

ELECTION ANALYSIS

UKRAINE'S 2004 PRESIDENTIAL ELECTION

THE ORANGE REVOLUTION

by Taras Kuzio

RAZOM NAS BAHATO! (We Are Many!)

We are not swine!

We are not goats!

We are Ukraine's daughters and sons.

No to falsification!

No to manipulation!

No to lies!

Together we are many,

We cannot be defeated!

The Orange Revolution Anthem
by Sleigh (Hryndzholy)

Ukraine's 2004 presidential election was always about much more than just the election of the country's third president. It was a struggle between pro-Eurasian authoritarians and pro-European, democratic forces to shape the country's political future. Given these high stakes, the 2004 elections became Ukraine's dirtiest and most bitterly contested elections ever.

THE STAKES

The pro-Eurasian authoritarian forces were led by President Leonid Kuchma, whose decade of rule would end with the 2004 elections. First elected in 1994, Kuchma's popularity had plummeted after the events known as "Kuchmagate." In November 2000, cassette tapes were made public that implicated President Kuchma in the murder of an Internet journalist, among a wide range of other illegal activities. These revelations were followed by vocal street demonstrations of tens of thousands of Ukrainians calling for Kuchma's resignation.

The illegal acts committed by Kuchma and his oligarchic allies made them fear victory by the opposition, which could expose them to investigation and prosecution. They sought to avoid this outcome through two means. The first was their nomination of Prime Minister Viktor Yanukovich, the presidential candidate of those in power. The second was constitutional reforms, first introduced by Kuchma in 2003, that would diminish the power of the executive. Among other factors, Kuchma proposed creating a Senate where former presidents would sit, thereby giving himself continued influence and immunity. (This support for a parliamentary regime was at odds

with his desire to move towards the Russian and the Commonwealth of Independent States (CIS) model of a super-presidential system in which parliaments had little power.) He also suggested postponing the presidential elections until 2006, when Ukraine will hold parliamentary elections, so that he would have 18 additional months in office. In April 2004, these proposals, and the attempt to change the constitution, failed to muster the 300-plus votes needed to pass in parliament. As a result, whoever won the 2004 election would inherit Kuchma's extensive powers.

Among CIS states, Ukraine was unusual in that it had a large pro-Western, reformist opposition movement. In the 2002 parliamentary elections, Viktor Yushchenko's "Our Ukraine" bloc had come first in the proportional vote, receiving more than double the votes of the pro-Kuchma "For a United Ukraine" bloc. Having led Ukraine's most successful government in 2000-2001, Yushchenko remained the country's most popular politician.

Until presidential candidates officially registered in July 2004, it was not clear whether Kuchma would actually step down. In December 2003, the Constitutional Court had ruled that he had the right to run for a third term because his first term had begun before the 1996 adoption of the constitution that limited presidential terms to two. In the end, 26 candidates registered for the elections (dropping to 23 by Election Day), and the two main challengers were Yushchenko, the main candidate of the opposition, and Yanukovich, the candidate of the administration.



Participants in Ukraine's Orange Revolution

The contest between Yushchenko and Yanukovich made clear how far Ukraine's political development had come in the past five years. In the country's 1999 elections, the contest had been between Kuchma and Communist Party leader Petro Symonenko, giving voters a choice between Kuchma's

vague commitment to “reform” and Symonenko’s promise of return to Soviet communism. In contrast, Ukraine’s 2004 elections represented a choice between two different political paths rather than a competition between ideologies. Yushchenko’s pro-European orientation would place Ukraine on a transition trajectory similar to those undertaken successfully in Central Europe. On the other hand, Yanukovych offered the Russian-Eurasian model of a politically authoritarian and quasi-liberalized economic system. Ukraine’s elections offered a choice between a consolidated democracy or a consolidated autocracy. High stakes, coupled with the ruling elites’ fear of prosecution in the event of an opposition victory, meant that the elections would be bitterly fought to the very end. Given the authorities’ personal stake in the outcome, it was unclear whether they would permit free and fair elections that could lead to the victory of the opposition.

UKRAINE’S DIRTIEST ELECTIONS

The elections therefore became the dirtiest in Ukraine’s history. The majority of the 26 registered candidates were “technical,” their only purpose being to work on behalf of the authorities and against the opposition. State resources were overwhelmingly deployed in support of Yanukovych, and the mass media, particularly television, gave widespread positive coverage to Yanukovych while covering Yushchenko in negative terms.

In addition, Yanukovych had two campaign teams. The official, public one was headed by the chairman of the National Bank, Serhiy Tyhipko, while his shadow campaign was led by Donetsk ally and Deputy Prime Minister Andriy Kluyev. This shadow campaign, which was behind most of the dirty tricks used in the election, worked closely with the presidential administration, headed by Viktor Medvedchuk, and Russian “political technologists,” such as Gleb Pavlovsky and Marat Gelman.

The four-month campaign witnessed a wide range of sabotage and machinations used against the opposition. In early September, in the worst of them, Yushchenko was poisoned, which removed him from the campaign trail for a month. International experts and doctors confirmed in December that he had been deliberately poisoned with dioxin.

Despite this, and as anticipated, Yushchenko and Yanukovych won the first round of the election in October. However, the results were not released until 10 days after polling, the maximum time permitted by Ukrainian law. Evidence has since appeared showing that Yanukovych’s shadow campaign team and the presidential administration hacked into the Central Election Commission (CVK) server and manipulated results as they were sent by the Territorial Election Commissions (before they arrived at the CVK).

