European Mediators and Ukraine's Orange Revolution

Steven Pifer

Polish, Lithuanian, and EU mediation helped Ukraine find a nonviolent political resolution to the Orange Revolution.

STEVEN PIFER is a senior adviser at the Center for Strategic and International Studies. During his more than twenty-five years as a Foreign Service officer, he served as special assistant to the president and senior director for Russia, Ukraine, and Eurasia at the NSC (1996–97), ambassador to Ukraine (1998–2000), and deputy assistant secretary of state, with responsibilities for Russia and Ukraine (2001–2004). This article is drawn from a longer case study prepared for the "Managing Global Insecurity: American Leadership, International Institutions, and the Search for Peace in the 21st Century" project, sponsored by the Brookings Institution, Stanford University's Center for International Security and Cooperation, and New York University's Center on International Cooperation.

THE Orange Revolution engulfed Ukraine following the November 2004 presidential run-off election between Viktor Yushchenko and Viktor Yanukovych, which was marred by massive voting irregularities. Hundreds of thousands of Ukrainians took to the streets of Kyiv and other cities in protest. The crisis ended on December 8 with an agreement to repeat the run-off election, a revised presidential election law that made vote falsification less likely, and constitutional amendments that gave Ukraine a parliamentary-presidential model of government.

The Orange Revolution was a Ukrainian phenomenon, and Ukrainians deserve the bulk of the credit for its peaceful resolution. The key negotiations took place in Ukrainian channels, and Ukrainians made the compromises that ended the crisis. But European mediators, who took part in three roundtable meetings, played an important facilitative role.

Given the possibility of future political crises in former Soviet states, the European Union should improve its capacity to deal with such upheavals. This article retraces the events of November–December 2004, analyzes the role of the European mediators, and offers steps the European Union can take to ensure that it can render equally effective assistance in future political crises.

The Revolution Begins

A lengthy political campaign preceded the Orange Revolution.[1] Ukrainians faced a choice among twenty-four candidates in the first round of the presidential election

Problems of Post-Communism, vol. 54, no. 6, November/December 2007, pp. 28–42.

ISSN 1075–8216 / 2007 $9.50 + 0.00.
DOI 10.2753/PPC1075-8216540603

From left, Ukraine's opposition leader Viktor Yushchenko, Poland's president Aleksander Kwaśniewski, Ukraine's president Leonid Kuchma, Lithuania's president Valdas Adamkus, European Union foreign policy chief Javier Solana, Ukraine's prime minister and presidential candidate Viktor Yanukovych, Secretary-General of the Organization for Security and Cooperation in Europe Jan Kubis (seen from the back), Ukrainian parliament speaker Volodymyr Lytvyn, and Russian parliament speaker Boris Gryzlov sit at the table for negotiations during their meeting in Kyiv, Ukraine, November 26, 2004. President Kuchma met with high-level European envoys while thousands of opposition supporters surrounded and barricaded government buildings as they intensified protests against the outcome of disputed presidential elections. (AP Photo/Ukraine's Presidential Press Service, Pool)

on October 31, 2004. Most of the attention, however, was fixed on two men: Viktor Yanukovych, prime minister since November 2002; and Viktor Yushchenko, a strongly pro-Western former prime minister who headed the opposition.

Yanukovych and Yushchenko easily outdistanced the rest of the field on election day, but neither achieved the 50 percent plus one required to win outright. Ukrainians returned to their polling places on November 21 for a runoff. The close of voting that Sunday was accompanied by allegations of gross irregularities. Domestic and international observers reported massive abuse of the absentee ballot system, ballot-stuffing, observers denied access to polling stations, and falsified vote counts. A mysterious pause that evening in reporting returns from precincts in pro-Yanukovych eastern Ukraine further fueled concerns about manipulation of the vote count.[2]

The Yushchenko campaign urged its supporters to protest on Maidan Nezalezhnosti (Independence Square), in downtown Kyiv. Ukrainians poured into the streets in the capital as well as in other cities, particularly in western Ukraine, Yushchenko's stronghold.

