

Ukraine¹

The evocative images of the Orange Revolution that unfolded on the streets of Kiev at the end of 2004 suggested a successful case of democracy promotion. Within the context of this volume, Ukraine indeed offers a range of positive lessons for international democracy strategies. It appeared to be a case where low-level civil society and governance support did spill over into democratic transition; where Western governments mobilized effectively and unequivocally in democracy's favor at the crucial point of election-related crisis; where support for democracy eventually trumped a geostrategic indulgence of Russia; and where notable coordination occurred between different international actors. This chapter argues, however, that the strategies pursued by the European Union (EU) and United States were far from being models of proactive and extensive democracy promotion. Serious doubts are warranted over the extent to which the international community maximized its potential influence in Ukraine both before and after the 2004 Orange Revolution. With Ukraine's parliamentary elections in March 2006 handing a plurality of votes to anti-Orange, pro-Russian forces, Ukraine is a case that underscores the importance of responding expeditiously and in significant fashion to breakthrough transition opportunities.

Background

Unlike in other central and eastern European states, independent statehood in 1991 did not lead to democratization in Ukraine. When Leonid Kuchma was elected president in 1994, he promised political and economic reforms. In practice, the ensuing years witnessed a gradual embedding of acute presidentialism. Parliamentary elections in 1998 saw some degree of political competition but no direct challenge to Kuchma. Presidential elections the following year were marred by vote rigging, state manipula-

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tion of the media and pressure on state employees to campaign for Kuchma. Debate at this stage was still dominated by the issue of independent statehood, with Kuchma's democratic abuses taking a lower profile. Fraud was widespread in the April 2000 referendum, which sanctioned an increase in presidential powers. Scandal erupted in 2000 over tapes in which Kuchma admitted to high-level involvement in corruption and in the murder of prominent critical journalist Georgi Gongadze. In 2001, the reformist prime minister, Viktor Yushchenko, was removed by Kuchma, following pressure from business oligarchs.

By this stage, Ukraine represented a clear case of backsliding into elective authoritarianism. In the 2002 parliamentary elections, Yushchenko's Our Ukraine bloc emerged as a strong opposition force, while broader social protest also emerged against Kuchma. Seeking to placate this unrest, Kuchma eventually agreed to a reform package that slightly diluted his own powers; however, this was not passed by the parliament. One difficulty was that Kuchma's stand on relations with Russia succeeded in peeling off the Communist Party (KPU), a prominent source of opposition since the early 1990s, from the emerging "Ukraine without Kuchma" movement.² Overall, Kuchma's ten-year tenure in office witnessed a limited opening of political space, but not meaningful democratic reform; in some aspects political freedom narrowed from 2000 to 2001.

The first round of the 2004 presidential elections took place on October 31. In the November 21 run-off between Viktor Yushchenko and Kuchma placeman, Viktor Yanukovich, the latter was proclaimed victor. Half a million protesters took to the streets. The Committee of Ukrainian Voters, a civil society group that had monitored the polls, provided vital exposure of official manipulation. After the Supreme Court nullified the result on December 3, the run-off was held again on December 26. Victor Yushchenko was declared the winner. Key here was the new unity – behind Yushchenko – amongst the long-divided opposition, both at the political level and between different civil society groups. Of central importance was the new alliance between Yushchenko and the charismatic reformer Julia Tymoshenko. Crucially, the stalled reform package, increasing parliamentary vis-à-vis presidential powers, was at this stage adopted as a compromise measure by Orange leaders – this package now serving not as originally intended to contain Kuchma, but rather his democratically elected successor.

2 T. Kuzio, "The Opposition's Road to Success," *Journal of Democracy* 16, no. 2, 2005, p. 120.

One expert observed that Ukraine suggested a different conclusion from the argument that semi-autocratic regimes tend to stabilize and render full-blown reform less likely; in Ukraine, the fact that formally democratic constitutional provisions existed had ultimately been harnessed successfully by civil society protestors.³ In particular, after the 2002 parliamentary elections, a snowball effect took hold: with opposition growing, the regime needed to resort to increasingly extreme tactics, which engendered further opposition. As the 2004 elections approached, the security forces began to splinter, journalists began to resist regime orders and sectors of the business class – concerned over the continuing sanctity of property rights – threw their weight behind the protestors. The Orange Revolution reflected a conflated yearning for both democracy and greater de facto independence from Russia.

After the 2004 elections, progress towards democratic consolidation was halting. One local judgment was that in some ways the process of reform actually slowed after December 2004, with Orange leaders having failed to devise a post-election strategy.⁴ The need to reduce the influence of oligarchs, whose power was a continuing obstacle to deepening democracy, remained a critical challenge. One expert argued that the new government maintained a populist stance and “revolutionary discourse” that militated against a broad strategy of democratic consolidation.⁵ Concerns also arose that Yushchenko moved towards forming a new “party of power” from his supporters within government, rather than one embracing the wider “Our Ukraine” movement – the limited degree of party institutionalization echoing events after Kuchma assumed power in 1994.⁶ An event called to assess the Orange Revolution, by the National Democratic Institute (NDI) in October 2005, singled out the paucity of judicial reform as an additional concern.⁷ A prominent Ukrainian civil society organization complained that, since the 2004 elections, “nothing had been done” in terms of political reform.

3 M. McFaul, “Transitions from Postcommunism,” *Journal of Democracy* 16, no. 3, 2005, p. 7.

4 International Centre for Policy Studies, *Political Commentary*, no. 27, September 2005, p. 4.

5 A. Aslund, “The end of the Orange Revolution,” September 14, 2005, <http://firstnews.com.ua/en/politics>.

6 M. Resende and H. Kraetzchmar, “Parties of Power as Roadblocks to Democracy: The Cases of Ukraine and Egypt,” CEPS Policy Brief no. 81, August 2005.

