw an interpretation that in my opinion can contribute to the debate about democratization and authoritarianism in Ukraine.

The theoretical introduction which opened the article summed up the main points of the agency/structure debate that developed in search of explanations to the Color Revolutions and the Orange Revolution in particular. The "agency school" identifies endogenous actors (NGOs, civil associations, student organizations and protest groups) emulating successful and novel techniques to uncover fraud (extensive use of non-violence, control of electoral procedures, alternative polls, diffusion of propaganda through internet and extensive use of humor and entertainment as channels thereof) which therefore introduce an exogenous element, sufficient in combination with other factors to trigger change in the status quo. The "structure school" on the contrary only identifies endogenous elements, in this case, elites and their level of cohesion and readiness to apply violent repression to a certain extent, as being the necessary factor for a change in the status quo to come about in what can be seen as a more deterministic interpretation of events.

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<sup>9</sup> Some authors maintain that once their hold was consolidated, oligarchs would favor a normalization of their position, supporting the empire of law and the economic integration into the European Union, adopting thus her standards of governance (Aslund 2005b, Heiko Pleines en Bester-Dilgers 2009a e Melnykovska y Schweickter 2008). However, Yanukovich's presidency hardly passes the test in that respect and rather seems to be reinstating the older patterns of corruption (see for example: Eurasia Daily Monitor. June 7, 2010).

This theoretic discussion has been related to the descriptive part devoted to the Orange Revolution. After having discussed that groundbreaking event in the recent history of Ukraine, I have found elements that would support the importance of the structural theses and the singling out of the cohesion of elites as the most determinant factor. The importance of providing such interpretation of the Orange Revolution as the outcome of a breakdown in cohesion within the ruling (political and economic) elites does not lie so much in the possibility of understanding its eventual decay as a consequence too of the links with elites and the readiness to reach “unnatural” agreements with former rivals. The importance lies in the possibility of linking the solidity of the current presidency with the current level of cohesion of the elites. This should provide us with tools to understand how likely, is authoritarianism to be challenged in the next years. The three main clans, Kiev, Dnipropetrovsk and Donetsk held sway under a complex balance during the time of Kuchma’s presidency. However, the first two and weakest among the three of them do not seem either to have held their turf through Yushenko’s presidency with the same strength as they used to, or at least to have been able to translate their economic weight into political power. The refusal of so many of these oligarchs and other members of Kuchma’s camp to accept Yanukovich as the anointed candidate arguably goes a long way to explain the fact that Yushenko garnered so much support for his candidacy. If now on the contrary, most of the economic class ends up orbiting around the Party of Regions and the strongest of all clans, the clan of Donetsk, the door to a split that was so decisive for the success of the Orange Revolution, will be harder to open for a prospective repeat of the phenomenon in the next years. If Yanukovich’s presidency therefore, opts to consolidate an authoritarian style of rule, it is fair to suggest that the chances for democracy in Ukraine will be bleaker under this new challenge than under Kuchma’s challenge, unless civil society further strengthens and is able to stand up by herself, something that might seem nowadays even harder. This article suggests this perspective and reinforces the belief that the factor of elite division is worth researching as a variable explaining the bigger or lesser chances democracy has to consolidate in Ukraine.

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