The International Election Observation Mission (IEOM), a joint undertaking of the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament, and the NATO Parliamentary Assembly, issued its preliminary assessment of the elections on the afternoon of November 22. The IEOM stated that "the second round of the Ukrainian presidential election did not meet a considerable number of OSCE commitments and Council of Europe and other European standards for democratic elections. . . . Overall, state executive authorities and the Central Electoral Commission displayed a lack of will to conduct a genuine democratic election process."[3]

As the crowds in the streets grew larger, Serhiy Kivalov, the chair of the Central Electoral Commission (CEC), told a press briefing that preliminary results showed Yanukovych had won with more than 49 percent of the vote. In contrast, an exit poll conducted by a consortium of three respected Ukrainian institutes put Yushchenko on top, with 54 percent of the vote to 43 percent for Yanukovych.[4]

The outgoing president, Leonid Kuchma, called for talks between the Yushchenko and Yanukovych camps, which were not speaking to one another.

Western capitals began to react publicly on November 23.[5] Bernard Bot, the foreign minister of the Netherlands, speaking for the European Union (the Dutch held the EU presidency during the second half of 2004), stated, "We don't accept these results, and we think they are fraudulent."[6] The White House issued a statement expressing concern about the "extensive and credible indications of fraud."[7] The next day, the CEC officially declared Yanukovych the winner. Just hours later, Secretary of State Colin Powell, in unusually direct language, told reporters that the United States "cannot accept this result as legitimate." Powell said that he had urged Kuchma to explore openings to settle the crisis and not use force.[8]

Kwaśniewski quickly decided to engage, but he believed that Poland should not act alone, in part because he did not want the crisis to become a Polish-Russian dispute.

Kuchma conferred by phone with other European leaders. He spoke to Dutch Prime Minister Jan Peter Balkenende about the need for consultations between Yushchenko and Yanukovych.[9] He asked President Aleksander Kwaśniewski of Poland for assistance; Kwaśniewski also received a call for help from Yushchenko. The Polish president quickly decided to engage and had his foreign ministry develop a conceptual framework for a roundtable discussion. Kwaśniewski believed, however, that Poland should not act alone, in part because he did not want the crisis to become a Polish-Russian dispute. He phoned the president of Lithuania, Valdas Adamkus, and began calling other European leaders to encourage EU engagement.

The EU high representative for common foreign and security policy, Javier Solana, also spoke by phone with Kuchma and Yushchenko. Initially, Solana was less eager than Kwaśniewski to engage. Prepping for an upcoming EU-Russia summit, he was uncertain whether the time was right and sought to get an objective picture of the situation in Kyiv. Solana understood, however, that both Kwaśniewski and Adamkus were worried, and that Kwaśniewski needed the European Union's involvement. Solana consulted with the Dutch presidency and various EU governments. He wanted to be absolutely sure that he had the support of the member-states before becoming involved.

The transatlantic telephone lines were also heating up. President George W. Bush spoke to Kwaśniewski. Powell was in contact with Solana and with the president of the European Commission, José Manuel Barroso. Assistant Secretary of State for European and Eurasian Affairs Elizabeth Jones and Deputy Assistant Secretary John Tefft began an almost continuous dialogue with EU, Dutch, and Polish officials, including Kees van Rij of the EU Council Secretariat's Policy Unit, Dutch Foreign Ministry Department Director Jan Lucas van Hoorn, and Polish First Deputy Foreign Minister Daniel Rotfeld.