7 A. Aslund, op. cit.

After months of public in-fighting related to re-privatization plans,⁸ Yushchenko removed his government in September 2005. Political reform had been subordinated to the re-privatization issue, while economic reforms were also delayed. Ironically, economic growth was strong amidst the political turmoil of 2004, but dipped dramatically during 2005. Some observers suggested that the change of government created further division that threatened to slow reforms and that, with Julia Tymoshenko no longer prime minister, it might be more difficult for the government to win battles against Kuchma supporters in parliament. Others argued, conversely, that the change of government could be helpful in moving Ukraine towards a model where the principal opposition was, in the form of the Tymoshenko bloc, also pro-Orange Revolution. Some observers argued that Yushchenko appeared increasingly “hampered” by the deal cut with Kuchma supporters in December 2004, and that he would now be forced to build an unwieldy coalition possibly with Yanukovich after the key parliamentary elections due in March 2006.⁹

Indeed, Yushchenko was widely criticized, including by civil society organizations prominent in the Orange Revolution, for agreeing with Yanukovich to consider an amnesty for those found guilty of fraud during the 2004 elections. Article 10 of the new electoral law was interpreted as sanctioning restrictions of media coverage of the March 2006 poll (although it was later slightly modified). Concerns arose over conditions surrounding the preparation of local elections in March 2006. The government did take steps to remove Ukraine’s top prosecutor and a number of corrupt regional governors. However, a common view was that the September crisis had further weakened, not strengthened Yushchenko, who looked increasingly unable to control the country’s fractious domestic politics. At the end of October 2005, the national budget was approved with the support of Communists and the regions, and *against* the Tymoshenko bloc in parliament. Tensions persisted over the re-privatization issue, with the new prime minister, Yuriy Yekhanurov, keen not to continue this process after the sale of the Kryvorizhstal steel mill in October, which secured six times the original bid. These debates culminated in parliament agreeing to a vote of no confidence against the government in January 2006.

8 A debate over how far the government should reverse and redo privatizations fraudulently executed by the Kuchma regime crippled the governing coalition and ultimately led to its breakdown.

9 S. Wagstyl and T. Warner, “Off Colour: a Region’s Democratic Dreams depends on Righting the Orange Revolution,” *Financial Times*, October 24, 2005, p. 11.

The eventual results of the March 2006 parliamentary elections held mixed implications. The elections were free and fair, democratic procedure upheld and vibrant open debate engaged in by both supporters and opponents of the Orange Revolution. The result was not as bad for the pro-Orange parties as had originally been feared. Viktor Yanukovich's Regions of Ukraine party won a 32 per cent plurality, but the second-, third-, and fourth-place finishes of the original Orange coalition (Julia Tymoshenko's bloc, Yushchenko's bloc, and the Socialist Party, respectively) ensured that a pro-Orange majority was maintained in the parliament. However, strong dissatisfaction had been expressed with the government, deep divisions persisted within Ukraine's population over the country's rightful international orientation, and difficult negotiations were awaited over the formation of a government coalition.

In short, by the spring of 2006 Ukraine's democratic course appeared firmly set, but the euphoria of the Orange Revolution had given way to more sobering difficulties in achieving democratic reform and consolidation. The results of the March 2006 parliamentary elections suggested that the parliamentary and party system needed to catch up with the changes witnessed within civil society and the media in 2004.

The International Response

Ukraine represents a case where it did appear that the international community of democratic states intervened in an unequivocal way at a crucial moment of political decision in democracy's favor, upholding the 2000 Warsaw Declaration commitment to support adherence to democratic principles around the world. It remains instructive, however, to assess in detail exactly what this same international community had done to prepare the ground for democratic change prior to the dramatic events of the Orange Revolution; and also to examine its strategies aimed at assisting democratic consolidation after December 2004.

Preparing the Revolution?

After Ukraine gained independence, the European Union established itself as the principal Western actor, signing a Partnership and Cooperation Agreement (PCA) with Ukraine in 1994. The PCA's standard reference to democratic norms was injected with a more specific commitment to encourage political reform through the EU's Common Strategy on Ukraine, adopted in 1999. (At this point Ukraine was the subject of one of only three such Common Strategies, the latter representing one of the main diplomatic instruments available to the EU's putative common for-

eign and security policy). This Common Strategy committed the EU to supporting “the emergence of a stable, open and pluralistic democracy.” It opined that Ukraine “has taken important steps in nation-building and towards consolidating its democracy,” but also made reference to the critique by the Organization for Security and Cooperation in Europe (OSCE) of the conditions surrounding the 1999 presidential elections.¹⁰

The EU emerged as Ukraine’s largest aid donor. Between 1991 and 1999, total EU aid to Ukraine amounted to 4 billion euros, 1.5 billion of which came from the European Commission. A number of political reform projects were funded under the EU’s TACIS aid program (the main instrument of financial assistance for central and eastern Europe), such as journalists’ training and legal reform. A “legislative approximation scoreboard” was established, enshrining a structured program of cooperation designed to adapt a vast range of Ukrainian legislation to EU norms and standards. A Ukraine-Europe Policy Advice Center was set up to help advance this aim. European states supported Yushchenko’s appointment as prime minister, in view of his apparent commitment to EU-linked economic reform. In 2002, Ukraine adopted a formal “national program of approximation” with EU legislation.

The limitations to EU strategy also became apparent, however. The PCA offered only limited trade preferences for Ukraine,¹¹ while the latter negotiated free trade agreements with governments from the Commonwealth of Independent States (CIS). The EU complained about Ukraine’s slow progress on economic cooperation and selective implementation of PCA commitments. Russia remained Ukraine’s largest trading partner, until EU enlargement occurred in May 2004. Democracy assistance was dwarfed by other categories of aid: nearly one quarter of EU aid went to the issue of nuclear safety, particularly for closing down the Chernobyl power station. Most prominently, a membership prospect was not offered to Ukraine at the crucial meeting of the European Council in Helsinki in December 1999 (when other states’ candidatures were agreed). Throughout the latter half of the 1990s, member states complained of being reined back in their desire to offer Kuchma deeper economic partnership by a European Commission that was more insistent on awaiting the implementation of economic reform in Ukraine.

10 European Council Common Strategy of December 11, 1999 on Ukraine, 1999/877/CFSP, *Official Journal of the European Communities* L331, no. 1, December 23, 1999.

11 Through Most Favored Nation (MFN) status and the Generalized System of Preferences (GSP).

Under a new “strategic partnership” with Ukraine, the United States gradually established a relatively standard range of political aid initiatives. In 1999, the US named Ukraine one of four priority states for democracy promotion efforts. USAID programs increased in number and range as the 1990s progressed and after 2000 included a rule of law program; a Civic Oversight of Elections in Ukraine (COEU) program; transparency in media ownership, with the aim of tempering the power of Ukraine’s oligarchs; the strengthening of local media; support for the Ukraine Citizen Action Network program, focused on enhancing advocacy strategies; support for Ukrainian non-governmental organizations (NGOs) through the Eurasia Foundation; and a Community Partnerships for Local Government Training and Education Project (CPP).¹² NDI and the International Republican Institute (IRI) came to benefit from approximately 1 million dollars annually for work on strengthening the regulatory framework for political parties and, in conjunction with Freedom House, on training party cadres in poll monitoring skills. At the geostrategic level the United States was the prime advocate of the Distinctive Partnership between NATO and Ukraine that was agreed in 1997, and of Ukraine’s participation in NATO’s Partnership for Peace program.

