



**Mykola Riabchuk**

## What's left of Orange Ukraine?

Ukrainian democracy is allegedly back to square one after Viktor Yanukovich's election victory. Though reform will not take place as long as political infighting continues, Yanukovich is equally unlikely to drop the European rhetoric and defer to Moscow, writes Mykola Riabchuk. Ukraine's leadership will continue to "muddle through" -- for the time being.

A great many of the international reports on Ukraine's recent presidential elections read like obituaries of the 2004 Orange Revolution. The return of Viktor Yanukovich after winning a tight and tough electoral contest is portrayed not only as the personal defeat of the Orange leaders but also of the Orange project at large. Ukraine, apparently, is back where it belongs -- in the Russian sphere of influence; after its short-lived experiment with democracy, it has ended up embracing a more natural, Russian-style ("Eurasian") authoritarianism; and the borders of Europe -- to the great relief of the pundits -- can now be firmly sealed at the eastern borders of the EU.

The real picture, however, is much more complicated.

### Revolution as resumption of evolution

A common wisdom on revolutions, enshrined in Wikipedia, defines them as "an effort to transform the political institutions and the justifications for political authority in society, accompanied by formal or informal mass mobilization and non-institutionalized actions that undermine authorities". It is my favourite, because it contains the word "effort", missing in many other, otherwise pretty good definitions of revolution: a "combination of thorough-going structural transformation and mass upheaval" (Theda Scocpol); a "rapid, fundamental and violent domestic change in the dominant values and myths of society, in its political institutions, social structure, leadership, and government activities and policies" (Samuel Huntington).

The Orange Revolution could certainly not be qualified as a revolution if the key-word "effort" is omitted. It has not brought any structural transformations, has not fundamentally changed political institutions, and has not substantially affected government activities and policies. Paradoxically, the only revolutionary change -- the so called constitutional reform that introduced a rather crude separation of powers, securing some sort of political pluralism against probable authoritarian restoration -- was promoted by the *ancien regime*, who strove to emasculate the victorious rivals and ensure personal security.

Any revolution is first and foremost *an effort* to change something in a short time and in a fundamental way. Revolutions may vary greatly in method, duration, and ideological motivation; they may strive for radical change in social–political institutions and/or in the economy and/or in culture. But all of them are restrained in their scope and achievements not only by the political will and skill of the revolutionaries, by the calibre of their personalities and their mutual compatibility and complementariness, but also by the character of the society they operate within, its past experience and accumulated social capital, the international environment and external linkages and leverages.

Good revolutionaries are those who channel a tidal wave of popular dissatisfaction and mass upheaval to smash the obstacles that hinder a nation's development, to clear the road cluttered up by the *ancien regime*, and to build upon what has been achieved — in other words, to resume a track of evolution derailed or arrested by their predecessors. This is what the revolutionaries in the Baltics and the central eastern European states did; they built upon the achievements of pre–war statehood within a new international environment much more supportive of liberal democracy. In a sense, they returned to the track of evolution interrupted, reversed, or put on hold by the authoritarian leaders, but they complete this return with new historic experience and a new global vision.

Bad revolutionaries, on the other hand, are those who try to implement their utopian doctrines regardless of circumstances, regardless of the domestic and international environment, of political culture or of economic development. They escalate violence and spill blood because they believe that goals justify means, that any failure results merely from insufficient will, and that any resistance of circumstances is merely proof of sabotage. Communist revolutionaries are the best examples of the sort, and today's attempts to "democratize" Iraq and Afghanistan have something in common.

The Orange leaders were neither good nor bad revolutionaries, because they were not revolutionaries at all. They simply hijacked the revolutionary movement that was genuinely driven by popular dissatisfaction with the corrupted regime and its total lawlessness and impunity. They replaced their predecessors but failed to implement any changes that could be deemed revolutionary, primarily the rule of law that is crucial for any other reforms in the country. Throughout all five years of their tenure, they demonstrated the same nepotism and disrespect for legality as their predecessors. For five years, they stubbornly played with the rules, rather than by the rules.