On November 24, as the Yanukovych and Yushchenko camps dug in, Defense Minister Oleksander Kuzmuk ruled out any military deployment in connection with the crisis. The next day, some former senior security officers appeared with Yushchenko and addressed the Maidan crowd, stating, "The Security Service of Ukraine considers its main assignment is to protect the people, no matter the source of the threat."[10] In another victory for the Orange forces, on November 25 the Supreme Court ordered the suspension of the CEC's process for certifying election results and set about examining the charges of electoral violations. Journalists working for state television and other broadcast networks began their own revolt, which resulted in more balanced coverage of the demonstrations and the Yushchenko-Yanukovych standoff.[11]

With demonstrations continuing in Kyiv and other cities, Volodymyr Lytvyn, the speaker of the Rada (parliament), called for roundtable discussions. Serhiy Tyhypko, the head of Yanukovych's campaign team, proposed a meeting of Kuchma, Yushchenko, Yanukovych, and Lytvyn.[12] Yushchenko had the day before said he was willing to negotiate with Kuchma and Yanukovych, but only if international mediators were present.

A small team of Polish officials led by Jacek Kluchkowski, adviser to the prime minister, made the rounds in Kyiv on November 25, talking to key Ukrainian officials, as did Ambassador Nicolaas Biegman, representing the EU presidency. Foreign interlocutors found Kuchma at his dacha outside of Kyiv in Koncha Zaspa "with no idea" of what was going on in downtown Kyiv, but he was open—if unenthusiastically—to the idea of a roundtable with European mediators. Yushchenko welcomed the roundtable and the participation of European mediators, but Yanukovych refused to meet with the Poles because he had just had an unpleasant meeting with Poland's former president, Lech Wałęsa, who had come to Kyiv on his own, not at the behest of the Warsaw government, and had openly aligned with the Orange protestors. The Polish delegation nevertheless met with Andriy Kluyeev, a

close associate of Yanukovych. When they explained that Wałęsa did not speak for the Polish government and that Warsaw's objective was to avert a clash, not to support Yushchenko, Kluyeev promised to talk to Yanukovych. Kuchma also urged Yanukovych to participate in the roundtable.

In Warsaw, Vilnius, and Brussels, the potential mediators made public their readiness to help. Kwaśniewski had spoken with Balkenende, British Prime Minister Tony Blair, the presidents of the Baltic republics, French President Jacques Chirac, and German Chancellor Gerhard Schröder, among others. While they were not all equally supportive of his taking on a mediation role, Kwaśniewski felt he had sufficient EU backing. On November 24 he announced his intention to visit Kyiv, as did Adamkus. The evening of November 25, following the EU-Russia summit in The Hague, and having received the backing of the EU member-states that he felt he needed, Solana announced that he too would go to Kyiv.

The EU and Russia had very different positions on the Ukrainian election. When he and President Vladimir Putin met at The Hague, Balkenende reiterated that the election had not met international standards, whereas Putin held that it had been legal and condemned outside interference.[13] As the mediators prepared to depart, the European Union, the United States, and other Western countries challenged the legitimacy of the run-off, while Russia and a handful of other former Soviet states recognized Yanukovych as president.

The Ukrainians, meanwhile, decided to add the OSCE to the mix. Foreign Minister Kostyantyn Hryshchenko invited Bulgaria's foreign minister and the OSCE chairman-in-office, Solomon Passy, to Kyiv. With an OSCE ministerial gathering to host just ten days later, Passy demurred, but he asked the OSCE secretary general, Jan Kubis, to go.

The Roundtable Process Gets Under Way

On November 26, demonstrators continued to jam the center of Kyiv. They had cut off access to—and threatened to storm—several important government buildings, including the cabinet of ministers and the presidential administration.

When Kwaśniewski arrived in Kyiv and met with Kuchma, he found him nervous and defensive. Kuchma began by charging that the Poles and the West were biased but gradually became more businesslike. Putin called several times during the meeting, proposing that Boris Gryzlov, the speaker of the Russian Duma, should join the other mediators. Kuchma agreed and reassured Kwaśniewski that he too would participate in a roundtable.