Considerable Western forbearance was in evidence towards Kuchma’s semi-authoritarianism. EU documents and statements routinely suggested that Ukraine was making progress towards democratic consolidation, when events on the ground did not in any obvious sense confirm such optimism. Kuchma was seen by both the US and European governments as having usefully steered Ukraine away from Russia and towards a European orientation, while still providing a useful bridge to Moscow.¹³

Western criticism intensified after 2000 as Kuchma was perceived to be both veering back towards Russia *and* more unequivocally stalling on long-promised political reforms. The formation, in 2003, of the Common Economic Space, which included Russia, Ukraine, Belarus and Kazakhstan, was particularly indicative of the former trend. By 2001, EU declarations became more critical, expressing “profound concerns” over the tightening of political space and the intimidation of journalists, while suggesting that progress on economic and political reform was “a prerequisite for a deeper relationship with the EU.”¹⁴ A number of recommendations

12 See USAID Programs in Ukraine, http://www.usaid.kiev.ua/ukraine_democracy.shtml.

13 P. Kubicek, “The European Union and Ukraine: Real partners or Relationship of Convenience,” in P. Kubicek (ed.), *The European Union and Democratization*, London: Routledge, 2003, p. 155.

14 Quotes from the European Council and Chris Patten, respectively; P. Kubicek, op. cit., p. 162.

were forthcoming from the Council of Europe, enjoining Kuchma to implement reforms, especially to lighten media repression. The Georgiy Gongadze murder was the event that did most to engender new concern amongst international actors. For one European embassy, the 2002 elections were the key turning point: the opposition's showing in this poll henceforth made "it make sense to push harder," with the 2004 presidential election for the first time moving into view as a realistic focal point for diplomatic pressure.

Despite the deteriorating conditions within Ukraine, European sanctions were not imposed. Debate took place within the Council of Europe over the possibility of suspending Ukraine's membership to this body, but this option did not win widespread support. The Polish government warned against isolating Kuchma, citing the case of Belarus as a failure of ostracism. EU officials admitted that no consideration was given to reducing aid on democratic grounds.¹⁵ Indeed, Commission aid increased over this period, from 118 million euros in 1998, to 153 million in 2001 and 230 million in 2002, in addition to new European Investment Bank loans. Ukraine was brought into a number of EU peace-keeping and crisis management missions. No explicit support or backing was given to the "Ukraine without Kuchma" movement, even as this began to mobilize political opposition through a number of protests that took place in 2002. High level exchanges did, however, dry up: only Gerhard Schröder met with Kuchma in 2003, and European diplomats claimed that, by early 2004, contacts at the most senior level had "reduced to almost zero."

Most EU governments judged that their new concerns over Ukraine's political development merited enhanced engagement. Between 2002 and 2004, Ukraine was one of the biggest recipients of funds from the European Initiative on Democracy and Human Rights (EIDHR). The country was allocated 5.3 million euros from this program, mainly for human rights monitoring and training through the Council of Europe; work on improving prison conditions; a campaign against the use of torture; and projects aimed at widening access to the judicial system. The European Commission's 2004-2006 National Indicative Program for Ukraine allocated 10 million euros for "civil society, media and democracy" and a further 15 million euros for "legal and administrative reform," all of which came out of a total budget of 212 million euros. This aid program identified as funding priorities "small grassroots NGOs" that would

15 P. Kubicek, *op. cit.*, p. 163.

“indirectly...enhance the functioning of democracy” and support trade unions to gain strength and independence.¹⁶ The EU’s “legislative approximation” approach produced results, with Ukraine adopting new criminal and civil legal codes, as well as yearly Adaptation Action Plans, within whose scope new laws were screened for conformity with EU legislation.¹⁷

In 2002, the United Kingdom and Sweden first proposed offering Ukraine a broader set of relations, through what became the EU’s new Neighborhood Policy (ENP). Indeed, the ENP was seen by its proponents as a way of dealing specifically with “the Ukraine problem.”¹⁸ At the bilateral level, in 2002, a Lithuanian-Ukrainian “strategic partnership” was signed, while Poland pressed for the EU to change its “Russia first” policy to a “Ukraine first” policy. It was reported that Poland worked hard at pushing Germany into agreeing to offer Ukraine a deeper range of engagement, with some success by the autumn of 2004.¹⁹ Germany was, nonetheless, still one of the states most cautious about a more focused policy aimed at pushing political reform issues in Ukraine.²⁰ The imposition of new visa requirements for Ukrainians to visit eastern European neighbors after the May 2004 EU enlargement caused Ukrainians to feel they were being increasingly left behind and excluded from a common European space and identity.

Outside Commission aid, European funding was still relatively limited: overall levels of technical assistance for 2001 were 210 million euros from the United States, 179 million from the Commission, 15 million from the UK, 11 million from the Netherlands, 9 million from Germany and 3.4 million from Sweden.²¹ By 2004, Ukraine’s top three donors were the US, Canada and Germany. Germany’s TRANSFORM program, which worked with governmental authorities, agreed its last raft of projects in 2004. Overall, German aid focused overwhelmingly on small business

16 Commission of the European Communities, *Ukraine 2004-2006*, pp.14-15 and Annex 1.

17 For an overview, see R. Petrov, “Recent Developments in the Adaptation of Ukrainian Legislation to EU Law,” *European Foreign Affairs Review*, no. 8, 2003.

18 K. Smith, “The outsiders: the European Neighbourhood Policy,” *International Affairs* 81, no. 4, 2005, p. 768.

19 G. Gromadzki, R. Lopata and K. Raik, “Friends of Family? Finnish, Lithuanian and Polish perspectives on the EU’s policy towards Ukraine, Belarus and Moldova,” FIIA Report 12, 2005, pp. 31-32.

20 M. Emerson et al., “The Reluctant Debutante – the EU as a Promoter of Democracy in its Neighbourhood,” in M. Emerson (ed.) *Democratisation in the European Neighbourhood*, Brussels: Centre for European Policy Studies, 2005, p. 18.

21 Survey carried out by Kiev-based International Centre for Policy Studies, reproduced in *Policy Studies* 18, November 2002, p. 7.

development, energy cooperation and agricultural reform. The German Stiftungen did not, in one official's words, "meddle in politics...as much as the Americans." Aid officials asserted that on-the-ground funding was hampered by the high-level politics of the Berlin-Moscow relationship.