But the Orange Revolution, paradoxically, was not a failure. It accomplished, at least partially, what any good revolution should, and put the country back on a track of evolutionary development. In 1999, that development was interrupted by Leonid Kuchma, who manipulated democratic elections and deprived Ukrainians of real choice and a possibility to get rid of an unpopular ruler. Now, after the Orange Revolution, Ukrainians can choose their leaders in a relatively competitive, pluralistic environment. In a sense, they are again masters of their own political destiny.

The Orange Revolution failed, however, to develop this initial breakthrough into a sustainable movement, to build upon the initial success, to change the paradigm of evolutionary development — from the notorious "momentocracy" (opportunistic reaction to daily challenges, without any strategic vision) to a coherent and comprehensive policy of much–needed reforms. It re–established political pluralism, freedom of speech, of mass media and of elections. Yet,

without functional institutions and the rule of law, these civic freedoms remain endangered. All largely depend on the goodwill of the major political players, and even more so on their relative impotence and inability to consolidate authoritarian strength. They are just too preoccupied with internal rivalry to be able to join forces and eliminate pluralism in society. "Pluralism by default" is an apt definition of Ukraine's political environment — either after independence or after the Orange Revolution.

In sum, the Orange Revolution was a success in the sense that it re-established evolutionary development, curbed negative (authoritarian) tendencies, and restored basic political pluralism and civic freedoms. Yet it was a failure in the sense that it did not create a positive dynamics, but reintroduced very slow, inconsistent changes that in the short run can be easily perceived as stagnation.

### Ukraine's "muddling through"

The sarcastic formula "muddling through" to describe Ukraine's post-communist transition was employed for the first time by Alexander Motyl in his 1997 article "Making Sense of Ukraine".<sup>1</sup> It was echoed by similar phrases referring to the same phenomenon: Dominique Arel's "muddling way",<sup>2</sup> Andrew Lushnycky's "meandering path",<sup>3</sup> or Marta Dyczok's "movement without change, change without movement".<sup>4</sup> What these and other authors meant was the lack of coherent, consistent and comprehensive reforms in a country that, despite expectations, has certainly not become a success story of the post-communist transition.

One may recollect that back in 1991, when the Soviet Union collapsed, Ukraine was one the most advanced countries in the region — with rich soil, important natural resources, crucial routes of communication and transportation, wide-ranging industry, a literate population with virtually the same number of students, teachers, doctors, and engineers per capita as in any developed nation. It was a country with established universities, research institutes, high-tech laboratories, reputable theatres, symphony orchestras, art galleries and museums, a vibrant mass-media and an emerging civil society liberated by perestroika.

Of course, Ukraine also faced many problems: low levels of social cohesion and social trust; dysfunctional institutions and a weak legal system; widespread corruption and a peculiar Soviet (or eastern European<sup>5</sup>) political culture. It faced the ambiguous side-effects of a perverse modernization: Soviet-style heavy industry, underdeveloped infrastructure and an inept agricultural sector that required thorough reform. Yet all these problems were not much different from those of all other post-communist states — from Bulgaria and Romania to Poland and Lithuania.

In this context, Ukraine was certainly not an obvious laggard, unreformable and indigestible by the European community in some distant future. Yet Ukraine has been dogged by two more daunting problems that have determined its "looser" position not only vis-à-vis the central eastern European states, which arguably belonged to the realm of a more advanced western Christian civilization, but also vis-à-vis the Balkan countries, which belonged to the same eastern Christian civilizational realm.

The first is an acute identity problem, one that Ukrainians are reluctant to thoroughly recognize, and that westerners tend to simplify, mystify, and essentialize. The second is the problem of Ukraine's purported belonging to

Russia's legitimate sphere of influence, to a "Greater Russia" — an assumption that westerners are unwilling to admit openly and that Ukrainians, in turn, tend to exaggerate. The first problem is reflected primarily in journalistic clichés about Ukraine's division into a "nationalistic" west and a "pro-Russian" east. The second problem looms large in popular stereotypes of a cynical West and a sinister Russia conspiring against Ukraine.