Kwaśniewski had separate meetings with Yushchenko and Yanukovych. During the Yushchenko meeting, Yulia Tymoshenko, a protest leader, and campaign manager Oleksander Zinchenko, who both favored a more radical approach, urged Yushchenko to let his supporters take control of Kyiv. He was unwilling to authorize so provocative an action, and Kwaśniewski joined him in arguing against it. At the other meeting, the Polish president found Yanukovych in a combative mood that precluded any discussion of a rerun of the run-off ballot.

Meeting before the roundtable, Kwaśniewski, Solana, and Adamkus decided that the goal of the first session should be to hear out the parties and lay down some basic principles, including no use of force, transparency, the need for a legitimate process acceptable in Ukraine and the wider region, and unblocking access to government buildings.

The first roundtable took place that evening at Marinsky Palace.[14] The mediators— Kwaśniewski, Solana, Adamkus, Kubis, and Gryzlov—joined Kuchma, Yushchenko, Yanukovych, Lytvyn, former Rada speaker Ivan Plyushch, and former president Leonid Kravchuk. Kuchma acted as informal chair.

Yushchenko and Yanukovych aired their grievances. Yushchenko demanded a rerun of the run-off election, citing the many falsifications, which Yanukovych denied. Kwaśniewski said it had to be stated that the election had been falsified; thus it was important to rerun the second round swiftly while avoiding the use of force and continuing a political dialogue. Solana and Adamkus supported this.[15] Given the importance of transparency, Kwaśniewski and Solana urged that the upcoming Supreme Court hearings on electoral violations be broadcast live on national television. The mediators stressed three principles: political talks, no violence, and a solution consistent with Ukrainian law. With the exception of Gryzlov, they expressed interest in the idea of a revote, a rerun of the run-off ballot.

The three-hour roundtable ended with some basic agreements. Kuchma told the press that the sides had agreed not to resort to force and would start political negotiations on a resolution. He, Lytvyn, Yushchenko, and Yanukovych would participate. A working group would be established to assist.[16]

That night Kuchma hosted an informal dinner for most of the mediators before they returned home. The atmosphere was relaxed, with no one revisiting the complaints voiced earlier that day. Foreshadowing the role he would play later on, Lytvyn delivered an eloquent statement on the need for a peaceful resolution.

The first roundtable had launched a process among the Ukrainians, and they expected that there would be follow-up roundtables, with the mediators present. The mediators saw Lytvyn as a moderate who might help find a political solution, and some contours of a settlement had been discussed. Moreover, cracks had begun to appear between Kuchma and Yanukovych.

As the mediators departed, Biegman and Solana aides Pirrka Tapiola and Carl Hartzell remained for much of the crisis to gather information and update Brussels and The Hague. They maintained regular contact with Yushchenko's people (former foreign minister Borys Tarasyuk organized nightly briefings for diplomats), but

Local officials in eastern Ukraine, meeting with Yanukovych in Severodonetsk, discussed the possibility of a referendum on the establishment of a "southeastern republic" if he was denied the presidency, raising fears of separatism

met less frequently with Yanukovych's camp—he and his team did not seem to appreciate that the crisis had an international aspect—and with Kuchma.

Yushchenko and his people received an important boost on November 27. The Rada passed a resolution stating that the run-off and the CEC's preliminary assessment "took place with violations of the law and do not reflect the will of the citizens." The Rada resolution censured the CEC. While it had no legal consequences, it nevertheless gave a degree of political legitimacy to the demonstrators and the Orange camp's demands.

At a November 27 meeting, Yanukovych asked Kuchma to declare a state of emergency and take action to clear the streets around government buildings. Kuchma declined. General Ihor Smeshko, head of the Security Service of Ukraine (SBU), cautioned that most security units could not be relied upon if ordered to move against the demonstrators.[17]

On Sunday, November 28, Kuchma had his first private meeting with Yushchenko since before the run-off. It lasted several hours and went amicably.[18] But the crisis threatened to take a turn for the worse on two counts. First, local officials in eastern Ukraine, meeting with Yanukovych in Severodonetsk, discussed the possibility of a referendum on the establishment of a "southeastern republic" if he was denied the presidency, raising fears of separatism.[19]