The UK Department for International Development (DfID) allocated 6-11 million pounds annually from the early 1990s, and from 2001-2002 ran a Democratizing Ukraine project and supported a Media Reform Center. Overall priorities focused on public administration reform, pro-poor strategies, private sector development, strengthening "the voice of vulnerable groups," and community based organizations in two regions (Donbass and Lviv), priorities that were judged by one official not to be concerned with "democracy per se."²² Some detected a link between the shortcomings of democracy funding and the absence of an EU membership prospect: one local assessment lamented that EU local governance projects had been ineffective because these were carried out in an ad hoc fashion and not linked to a systematic EU pre-accession program, as in Poland.²³

The Commission's Neighborhood Policy Country Report on Ukraine, adopted in May 2004, warned that given the irregularities witnessed in the 2002 elections, the EU would monitor the 2004 poll more closely – although it still asserted that Ukraine was making a "progressive transition to democracy."²⁴ The EU concluded negotiations with the Kuchma government for a Neighborhood Action Plan (a complement to the PCA, designed to enable the ENP to deepen relations with individual states on the EU's new borders). EU officials insisted that this Action Plan was then held back and its implementation was made conditional on the holding of free elections in December 2004. The case of Ukraine differed in this sense from that of Egypt: in the latter case, no link was made between an EU Neighborhood Action Plan and the distinctly unfree elections that returned Hosni Mubarak to power in September 2005. Indeed, the EU's Action Plan with Ukraine alluded to the priority of "Ensuring the democratic conduct of presidential (2004) and parliamentary (2006) elections in Ukraine in accordance with OSCE standards."²⁵

22 UK Department for International Development, "Ukraine Country Profile: DfID Ukraine Country Strategy Paper 2001-2005."

23 International Centre for Policy Studies, *Political Commentary*, no. 27, September 2005, p. 8.

24 Commission of the European Communities, "European Neighbourhood Policy Country Report Ukraine," SEC (2004) 566, pp. 6 and 9.

25 Proposed EU-Ukraine Action Plan, p. 2.

The alleged threat that the Action Plan would be withheld was not, however, a publicly stated policy in the run-up to the December 2004 elections. Pre-election intimidation – constant media attacks on Yushchenko, his apparent poisoning, threats made to students that they would lose their accommodation if they voted for Yushchenko²⁶ – did not elicit specific punitive reaction from international actors. Rather, at this juncture, comment centered on the infamous suggestion by European Commission President Romano Prodi that Ukraine had as much chance of joining the EU as New Zealand. It was reported there was much discontent amongst Yushchenko's supporters and liberal reformers that the EU had "let them down."²⁷ One diplomat acknowledged that several EU member states remained cautious to be seen supporting reformists "for Russia-handling reasons." Officials admitted that it was the pace of domestically-driven events that obliged them soon to stake out less equivocal positions.

US strategy was widely seen as more sensitive than EU policy to Kuchma's broad strategic maneuvering. US concerns intensified over the paucity of democratic reform. The Gongozde murder was said by the administration to have had a particularly "detrimental impact" on US-Ukraine relations.²⁸ The blocking of Radio Liberty broadcasts, in February 2004, also attracted critical US attention. The USAID rule of law project was withdrawn due to deteriorating political conditions. However, it was Kuchma's sale of weapons to Saddam Hussein that senior US officials deemed most influential in taking relations to a nadir.²⁹ It was argued that the US saw the potential of political change in Ukraine at this stage much more than did European governments in terms of such reform helping to weaken Russia.³⁰ It was similarly asserted that the US "used its influence mainly to advance its own geostrategic objectives, rather than help Ukraine move closer to the EU."³¹ Overall funding to Ukraine from the US Freedom Support Act declined after 2001, while the share of funds accounted for by democracy assistance increased from one-fifth to one-

26 For an overview, see A. Karatnycky, "Ukraine's Orange Revolution," *Foreign Affairs* 84, no. 2, 2005.

27 K. Barysch and C. Grant, "Ukraine should not be part of a 'great game,'" *Open Democracy*, December 7, 2004.

28 "Testimony of Steven Pifer, Deputy Assistant Secretary for European and Eurasian Affairs before the House International Relations Committee," May 12, 2004, p. 3.

29 *Ibid.*, p. 3.

30 K. Barysch and C. Grant, *op. cit.*

31 K. Wolczuk, "Ukraine's European Choice," CER Policy Brief, 2004, p. 4.

third.³² Frustration with Ukraine's political atrophy had led many policy-makers in Washington to propose cutting back funding more radically, until lobby groups mobilized to press for a continued commitment to democracy funding. On one occasion seating arrangements at a NATO summit had to be changed to move President Bush away from Kuchma. At this point, US relations with Kuchma were described as being "in a holding pattern."³³ US trade sanctions were imposed, but in relation to technical intellectual property rights concerns, not on democratic grounds.

Reflecting such geopolitical primacy, Kuchma bought crucial breathing space with Washington when he agreed to send troops to Iraq as part of coalition forces in 2003, which was widely seen as lessening incipient US criticism. Including military aid, Ukraine remained in this period the third or fourth largest recipient of US external assistance. In the run up to the December 2004 elections, Yushchenko promised that as president he would bring troops home from Iraq; in reality, Kuchma had himself already committed to a phased scaling down by the time of the election, thereby lessening this as a point of difference in Washington's eyes. A key aim for the US was to use NATO leverage to push Kuchma (unsuccessfully) to include benchmarks on civilian control of the military in Ukraine's NATO action plan. Like the EU, the US declined proactively to back the Our Ukraine opposition movement. One assessment was that throughout the post-independence period the priority focus at the geostrategic level was "not on democratization but rather on de-nuclearization."³⁴

Fading Orange: Revolution and Beyond

As political turmoil erupted in the run up to the 2004 elections, a notable development within EU policy was the prominent role adopted by Poland and Lithuania. These two states pressed for a more positive signal to be given towards Ukraine's potential membership in the EU and for a tougher line towards Russian influence in Ukraine. In the autumn of 2004, Lithuania took the lead in initiating Council discussions on offering stronger relations with Ukraine; subsequently, it was backed by six other new central and eastern European member states, the Nordic countries and

32 Pifer, *op. cit.*, p. 5.

33 "Daniel Fried, Assistant Secretary for European and Eurasian Affairs, Testimony before the House International Relations Committee," July 27, 2005, p. 5.

34 Hryhorii Nemyria, "The Orange Revolution: Explaining the Unexpected" in M. Emerson (ed.), *Democratisation in the European Neighbourhood*, Brussels: Centre for European Policy Studies, 2005, p. 54.

Austria.³⁵ This group of member states met frequently on an ad hoc basis immediately prior to the elections.