Neither stereotype is completely groundless. The identity split and confusion of values is revealed by numerous surveys carried out in post-Soviet Ukraine. Some prove a strong correlation between the type/strength of national identity and political attitudes,<sup>6</sup> which translates, *inter alia*, into a particular voting behaviour and strong regional polarization.<sup>7</sup> On the other hand, western powers provide examples of cynical *Realpolitik* and apparent dominance of interests over values that make the inhabitants of the smaller "in-between" countries quake in their boots.<sup>8</sup>

The stereotypes emerge when real phenomena are accepted uncritically and one-sidedly. The journalistic cliché about a divided Ukraine does to a degree reflect reality (an identity split and political-cum-regional divisions), but at the same time it misrepresents this reality and implies very false notions about the so called "division". Consider the meaning of "pro-Russian" and "nationalist" in this mantra. Why is a binary opposition described by two adjectives that *are not* directly opposed? Does it mean that the "nationalist" west is more xenophobic than non-nationalist (internationalist, cosmopolitan, liberal) east? By the same token, is one to understand that the fact of being "pro-Russian" (whatever that means) makes one less "nationalistic" and therefore superior to someone who is not "pro-Russian" (or not so "pro-Russian")? What if we employ the real antonyms in this quasi-binary formula? Would it not be more correct (and more intellectually honest) to oppose "pro-Russian" with "pro-European"? Or, if one prefers to emphasize Ukrainian "nationalism", why not use its real antonym — Russian/Soviet, or perhaps "creole" nationalism?

By the same token, the image of the "cynical" and "treacherous" West can also be deconstructed and problematized. It might be more interesting, honest, and heuristically productive to ask whether the reason the West is so susceptible to Russian manipulation, and so eager to sacrifice Ukraine for economic, geopolitical, and other benefits, is precisely because Ukraine itself failed to prove that it is a viable and responsible state. Are Ukrainians themselves not susceptible to Russian manipulation, and, for the most part, unwilling to sacrifice anything whatsoever for their independence and professed "European belonging"? Is western restraint towards Ukraine not of the same nature as its attitude towards Turkey? Both have a strong westernized minority, both show significant pro-European drive, but in many regards their European credentials remain questionable. Indeed, the eastern and southern neighbours of the EU have something in common. All of them, as a French expert has crudely put it, "are involved in a more or less open civil war which seems to be fed by a disagreement on the adoption of Western values".<sup>9</sup> In both Turkey and Ukraine, "the EU is challenged by another spiritual power" — Muslim orthodoxy, in the former case, and Eastern Slavonic imperial messianism/anti-westernism, in the latter. One might argue, following the same line of reasoning, that defeat of the westernizers in either Ukraine or Turkey would have equally disastrous consequences for the West. Personally I agree, but this does not mean that the West can and should do the homework of the Turks or Ukrainians.

## Homework delayed

Viktor Yanukovich's comeback as the new leader of Ukraine gives little cause for hope for any major changes in politics or the economy, and even less so in the judiciary. Neither his previous record nor his first steps in the office signal any desire, skill or will to carry out the reforms the Europeans and pro-European Ukrainians would like to see gradually completed.

This does not mean, however, that he will abandon pro-European rhetoric and place his country in Moscow's orbit. Such a move is neither in his personal interests nor in the interests of Ukrainian business and the political class. The main reason for this is not only the much higher attractiveness of the West, but also the very low attractiveness of the Kremlin (to put it mildly). However "pro-Russian" the leaders of neighbouring countries are, sooner or later they come to understand that it is not enough. Moscow will never be satisfied with any concessions the Ukrainians make or friendship they offer, because Moscow does not need friendship and partnership in the "near abroad". It needs full obedience. This is why neither Voronin, nor Shevardnadze, nor Kuchma, nor even Lukashenka, despite their hopes and intentions, have been good enough for the Kremlin.

Most likely is that Yanukovich will pursue a Kuchma-style "multi-vector" policy internationally and a "Kuchma-lite" policy domestically. It will seem "lite" not because Yanukovich is any more committed to the rule of law, or any less inclined towards authoritarianism, but because presidential authority is much weaker today than under Kuchma — due to the constitutional amendments made in 2004. Today, the prime minister is a stronger political figure than the president. The real dilemma facing Yanukovich is therefore how to seduce Yushchenko's Our Ukraine into the government coalition without ceding them the position of the prime minister as the only adequate compensation for a dubious and potentially suicidal political compromise.