Second, on the evening of November 28 reports began to circulate that Ministry of Interior troops would soon enter Kyiv to clear demonstrators from around government buildings. SBU officials contacted Yushchenko's camp, and Yushchenko's camp and SBU officials also talked to the U.S. and British embassies. U.S. Ambassador John Herbst made a number of calls to Ukrainian officials and Viktor Pinchuk, Kuchma's son-in-law, to warn against a crackdown. At Herbst's request, Secretary of State Powell attempted to phone Kuchma directly, but the president would not take the call; U.S. officials nevertheless confidently believed that Kuchma had received the message. (Kwaśniewski also tried to call Kuchma.) In parallel, senior SBU and army officials warned Ministry of Interior officials not to enter Kyiv, threatening that army and SBU special forces units would protect the demonstrators. The Ministry of Interior forces stood down.[20]

Concerns about the use of force did not diminish until the ultimate resolution of the crisis on December 8. But from November 28 on, it was apparent that the security forces were divided, with the majority unwilling to use force against the protestors or allow others to do so.

The Severodonetsk conference prompted a backlash. As charges of promoting separatism swirled, local officials in the east said they would not support actions that might divide Ukraine. Yanukovych also distanced himself from the proposal.

The Supreme Court opened hearings on November 29 regarding Yushchenko's challenge to the run-off results. Analysts generally saw two possible outcomes: the Court could reject the challenge, in effect confirming the CEC results, or it could order completely new elections, starting with the first round. (Some thought that in the latter case, Kuchma himself might try to run.) Ukrainian television broadcast the hearings live.

Meanwhile, Lytvyn convened the Rada's faction leaders to discuss the situation. He told the press that a package solution might be necessary. One element of the package, depending on the Supreme Court's decision on the run-off, could be changes to the presidential election law to reduce the potential for falsification. Another element could be political reform—changes to the constitution that would shift some authority from the president to the prime minister and Rada.[21] Kuchma had sought such changes earlier in 2004, but the Rada did not pass them. Yushchenko was not enthusiastic about the changes but had told former presidential candidate and Orange Revolution ally Oleksander Moroz that he was prepared to consider them, in part to secure Moroz's support.

While discussions in the Rada and other private con-

tacts were under way, the Yushchenko and Yanukovych camps publicly remained far apart. Yanukovych said that if he became president, he would name Yushchenko prime minister—an idea Yushchenko promptly rejected.[22] Kuchma began talking of holding a new election—essentially starting the entire electoral process over again—while Yushchenko insisted on a rerun of the run-off.[23]

On November 30 Kwaśniewski, Adamkus, and Solana all announced that they were ready to return to Kyiv.[24] Kwaśniewski told a Warsaw press conference that he favored a rerun of the run-off ballot, suggesting December 19 or 26 as possible dates and adding that Bush and the heads of the European Union supported the idea.[25]

Two developments on December 1 set the stage for the second roundtable that evening. First, Kuchma said he categorically opposed a re-vote, stating that it would constitute a third election round, which was not provided for under Ukrainian law. He added that Yanukovych also opposed a re-vote.[26] Second, the Rada considered a motion of no confidence in the Yanukovych cabinet. A direct motion foundered, in part because of doubts about its constitutionality. (Ukraine's constitution provides that the Rada cannot force out the cabinet within one year of parliamentary passage of the cabinet's action program, which the Rada had approved just eight months before.) The Rada sidestepped the question by voting to overturn its March vote endorsing the cabinet's program.[27] Yanukovych rejected the vote as "illegal and unconstitutional."[28]

The Second Roundtable

The mediators returned to Kyiv on December 1, and the second roundtable took place that evening. Kuchma made his case for constitutional reforms, while Yanukovych disparaged the Rada's vote of no confidence in the cabinet as unconstitutional. Yushchenko again called for a re-vote. He asked the roundtable to issue a statement invalidating the run-off results, urging a change in CEC membership, and calling for the repeat run-off to be held on December 19, coupled with amendments to the presidential election law. Later, some observers would refer this as the "small" compromise package.