In the midst of Ukraine's brewing crisis, reports from insiders in Brussels indicated that EU foreign policy representative, Javier Solana, was initially reluctant to get involved. Amidst uncertainty over who should be assuming leadership on the European side, a recurring refrain amongst diplomats in Kiev soon became, "Where is Solana?" The EU team that was eventually assembled assigned key roles to Solana, Aleksander Kwasniewski and Valdas Adamkus, the Polish and Lithuanian presidents, respectively. There was general agreement that it was Kwasniewski who served as the really crucial interlocutor, based on a long-standing mutual confidence with Kuchma. Solana's line was "we do not meddle, or take sides, we want the reform process to continue and deepen" – language that was echoed closely in US policy statements. Poles complained of German resistance, even at this stage, to the idea of the EU intervening against Russia's overt backing for Yanukovich; Berlin, they argued, even claimed disingenuously and after the event that the Orange Revolution was a "success story" for German foreign policy.

Meanwhile, the United States provided 11 million dollars of electoral assistance, and injected a further 1.5 million dollars to train 100,000 election commissioners in the six months prior to the election. Voter education and public information programs were stepped up to significant levels, and implemented through NGOs, such as the Committee of the Voters of Ukraine. NDI-IRI training was non-partisan – with poll watching training offered to Yanukovich supporters – although it was recognized as being "a leveling of the playing field" that would be of relatively greater value to the opposition. No direct external backing was given to protestors – such support came rather from Ukrainian businessmen, in what became dubbed "the battle of the millionaires against the billionaires" – although it was again realized that "equalizing" logistical conditions would implicitly support the democrats' cause. EU diplomats reported that European support was less substantial on these directly political issues of reporting fraud and facilitating the creation of civil society networks, although a number of embassies – such as the British and Swedish – did join the US in funding exit polls.

In pushing for more muscular "intervention" at this stage, a familiar difference emerged between northern and southern EU member states,

35 Emerson et al., *op. cit.*, p. 17.

while Germany claimed that it was most useful in focusing on mediating with the Russians behind the scenes. Interviews uncovered that the French government was particularly ambivalent and tardy in backing protestors' claims that the second round results were fraudulent.³⁶ With the largest number of international monitors ever assembled for a single election, all donors pointed to good coordination through the OSCE. The latter coordinated both funding and public statements on electoral technicalities, while different donors chaired working groups on the various aspects of election preparations under the umbrella of the OSCE. Japanese officials were widely acknowledged to have played a key role in developing such coordination.

While seen to have played an important role, the approach of the EU team sought not so much to mobilize democracy activists as to mediate a solution. This "pacted" exit was based on Yushchenko agreeing (through the stalled reform package) to cede some presidential powers to the parliament in order to placate Kuchma's allies who would thus retain influence. Ironically, this package had been pressed by Kuchma, prior to the autumn of 2004, precisely as a means of mitigating the effect of his supporters possibly losing the presidency. In February 2004, the package had been criticized by the EU and the United States on these grounds, and in this sense its acceptance by the international community (albeit in a slightly diluted form), in December, suggested a change of position aimed at avoiding abrupt, destabilizing political change. The most tangible backing for democracy activists came not from Western official initiatives, but through links between the student group, Pora, prominent in the protests, and its Serbian counterpart, Otpor.³⁷ It also subsequently emerged that millions of dollars had been forthcoming from anti-Putin, exiled Russian oligarchs, such as Boris Berezovsky.

Despite the critical alternation in power in Kiev, there was no big injection of European funding in 2005; the increase in US funding was more generous and swifter, but not massive. After the elections, the US formulated a "New Century Agenda for the American-Ukrainian Strategic Partnership." An injection of an extra 60 million dollars of US funding was agreed. This took total 2005 US aid to Ukraine to 174 million dollars, 46 million of which was allocated for democracy programs; this com-

36 A. Guillemoles, *Même la Neige était Orange: La révolution ukrainienne*, Paris: les Petits Matins, 2005, pp. 75-77.

37 T. Kuzio, "The Opposition's Road to Success," *Journal of Democracy* 16, no. 2, 2005, p. 127.

pared to a 2004 allocation of 143 million dollars, 34 million of which went to democracy support.³⁸ The largest share of the 60 million dollar supplement still went to work on Chernobyl. This was judged to represent a window of relatively generous funding before amounts would likely reduce, especially as of 2007. Plans were introduced to restart the aborted rule of law project, while the training of election commissioners started in the run up to the March 2006 parliamentary elections. US priorities included a proclaimed focus on eastern Ukraine, an area traditionally closer to Moscow, while the EU was apparently still more focused on central state machinery.³⁹ US officials talked of targeting “the specificity of the East” in a way that had not previously been done. An NDI priority was to safeguard the coalition between Yushchenko and Tymoshenko supporters, who were increasingly reluctant even to sit in the same room as each other. The US was slow to remove trade restrictions, a measure pushed by the State Department on political grounds, but subject to a lengthy technocratic process.

In the aftermath of the Orange Revolution, Ukrainian government officials routinely referred to rapprochement with the EU as the key anchor needed for Ukraine’s new democracy. Yushchenko quickly introduced a new law to adjust 500 laws to EU norms. Poland, Hungary, Slovakia and Lithuania advocated the offer of membership immediately after December 2004, as a means of locking in democratic gains. A European Parliament vote in January also won a large majority for offering Ukraine a membership prospect. In a speech to the European Parliament, on February 23, 2005, President Yushchenko indicated an intention to apply for EU membership in early 2006, and a goal of commencing negotiations in 2007. Javier Solana appeared to give hope, suggesting that “Ukraine’s relationship with the EU will depend on the quality of Ukraine’s relationship with democracy.”⁴⁰

The official EU response was not positive, however. Germany, Spain, France and the Netherlands were the states most resistant to offering a

38 International Centre for Policy Studies, *Political Commentary*, no. 26, August 2005, p. 10.

39 “Daniel Fried, Assistant Secretary for European and Eurasian Affairs, Testimony before the House International Relations Committee,” July 27, 2005, p. 5.