With 172 seats in the 450-seat parliament, Yanukovich's Party of Regions needs to muster a coalition of at least 226 members. This requires making an uneasy deal with Our Ukraine (72 seats) or even a more complicated settlement with Tymoshenko and her eponymous bloc (156 seats). The latter development, however unlikely at the moment, might be the most dangerous, since it grants a two-thirds constitutional majority to two parties notorious for their profound arbitrariness in legal issues. Even though Tymoshenko currently rejects any possibility of compromise and cooperation with her bitter rivals, one should remember that last year this did not stop her from holding secret negotiations with Yanukovich, reasonably compared to a "constitutional *coup d'etat*". In particular, they envisioned drastic changes to the constitution, which, had they been implemented, would *de facto* have purged the political arena of other parties and provided two major oligarchic groups with an excellent opportunity not merely for power sharing, but for effective looting of national assets and full impunity. The scandal that broke after the draft document leaked to the media contributed to the failure of negotiations and probably to Tymoshenko's electoral defeat. The animosity and mistrust between the major rivals probably precludes their cooperation in the near future, but the common fear of new rivals may bring them together in a most unexpected and curious way.

At the moment, a coalition with Our Ukraine looks more feasible, even though, from the perspective of the Party of Regions, the partner is too capricious and demanding. Our Ukraine is indeed a difficult partner, heavily divided into

many groups, some "pragmatic" and open to lucrative offers, others ideological and unwilling to sacrifice their principles.

One more option, discussed by Party of Regions hawks, is to form a minority coalition with Communists and Lytvyn's Block, and to seduce a few more MPs from the BUT and/or Our Ukraine as "independents" to meet the required minimum of 226. The problem, however, is that the Ukrainian constitution provides no option for a minority government. Moreover, it stipulates that the governing coalition should be made up of factions and not of single deputies. This erects a strong obstacle to the draining of MPs from other factions and creating a majority with "independents".

The Party of Regions, however, may try this, playing with rules and misinterpreting the constitution at their convenience. Yet the legitimacy of such a coalition would be questionable, and it might only be matter of time before the Constitutional Court overrules the move. Moreover, Tymoshenko and her bloc would certainly cry foul, would try to sabotage the parliament, or even refuse to transfer power from their caretaker government to the new coalition.

Snap elections might be the best solution for the present political deadlock. They would be likely to bring into the parliament new, more honest or at least modern and law-abiding political forces that would gradually influence and transform the highly corrupt political scene. There are positive signs that such forces are emerging and that society strongly needs and supports them. The relative success in the first round of the presidential elections of the banker Serhiy Tyhytko and the former speaker of parliament Arseniy Yatseniuk, who between them mustered 20 per cent of the vote, looks promising. Both Tyhytko and Yatseniuk portrayed themselves as non-ideological technocrats, a kind of "upgraded Yushchenko" (who five years ago also emphasized his pragmatic, rational approach to national problems). They might be sheer opportunists, but neither is burdened by scandal, and neither play with the rules as Tymoshenko and Yanukovych do constantly.

The other positive sign is a great number of Ukrainians (one third of voters) who either cast ballots against both candidates in the second round (Ukrainian law provides such an option) or abstained from voting. As a result, Yanukovych gained even fewer votes than five years ago, and became the first "minority" president with only 49 per cent. Tymoshenko lost with 46 per cent, because the "orange" electorate, though greater in number, proved more reluctant than their opponents to support our "bad boys/girls" just because they are "ours".

The main problem, however, is that virtually nobody in the incumbent parliament is interested in early elections, since everybody suspects, quite realistically, that their parties' representation in parliament would decline significantly. So, for the time being, the Byzantine intrigues at the top are likely to continue and a dysfunctional democracy is likely to persist. This odd equilibrium cannot last forever, however, so sooner or later we may expect either a sort of authoritarian consolidation, or democratic reform, the latter rather unlikely without personal and factional changes in the political scene.