Lytvyn offered a different approach based on three elements: amendments to the presidential election law that would govern a re-vote should the Supreme Court order a run-off; amendments to the constitution; and formation of a new government according to the provisions of the amended constitution. (Proposals incorporating constitutional reform were referred to as the "broad" package.)

After inconclusive discussions, Kuchma observed that the roundtable was not making any progress. Kwaśniewski interceded, stressing the importance of some sign of movement. He suggested that the elements outlined by Lytvyn could offer a basis for moving forward. He saw a rerun of the run-off ballot as the only way out. Solana endorsed Lytvyn's suggestion and also supported a rerun.

Agreement took shape around the elements of Lytvyn's broad package, and a statement was prepared that Kuchma made public after the roundtable. The statement reiterated that the participants rejected the use of force, agreed on the need to immediately unblock government buildings, noted the establishment of an expert group to consider changes to the presidential election law, noted agreement that those changes would be enacted in parallel with amendments to the constitution, and appealed to all political forces to preserve the country's territorial integrity. The participants agreed to meet again after the Supreme Court ruled. Those watching noted the positive body language between Kuchma and Solana, and among Yushchenko, Kwaśniewski, and Adamkus.[29]

After December 1, the sense in many quarters was that the process was moving in the right direction, even if the Ukrainian parties still differed on some points. The elements of a solution had been discussed in the mediators' presence and put into an agreed statement. Lytvyn had emerged to lead the Ukrainian dialogue. Yanukovych was much less engaged, even passive—not quite sidelined but not playing an active role. While some elements in the Orange camp felt that Yushchenko had conceded too much, he did not backtrack. The parties now awaited the Supreme Court's decision.

The Rada faction leaders continued to discuss the crisis on December 2. The day's big news was Kuchma's surprise visit to Moscow for an airport meeting with Putin. Speaking to the press, Kuchma dismissed a re-vote; Putin fully concurred.[30] The European Parliament, however, endorsed a rerun of the run-off, and Foreign Minister Joschka Fischer of Germany declared that a rerun with international monitoring was the best way forward.[31] The next morning, Kwaśniewski publicly reiterated that there should be a rerun if the Supreme Court invalidated the November 21 results.[32] Adamkus likewise endorsed a rerun.[33]

The Supreme Court rendered its much-anticipated decision the afternoon of December 3. Instead of rejecting Yushchenko's challenge or ordering entirely new elections, the Court ruled the results of the run-off invalid, found the CEC's declaration of Yanukovych as

the run-off winner to be illegal, and ordered a repeat of the run-off election to be held on December 26.[34] This was an outcome that a number of Ukrainians, including Kuchma, believed was not provided for in Ukrainian law.

Lytvyn swiftly called for the Supreme Court's ruling to be implemented and noted that the leaders of the Rada were already working on possible amendments to the presidential election law. By late evening on December 3, Council of Europe Secretary General Terry Davis, PACE President Peter Schieder, U.S. State Department spokesman Richard Boucher, and Solana had all welcomed the Court's decision.[35] Moscow provided the jarring note—the Duma passed a resolution criticizing the European Union, the European Parliament, and OSCE for stirring instability in Ukraine.[36]

On December 4, the CEC scheduled the rerun of the run-off ballot for December 26, and Kuchma announced another roundtable for December 6. Under Lytvyn's tutelage, the Rada faction leaders continued to discuss a package of changes to the presidential election law and constitutional reform, but some Orange camp deputies were dubious about amending the constitution, at least before the rerun of the run-off. This prompted other deputies to withhold support for changing the presidential election law.[37]

The Third Roundtable

Kuchma stated publicly on the morning of December 6 that the Supreme Court's ruling should be implemented and said he would consider replacing the personnel of the CEC. He made clear his continued preference for a broad package.[38] At the Rada, a parliamentary reconciliation council continued to work on a package of constitutional amendments and changes to the presidential election law. Lytvyn told the press that Rada factions had reached a compromise.[39]

As the third and ultimately final roundtable opened on the evening of December 6 with the five mediators present, Lytvyn outlined the package the Rada faction heads had agreed on and his plan for securing full Rada approval. Yushchenko confirmed that constitutional changes should be part of the solution, calling also for changing the CEC's composition and for Yanukovych's cabinet to resign.