40 Cited in R. Shepherd, “Ukraine and the Euro-Atlantic Community: A Strategic Dialogue,” in J. Forbig and R. Shepherd (eds), *Ukraine after the Orange Revolution: Strengthening European and Transatlantic Commitments*, Washington: German Marshall Fund, 2005, p. 25.

membership prospect.⁴¹ Enlargement Commissioner Olli Rehn stressed the need to make the ENP more attractive in order to discourage Ukraine from applying for membership, arguing that, “Yushchenko is wise that he has not sent an application to Brussels.”⁴² The often repeated standard line became, “the door is neither closed nor open.” Against the pleas of some member states for a renegotiated Action Plan – circumventing the limitations derived from the prevailing text having been concluded with Kuchma – the Commission insisted that the EU continue to base its strategy around the existing Action Plan, rather than entertaining further delay. EU strategy was based rather on an “Action Plan plus” policy. In February 2005, the outstanding Action Plan negotiated with Kuchma was finalized and supplemented with an additional “ten point plan” offering, inter alia, enhanced or accelerated cooperation on foreign and security policy, free trade preparation (through a free trade agreement (FTA) feasibility study), access to the World Trade Organization (WTO), visa facilitation, private sector development and energy policy – the idea being to take certain areas out of the Action Plan for speedier progress. These ten points also pronounced that, “Efforts in the field of democracy and the rule of law will be an immediate imperative and further targeted assistance including support for strengthening of civil society is envisaged.”⁴³

The new Ukrainian government remained unenthused by the European Neighborhood Policy. The government line was expressed as, “We are not neighbors, we are part of Europe! We want a pre-accession partnership, not a substitute for this.” Ukraine’s key demand was that when the PCA expired in 2008, Ukraine should be offered a replacement that at least mentioned the prospect of membership. But no debate on this issue took place among EU member states. One European diplomat attested to an uneasy “silence” on the EU question. The positions adopted by Ukraine’s advocates amongst member states was that the government should focus on making progress under the PCA and Action Plan so that it would be more credible in asking for a membership prospect in 2008. Apparently unsure how to upgrade its offer to Ukraine while refraining from accepting the latter as a candidate for accession, by late 2005, EU

41 Stefan Batory Foundation, *Will the Orange Revolution bear fruit? EU-Ukraine relations in 2005 and the beginning of 2006*, Warsaw: Stefan Batory Foundation, 2005, p. 13.

42 Olli Rehn, intervention at the Finnish Institute for International Affairs, October 21, 2005.

43 European Commission, “The EU’s relations with Ukraine,” September 12, 2005, http://europa.eu.int/comm/external_relations/ukraine/intro/index.htm.

officials were talking of moving policy to a basis of “Action Plan plus, plus.” It remained unclear what this meant. Moreover, diplomats acknowledged that debate on Ukraine was hampered by the impasse on the EU budget and delays to agreeing the new financial perspectives for 2007-13. Unlike those signed with Arab states, the EU-Ukraine Action Plan did not incorporate a democracy and human rights sub-committee; rather, democracy and the rule of law were presented as cutting across the four sub-committees that were established (covering trade, financial issues, energy, justice and home affairs). The rejection of the EU Constitutional Treaty in France and the Netherlands, and intensified debate over Turkey’s possible accession to the EU, conditioned European deliberations on policy towards Ukraine.

While the question of EU membership predominated, at the same time, new reform projects were funded by Western donors. Plans were announced to increase TACIS funds from 70 million euros in 2004 to 88 million in 2005, and to 100 million in 2006. This compared poorly to the proposed 125 million euro injection into Georgia after the Rose Revolution. Most technical assistance still focused on “legislative approximation.” Twinning (whereby EU officials would work side-by-side with Ukrainian officials in Kiev) and technical expert exchanges were seen as particularly relevant to the EU’s approach to reform at this stage. Commission officials in Kiev opined that the relatively small-scale EIDHR funds had been most useful in supporting grassroots organizations in the immediate aftermath of the Orange Revolution. The main priority for EU support in 2005 was identified as social policy reform, through targeted protection for vulnerable social groups; again, tackling social disparities was seen as the area in which assistance could most usefully be provided to enhance the sustainability of political reform. However, EU officials admitted to having little systematic idea of the impact of EU initiatives and projects, one official acknowledging, “We have not yet reached cruising speed in terms of monitoring implementation.”

By early 2006, the vast majority of new initiatives agreed under the Action Plan as a response to the Orange Revolution were, EU officials admitted, only just beginning to come on line. European preparatory support for the March 2006 elections was channeled largely through the OSCE, in particular for the elaboration of electronic voter lists. No significant increase in European funding levels was immediately forthcoming. In July 2005, Germany agreed to a 20 million euro allocation for the coming year, increased from 14 million for 2004-2005. A small 800,000 euro injection came from the British Embassy, to boost capacity in policy-mak-

ing related to EU approximation. DfID funding for 2005 actually declined slightly to 6.5 million pounds – less than 1 million of which went to political reform projects; notwithstanding the Orange Revolution, and causing some tension with the Foreign Office, DfID planned to withdraw funding from middle-income Ukraine in 2008. Given the importance of the “East-West question” in Ukraine for the strategic stability of the whole region, the paucity of effort directed at this issue was striking. One disappointed recipient NGO raged that European support was “so bureaucratized that not even a revolution changes anything.”

The prospect of NATO membership came to be seen as increasingly valuable and important. Hinting at international influence extending beyond the EU, Ukraine’s new foreign minister alluded to the government’s aim as “compliance with Euro-Atlantic standards.”⁴⁴ President Bush was mildly encouraging on Ukraine’s NATO aspirations when he met Yushchenko on April 4, 2005. The new Ukrainian government agreed to retain some involvement in military training in Iraq in order to placate the United States, with this NATO dimension in mind. It was regularly pointed out that central and eastern European candidates had ultimately joined NATO before they acceded to the European Union. Throughout 2005, however, a significant number of EU states remained more cautious than Washington on the prospect of Ukrainian NATO membership: in part, fearful of Russia’s reaction; and, in part, keen to retain a primary role for the EU. Poland commenced work at a bilateral level on security sector reform, keen to help prepare the Ukrainian army to meet NATO’s political standards.

Russia’s influence continued to be significant. Yushchenko was – surprisingly, to many observers – positive towards the CIS.⁴⁵ This continued to breed caution in EU policies, and especially French and German positions. Rather than being seen purely as an opportunity to spread democracy eastwards, the Orange Revolution was seen in terms of a new problem in managing relations with Russia; the US stance was slightly less circumspect. In 2005, Ukraine agreed on terms for a new pipeline to transport gas from Iran to the EU; while European governments gave enthusiastic backing to this, the US was ambivalent.

After the removal of the government in September 2005, Javier Solana called Yushchenko to insist that reforms must continue and that the crisis

44 B. Tarasyuk, Preface, in J. Forbig and R. Shepherd, op. cit., p. 7.

45 International Centre for Policy Studies, *Political Commentary*, no. 27, September 2005, p. 7.

must be resolved in pro-reform direction. Officials alluded to “a powerful political signal” being sent to this effect. Clear differences emerged on this question. The UK explicitly welcomed the change of government, having made known a concern that investors were being discouraged by the prospect of re-privatizations. The Germans, in contrast, saw Tymoshenko’s removal as “a serious setback,” slowing down reform and forcing Yushchenko into making a deal with his archrival Yanukovich.