### **Changing the paradigm**

Alexander Motyl has recently re-asserted that, because of systemic weakness, Ukraine's flawed democracy is unlikely to fix itself in the short term. Yet the

situation is equally unlikely to deteriorate: "Ukraine is too fractured and too weak to have either a strong democracy or a strong dictatorship. Politically and economically, Ukraine will probably continue to muddle through, more or less as it has since 1991."<sup>10</sup> The problem, however, is that the "muddling through" is not as feasible option today as it used to be in the 1990s: "Back then, Russia was weak and quiescent, its leadership was democratic, its relations with the West were generally good, and the world economy was growing."

All these things changed dramatically, posing Ukraine with new international and domestic challenges. Ukraine's response, so far, has been vague and indecisive. On one hand, the majority of the political class and population at large seem to recognize that the vicious paradigm of social under-development and institutional dysfunction should be changed, and that the Hobbesian war of all against all should give way to the rule of law, social trust and responsibility. On the other hand, low social trust makes any changes difficult, since there is no consensus that can be translated into collective action. Any social agent who gives up the old model of behaviour and accepts the new one, i.e. plays by the rules rather than *with* the rules, risks being the main loser if nobody follows suit. The situation resembles the final episode of Tarantino's "Reservoir Dogs". Three gangsters keep their guns against each other's heads and cannot put their weapons down, since the first to do so will perish.

An outsider with even a bigger gun might provide a solution. In political science it is called third-party enforcement. It was the EU that played such a role in the equally fractious political environment of the central eastern European states, providing the local elites with strong incentives for consolidation and eventually carrying out the necessary guidance and arbitrage. In the post-communist Balkans, the EU was apparently not enough, which was why Nato help was needed. In the case of Ukraine, Moldova, and Georgia, the West keeps a low profile while Russia is basically free to play its traditional role of spoiler.

Ukraine's identity problems and societal divisions not only facilitate this spoiling activity, making the country vulnerable vis-à-vis external influences and manipulations. They complicate democratic transition in multiple ways. First, they lower social trust and undermine social cohesion; second, they secure the survival of bad politicians who otherwise would have been defeated at the nearest election, but instead are rescued by the electorate as "our bad guys"; and third, by the same token, they encourage the "siege mentality" and limit the scope and agenda of political and ideological discussions. Indeed, they "inject identity politics into everything, making compromise difficult."<sup>11</sup> They support quasi-war conditions that make sober decisions and reasonable behaviour more difficult.

This does not, of course, overshadow other factors of instability, such as personal rivalry, the incompetence and irresponsibility of politicians, the lack of civility of the business class, a weak rule of law and dysfunctional institutions, an illiberal political culture and an immature civil society. However, of all these factors, the identity split and societal divisions are the only ones that hamper the consolidation not only of democracy, but also of authoritarianism. The 2004 Orange Revolution was in fact society's response to the regime's attempt to tighten the screws, to curtail civic freedoms and to firmly establish Russian-style "managed democracy". It was an excellent opportunity to change the entire paradigm of development — if Ukrainian politicians had been more responsible, society more mature, and western Europeans less parochial. If the miracle did not happen, at least it brought the

country back onto the evolutionary track interrupted in 1999 by Leonid Kuchma, who manipulated elections and dispossessed Ukrainians of their legitimate political choice. Again, as throughout the 1990s, Ukrainians have the government they deserve, elected in free and fair elections, so that they can blame nobody but themselves for the choice. They have a highly competitive and pluralistic political environment and a vibrant independent mass media — fairly rare things in the post-Soviet space.

Now, Ukrainians need to learn how to make the government competent, responsible, and accountable. They need to learn what western European barons and oligarchs learned long ago: that politics is not a zero-sum game, that the winner does not take all, and that aims do not necessarily justify means. They need to learn how to decouple de-Sovietization from de-Russification in public discourse and policies, and remove the contradiction between the need for reform and the need for consolidation.