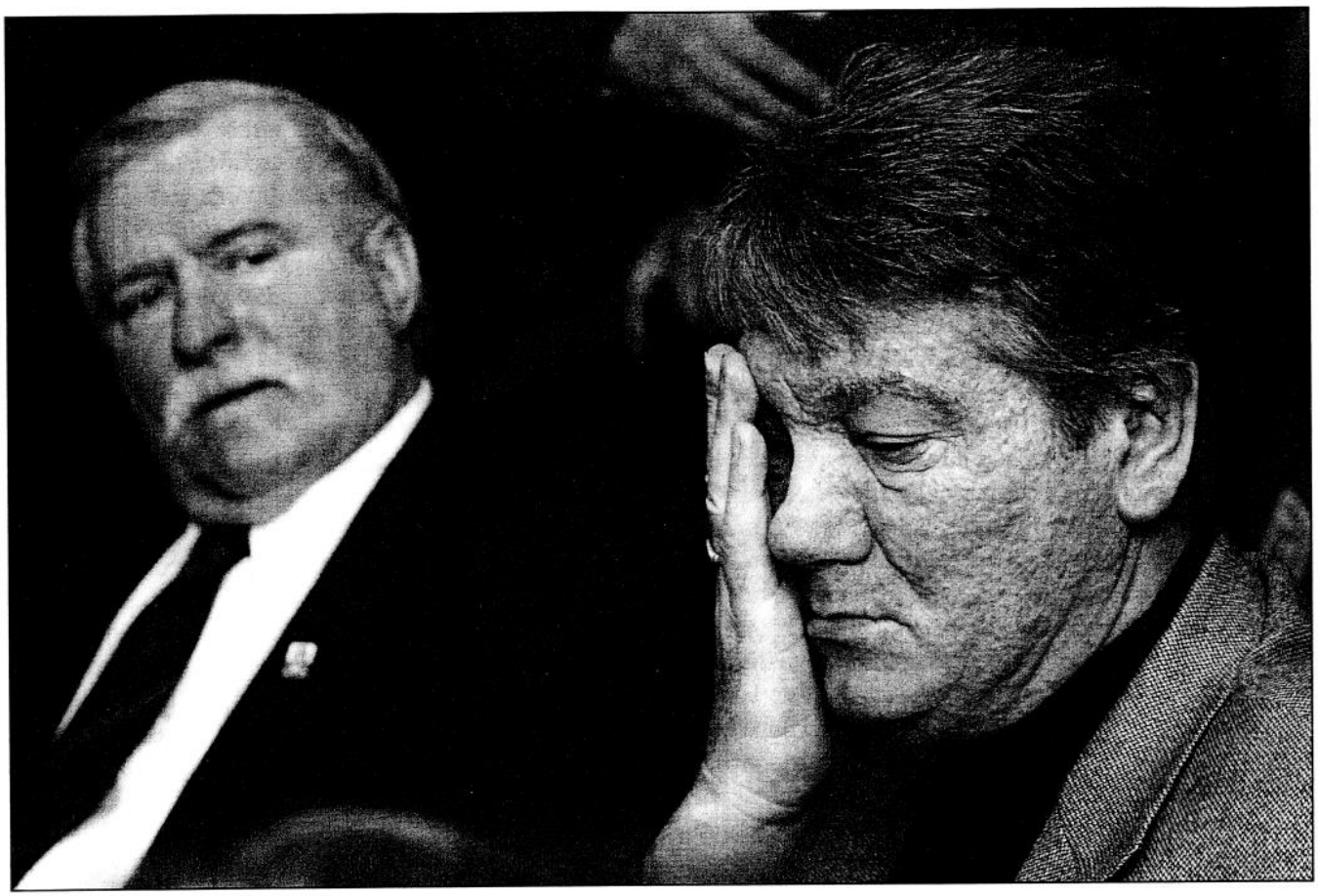
Kwaśniewski stressed the importance of changes to the presidential election law and the CEC's make-up. The sides were getting close to agreement on a broad package, he said, but meanwhile the focus should be on the "minimum program" of steps necessary for a successful rerun of the run-off ballot on December 26.