Moreover, focus was also placed on the limited extent of economic reform which pushed back the prospect of Ukraine joining the WTO. The US was seen as pressing slightly harder on this issue than the EU, and as being less understanding of such delays.⁴⁶ The EU also, however, complained about Ukraine stalling on its economic reform commitments under the PCA. Ukraine, for its part, complained about the delay in it being granted market economy status by the EU, when Russia had been granted this in 2002; this was cited as a major failure to “reward” the Orange Revolution. At the December 1, 2005 EU-Ukraine summit, the EU finally granted market economy status to Ukraine, thereby improving access to European markets for a range of Ukrainian goods. Agreement was also reached on a new border control program along the frontier with the separatist region of Transdnistria in Moldova. The Commission floated the possibility of a “New Enhanced Agreement” to replace the PCA in 2008. Economically, however, early 2006 was dominated by a 50 per cent hike in the price of Russian gas supplies to Ukraine, an example of the increasing use of “oil diplomacy” by Moscow to reassert its hegemony in the region.

The March 2006 elections were viewed as a key test by Western states; consequently, pressure was exerted for these to be free and fair. The priority for the US and European governments was to push for a strengthened provision in the electoral law for domestic monitors, which was granted. The Committee for the Voters of Ukraine (CVU) complained, however, that international actors were not focusing sufficiently on preparations for the (simultaneous) local elections, which was where fraud was likely to occur. The EU promised that “the conduct of these polls will be key to determining whether we can take the next steps to deepening our relationship.”⁴⁷ The importance was stressed of Ukraine strengthening “checks and

46 International Centre for Policy Studies, *Political Commentary*, no. 26, August 2005, p. 8.

47 Statement by External Relations Commissioner, Benita Ferrero-Waldner, Commission Press Release IP/06/255, March 2, 2006.

balances between governmental institutions.” However, with discussions ongoing over the political priorities of Ukraine’s Neighborhood Action Plan, the nature of such potential “rewards” was not specified.

Assessing the International Response

Ukraine has been widely presented as a successful case of international democracy promotion. Influential EU foreign policy advisor, Robert Cooper, was moved to assert that the EU had in effect “done regime change” in Ukraine. While the international community congratulated itself after the Orange Revolution, its strategies were in practice less than exemplary, both before and after December 2004.

In the years prior to the Orange Revolution the argument was commonly forwarded that Europe could have little pro-democratic influence if the prospect of EU membership was not offered. The standard line was that “ambiguity [was] not working.”⁴⁸ The events of December 2004 suggested that, ultimately, the absence of a firm membership offer did not prevent EU democracy-related entry criteria from playing a positive role. Indeed, arguably it was the fact that membership had *not* been offered that planted the concern amongst many Ukrainians that the country was being excluded from the expanded reach of European institutions. In particular, the fear of isolation was a motivating factor behind the role played by members of the business sector in the Orange Revolution. In these respects, some similarity could be detected with pre-1999 Turkey. The very existence of the Copenhagen criteria sufficed to frame a pro-democratic debate in Ukraine.

As of the end of the 1990s, Western states began to tire of Leonid Kuchma’s failure to deliver on his promises to implement political reforms. It still needed the horrendous murder of a prominent journalist to distil concerns and trigger a gradual change in policies. The very fact that Kuchma did not stand for a third term in 2004 might be attributed, at least in part, to the “drip effect” of constant Western intimation from this point that relations depended on democratic progress. Tougher criticism from both the US and EU was not matched by concrete responses to small-scale reversals in democratic freedom. However, the Kuchma camp certainly reached the judgment that such a dramatic step as failing to respect the term limits stipulated formally in the constitution would have risked serious consequences in relations with Western democracies. This dynamic

48 K. Smith, “The Outsides: the European Neighbourhood Policy,” *International Affairs* 81, no. 4, p. 773.

contrasted with the situation in Arab states, such as Tunisia, where President Bin Ali changed the constitution to run for a fourth term in the (largely correct) judgment that such a move would provoke little reaction from the European Union.

Democratization and the relationship with Russia became entwined; that is, political reform was conflated by reformers as a means of challenging Russian support for oligarchs and anti-reformers. On this aspect, reformists' perspectives were most clearly at odds with the caution evident in European chancelleries.

One widely accepted view was that the international role was not primary, but that "Kuchma's cordial, but strained relations with the West may have pushed him at the margin to do the right thing and relinquish the succession."⁴⁹ As one European diplomat observed, "The international community was not the driving force," but "helped create the conditions" for transition, when change was already afoot. Moreover, another argued that international actors did not play "a causal role," but provided an "international framework" for a democratic exit to the crisis, which made that solution less susceptible to internal challenge after 2004. The degree of Western pressure and funding certainly did not appear sufficient to corroborate the Russian claim that the Orange Revolution was orchestrated principally by outside forces.

European policy was predicated on an apparent assumption that a gradual forward momentum of reform existed and was to be encouraged through "political reform" work that took the form of predominantly technical rather than political assistance. In this sense, while European initiatives were useful, the EU was arguably blinded to reversals at a higher political level by Ukraine's cooperation at the level of "legislative approximation." US democracy assistance was also relatively small scale, eschewed significant direct support for democracy movements and was overshadowed by geostrategic vicissitudes linked to Ukraine's policies towards Iraq. In general, Ukraine was a case in which differences in EU and US strategies were apparent: the US emphasized civil society, local government and election-specific funding, which many European officials derided as unduly "short term."

The division of labor between European and US influence was different from that witnessed in many countries. EU primacy lay in the structuring of a general debate over and espousal of democratic norms; when

⁴⁹ M. McFaul, "Transitions", *op. cit.*, p. 16.

political change began to accelerate, US primacy rested in the support it offered civil society organizations to enhance democratic preparedness in Ukraine's "crisis moment." If Europe played a role diplomatically in the Orange Revolution, it was the US presence on the ground that made itself most strongly felt during the "revolutionary drama" itself. While European governments were widely seen as the primary mediators in Ukraine, this was a case where US aid funding was of comparable magnitude, unlike in most other states in the EU's Neighborhood and in sub-Saharan Africa. Examining the evolution of EU funding in isolation, one would struggle to intuit that a revolution had occurred in December 2004.

When presented with the dramatic crisis, in the autumn of 2004, which could be resolved in either a pro- or anti-democratic direction, Western states clearly chose democracy. Their policy had been less clear cut in the preceding years; Ukrainian reformers lamented the – in their judgment – ambivalent backing they had attracted from the international community prior to this "crisis point." A question that might be asked is whether greater resolution from the international community could have helped trigger a transition well before the end of 2004; the unsuccessful protests of 2002 certainly did not garner the kind of international attention as in 2004. Even when conditionality was invoked, in relation to the EU Action Plan, it occurred very late in the day and not in an entirely convincing fashion. If Western governments gave events a "shove," it was only when the regime was already profoundly off balance.