Despite a dirty four-month campaign and the poisoning of Yushchenko, he had still managed to win round one.



Viktor Yushchenko greets supporters in Kyiv

Presented with this unwelcome fact, the authorities miscalculated in November’s round two. The stakes were too high for them to permit a Yushchenko victory again: they decided to use more blatant fraud to prevent such an outcome.

In round two, the Committee of Voters of Ukraine, a well known NGO, estimated that 2.8 million votes were fraudulently added to Yanukovych’s tally. This fraud was most prevalent in Donetsk and Luhansk, Yanukovych’s home base, where turnout rates allegedly increased by 20 percent between rounds one and two. In addition, ballot stuffing as well as massive abuse of absentee ballots and voting at home were used to increase Yanukovych votes. In Mykolaiv oblast, a third of voters allegedly voted at home, a figure far in excess of the usual 2-3 percent unable to travel to polling stations.

MISCALCULATION LEADS TO ORANGE REVOLUTION

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In the first case, the authorities believed that the United States would turn a blind eye to their fraud because Ukraine has fielded the fourth largest military contingent in Iraq. They were wrong. Three days after round two, U.S. Secretary of State Colin Powell refused to recognize the fraudulent official results released that same day, a step encouraged by Ukrainians themselves, who were creating the Orange Revolution on the streets of Kyiv. The U.S. position was quickly backed by Canada and the European Union.

In addition, the authorities assumed that Ukrainians would remain passive. During the Kuchmagate crisis, the opposition mobilized only 20-50,000 protesters. At the time, Kuchma had taunted the opposition that while it threatened to bring out 200,000 protesters, it never did. But again, the authorities were wrong. At its height, the Orange Revolution brought out over one million people to the streets of Kyiv.

ELECTION ANALYSIS *continued*



Protesters sing anthems in front of a barrier.

The huge numbers of Ukrainians who joined the Orange Revolution did so because of the consequences for Ukraine if Yanukovich had been permitted to become president through massive fraud. In round two of the election, Yushchenko was backed by a very wide spectrum of society, which had not been the case during anti-regime protests during Kuchmagate. The new alliance ranged from the Socialists to the business community (led by Anatoliy Kinakh) to the liberal-center-right "Our Ukraine" party to the populist Yulia Tymoshenko. Kyiv's popular Mayor Oleksandr Omelchenko provided crucial logistical support.

Young people were especially attracted to the Orange Revolution. On the eve of the first round, a rally attracted 25,000 student supporters of Yushchenko. Ukraine's normally apolitical youth had been mobilized for the elections and took part in election monitoring organizations (as did NGOs like Znayu) and organizing street protests. The group PORA! (meaning "It's time to move!") was trained by Serbia's OTPOR radical youth group and coordinated protests and set up tent cities, among other things.

Ukraine's Orange Revolution would never have taken place without the trials, tribulations and re-organization that had taken place during the three years of the Kuchmagate crisis prior to the elections. As a PORA! activist explained to me, if the anti-Kuchma protests in 2000-2003 were likened to the failed 1905 Russian revolution the Orange Revolution would be the successful revolution of 1917.

THE FINALE

On December 3, the Ukrainian parliament and Supreme Court overturned the fraudulent election results of round two, and fresh elections were called for December 26. Roundtable negotiations brokered by Poland and the European Union led to a December 8 compromise that revised electoral law to avoid the fraud of round two. In addition, Yushchenko agreed to support constitutional reform limiting the powers of the president in favor of the prime minister—reform that would go into effect in September 2005 or closer to the March 2006 parliamentary elections.

The December 26 elections were certainly freer than those in round two, and the OSCE and Council of Europe did not register any major elections violations that would

influence the final result. Nevertheless, they could not be considered completely free and fair as they were held at the end of a six-month dirty campaign, during which the state worked incessantly against Yushchenko and authorities deliberately incited regional and ethnic tensions to turn Russophone eastern Ukrainians against Yushchenko. This legacy inevitably hung over the final election round.

Yushchenko was inaugurated in late January as Ukraine's third president, over a month after the inauguration would have normally taken place. His election would have been impossible without the Orange Revolution, in which Ukrainian civil society blocked the authorities' plan to inaugurate Yanukovich as Ukraine's president five days after round two.

A YUSHCHENKO PRESIDENCY

The election of Yushchenko signifies that Ukraine has chosen a Central European rather than a Russian-Eurasian path of political development. Ukraine's transformation into a parliamentary system in 2005 or 2006 will bring it closer to the European norm and differentiate it from other CIS countries, whose parliaments are emasculated (the only exception being Moldova). Of the 27 post-communist states, those countries that have adopted parliamentary systems have witnessed greater progress in democratization than those with presidential regimes.

The 2006 parliamentary elections, which will for the first time use a fully proportional election law, will democratize Ukraine's political system further. Ideologically amorphous centrist political parties will suffer the most, as they traditionally do better in majoritarian elections.* With the election of Yushchenko, they have also lost state patronage.

Ukraine is ready for a radical agenda that will bring the freedom of its political system closer to that of its economy, which registered the fastest rate of growth in the world in 2004. Yushchenko's agenda will include policies to root out corruption, promote democratization and support the rule of law. Participants in the Orange Revolution will expect nothing less.

**Ukraine's 1994 elections were fully majoritarian. The 1998 and 2002 elections were held with mixed proportional (250 deputies) and majoritarian (250 deputies) systems. The 2006 elections will use a fully proportional system.*

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