It may take a lot of time and definitely effort. Actually, there are no examples of effective consolidation of democracy without external help, with the classic exceptions of the US and some western European countries. But it took at least two centuries. Whether Ukraine has so much time, given the challenges mentioned above, is unlikely. Whether the diffusion of western ideas and practices, combined with the efforts of domestic actors, will bring radical change is also questionable. It is likely, however, that such efforts will, sooner or later, attract the attention of westerners and cause them to adopt more favourable and engaged attitudes. They must understand that Ukraine is not a failed state, as Kremlin propagandists claim and dream about, but rather a "permanent entity, a state with legitimate interests [...] It might be easier to deal with Russia if Ukraine did not exist, but Ukraine does exist and will not go away."<sup>12</sup>

Two decades after Ukraine's independence, the country's choice is definitely not between being a "failed state" and a "success story", but between a being a "success story" and "muddling through" in the way that post-Soviet politicians, until now, do best.

*This article is partly based on presentations given by the author at various conferences: "Prozesse ukrainischer Nationsbildung" (Vienna 1–3.10.2009); "Revolutionary Moments" (Kyiv, 19.12.2009); and "Ukraine after Presidential Elections 2010" (Brussels, 24.02.2010).*

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<sup>1</sup> First published in Ukrainian in *Krytyka* (2/1997) and in English in the *Harriman Review* (Winter 1998).

<sup>2</sup> "Ukraine: The Muddle Way", *Current History* 8 (1998), 342–346.

<sup>3</sup> *Ukraine on Its Meandering Path between West and East*, Bern, 2009.

<sup>4</sup> *Ukraine: movement without change, change without movement*, Amsterdam, 2000.

<sup>5</sup> George Schöpflin, "The Political Traditions of Eastern Europe", *Daedalus* 1 (1990).

<sup>6</sup> Stephen Shulman, "National Identity and Public Support for Political and Economic Reform in Ukraine", *Slavic Review* 1 (2005).

<sup>7</sup> Dominique Arel, "The 'Orange Revolution': Analysis and Implications of the 2004 Presidential Election in Ukraine". Third Annual Stasiuk–Cambridge Lecture on Contemporary Ukraine. Cambridge University, 25 February 2005; [http://www.ukrainianstudies.uottawa.ca/pdf/Arel\\_Cambridge.pdf](http://www.ukrainianstudies.uottawa.ca/pdf/Arel_Cambridge.pdf)

<sup>8</sup> Ukraine's most traumatic experience, in this regard, comes from 1932–33, when western governments preferred not to notice the famine–genocide organized by Stalin in grain-producing regions, primarily Ukraine — even though, as we know today from

declassified documents, they were well informed about the situation: "The truth of the matter is, of course, that we [the British Foreign Office] have a certain amount of information about famine conditions in the south of Russia [sic], similar to that which had appeared in the press... We do not want to make it public, however, because the Soviet government would resent it and our relations with them would be prejudiced." See M. Carynnyk, L. Luciuk, and B. Kordan (eds.), *The Foreign Office and the Famine: British Documents on Ukraine and the Great Famine of 1932–1933*, Kingston, 1988, 397. There are good reasons to believe that the West still treats Ukraine instrumentally in its relations with Russia, as another (de)classified report drawn up by the German and French foreign ministries in 2000 graphically reveals: "The admission of Ukraine [to the EU] would imply the isolation of Russia. It is sufficient to content oneself with close cooperation with Kiev. The Union should not be enlarged to the East any further..." (Quoted in "New Neighbourhood — New Association. Ukraine and the European Union at the beginning of the 21st century", *Batory Foundation Policy Papers* 6 (Warsaw, 2002), 11. The problem is discussed in more detail in my "Metaphors of Betrayal", in Eurozine; <http://www.eurozine.com/articles/2009-10-14-riabchuk-en.html>

<sup>9</sup> Josef Langer, "Wider Europe and the Neighbourhood Strategy of the European Union — A Quest of Identity?" *Europe 2020* (19 April 2004);

[http://www.europe2020.org/fr/section\\_voisin/190404.htm](http://www.europe2020.org/fr/section_voisin/190404.htm)

<sup>10</sup> Adrian Karatnycky, Alexander Motyl, "The Key to Kiev", *Foreign Affairs* 3 (2009): 113.

<sup>11</sup> Ibid. 109.

<sup>12</sup> Ibid. 118.

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