The EU supported Yushchenko's acceptance of the compromise deal in December 2004, in which the soon-to-be president acquiesced to a weakened presidency. European – and particularly Polish – diplomacy in this sense helped avert what could have become a violent and protracted struggle between different sectors of a deeply divided society. While the reform package could be presented as a boost to democratic checks and balances, after the Orange Revolution it threatened to weaken Yushchenko's power to push through reforms. One Ukrainian activist complained that the pacted solution pressed on Yushchenko by the EU "gave too much away" to opponents of the Orange Revolution. At the moment of transition, the international community could have been significantly more active in helping Orange leaders look beyond the December elections – their failure to do so contributed to the loss of direction, and in-fighting that predominated throughout 2005. At this point, the international community's stronger desire was for a smooth, rather than complete, democratic transition.

Ukraine might be cited as a case of external civil society, economic governance and rule of law support spilling over into democratic transi-

tion. If the carving out of at least a semi-autonomous political space did suffice ultimately to unleash the Orange Revolution, then international civil society and governance projects from the mid-1990s may have helped, in a modest way, prepare the ground for democratic breakthrough. It might be posited, for instance, that a decade of low profile media training contributed to the crucial switch in journalistic practices in the autumn of 2004. However, the dramatic events of December 2004 also raised many challenges. At the time of democratic breakthrough, for example, democratic values appeared weakly embedded at different levels within the state, as well as more generally within the east and south of the country. This revealed limits to the extent to which the international community could, prior to 2004, be said adequately to have helped lay the foundations for sustainable democratic consolidation. The quick rebound favoring Yanukovich in the 2006 elections further confirms this view. It also suggested that too much focus was placed during 2005 on “supporting Yushchenko” as opposed to broadening Ukraine’s democratic constituency. This was seen in the nature of all Western states’ reform initiatives, although it was a bias of which the EU was more guilty than the United States.

After the Orange Revolution, comments from many senior EU officials and ministers appeared to be more about deflating Ukrainian ambition than seducing the country into incremental reform. Some Ukrainian officials suggested that the result of this was that rapprochement with NATO provided a more tangible incentive. Yet, European governance standards remained the most potent reference point for reforming state-level governance. Whole swathes of Ukrainian legislation were designed as per EU norms, and this undoubtedly constituted a major source of EU influence. This had not had any obvious causal impact on democratic transition. It did, however, provide a broad framework of governance, useful in underpinning formal democratic transition after 2004; it gave the EU a source of wider political purchase; and it locked Ukraine into a “European governance area,” which solidified the country’s European orientation, even as the prospect of membership receded.

Recommendations

Ukraine provides lessons for the design of external actors’ policies prior to “democratic revolutions,” when semi-autocrats previously willing to implement some reforms seek desperately to cling to power by reversing the reform momentum. Ukraine does not represent a complete success story in this sense, and the efficacy of the international community’s policies could have been far greater before the autumn of 2004. At the same time, the

democracy promotion challenges in Ukraine are by no means over. The results of the March 2006 parliamentary elections demonstrate the magnitude of the consolidation challenges that remain. Clearly, several major over-arching strategic decisions need to be taken in relation to Ukraine. Is the EU willing eventually to put a membership offer on the table? Is NATO prepared to offer Ukraine membership to its club? Is Ukraine's democratic consolidation enough of a priority for Western governments to risk rocking the boat with Russia? Such defining questions are obviously subject more to decisions of basic political will than detailed policy-design recommendations. However, a number of lower-order suggestions might also prove relevant for improving international strategies towards post-Orange Revolution Ukraine:

- *Use the Incentive of Possible EU Accession.*

Creative thinking is needed in terms of what the EU can offer that is beyond the current “neither yes nor no” line on accession, but that is still short of a firm commitment to membership – at least while the latter is judged politically undesirable or unfeasible by some member states. The EU needs to change the growing perception within Ukraine that the country in de facto terms already has been excluded from any future enlargement. One possibility would be a reformulated partnership that signaled that the issue of Ukrainian accession would at least enter the picture in the longer-term, but would be conditional on a number of shorter-term reforms.⁵⁰ This need not bind the EU, but would help underwrite still fragile democratic change in Ukraine. It is to the EU's profound discredit that Ukraine's current Neighborhood Action Plan offers nothing substantively important beyond the range of cooperation that was already agreed with President Kuchma. The EU should shift from repeating that “the door is neither closed nor open” to emphasizing more that a door does at least exist, with the potential to be opened.

- *Increase Political Reform Funding.*

Enthusiastic Western support for the Orange Revolution has not translated into a massive post-2004 injection of funds, and many donors are looking to scale down support to Ukraine after a modest boost to political reform work in the immediate wake of democratic transition.

50 H. Nemyria, “Ukraine and the European Union: A Fresh Start?” in Forbig and Shepherd, op. cit, p. 39.

Experience suggests that this relative neglect is overly optimistic of how far Ukraine has progressed towards fully consolidated democracy. A range of standard challenges persist in post-Orange revolution Ukraine – the weakness of local government, the need for coalition-building, governance reforms – where technical assistance, advice and capacity-building are urgently needed.

- *Strengthen Donor Coordination.*

Coordination between donors in the run up to last year's elections was good and could usefully serve as a model for other cases. Coordination was less extensive prior to the electoral period, and has not been carried through to the post-election period – an obvious correction warranted by Ukraine's persistent political challenges. The perception exists in Ukraine that not all European states are pulling in the same direction, and that the United States has lost interest since the 2004 elections. More systematic coordination on current challenges would help counter such criticisms.

- *Identify a Broader Range of Reform Partners in Ukraine.*

In the wake of the Orange Revolution, the international community needs to broaden the range of its democracy support programs and focus in particular on the challenges emanating from the eastern part of Ukraine. The current focus remains unduly centered on Kiev-based NGOs. A lack of attention to the conditions surrounding local elections was an unwarranted oversight. The international community needs to redress not just quantitative but also qualitative limits to its democracy support in Ukraine, and move away from a perspective that remains unduly "Orange-oriented."

- *Shift Away from an Overly Technical Focus.*

The Ukraine case suggests that the international community requires a deeper understanding of the relationship between technical assistance and democracy promotion. The overwhelming EU focus on "legislative approximation" contributed to structural parameters largely conducive to governance reform. However, the lesson from Ukraine is also that such an approach can easily divert attention away from deteriorating conditions at the political level, in both pre- and post-transition contexts. It is at such a level, with growing fissures within the reformist coalition, that the types of initiatives and support offered by the international community in other countries and regions of the world look increasingly necessary in Ukraine.