Lytvyn steered the discussion back to the broad package. He stressed the fragile nature of the consensus emerging within the Rada and warned that Kwaśniewski's "minimum program" would not win approval. Kuchma endorsed Lytvyn's package but rejected Yushchenko's demand that he fire Yanukovych and the cabinet. He would, however, approve Yanukovych going on leave for three weeks (i.e., the period before the December 26 ballot).

As the roundtable carried over to the early hours of December 7, debate focused on the cabinet's resignation. In the end, the meeting concluded without total agreement. Kuchma read a statement noting the points on which the parties had agreed: (1) the Supreme Court's ruling would be unconditionally implemented; (2) new CEC members would be appointed; (3) changes to the presidential election law should be passed to prevent vote-rigging and falsifications; and (4) government buildings should be unblocked once points 2 and 3 were implemented. Kuchma expressed support for the broad package developed by the Rada reconciliation council. A Yushchenko spokesman identified failure to agree on the cabinet's resignation as the main stumbling block.[40]

Discussions among Rada faction leaders continued on December 7. Later that day, Kuchma signed a decree granting Yanukovych leave while campaigning for the revote and appointing First Deputy Prime Minister Mykola Azarov as acting prime minister. Yushchenko decided to accept this in lieu of Yanukovych's resignation. On December 8 the Rada voted through a broad package amending the constitution and changing the presidential election law, with 402 deputies out of 450 in favor of each. The Rada also voted to dismiss the CEC, clearing the way for the appointment of new members. Kuchma immediately signed the legislation.[41] This brought the crisis to an end on its seventeenth day. (The constitutional amendments turned out to contain a number of ambiguities. These set the stage for conflict between the president and prime minister, and between the president and the Rada majority, once they took full effect in 2006, and would produce a constitutional crisis in early 2007.)

Eighteen days later, operating under a revised presidential election law and in the most closely monitored election in Ukraine's history, the rerun of the run-off ballot took place. Yushchenko polled 52 percent of the vote to 44 percent for Yanukovych. Viktor Yushchenko was sworn in as post-Soviet Ukraine's third president on January 23, 2005.



Viktor Yushchenko listens as former Polish president Lech Wałęsa speaks during a press conference in Kyiv, Ukraine, November 25, 2004. "I hope that Ukraine can avoid the mistakes that Poland made, such as the imposition of martial law," Wałęsa was quoted by Polish news agency PAP as saying. (AP Photo/Efrem Lukatsky)

A Ukrainian Achievement

The main credit for the peaceful resolution of the 2004 political crisis belongs to Ukrainians. As one mediator put it: "The way out of the crisis was reached by the Ukrainians . . . the elements of the settlement package—including agreement to constitutional reform—these came from within Ukraine, and were thought up by and agreed to by the Ukrainians themselves."

Most of the negotiations on the elements that made up the package approved by the Rada on December 8 took place in Ukrainian channels: in the Rada under Lytvyn's direction, but also between Yushchenko and Kuchma, and between the Yushchenko and Yanukovych camps (businesspeople on the two teams conducted much of this dialogue, and Tymoshenko maintained contact with Azarov, but there was little interaction between the two principals). Lytvyn sometimes served as a go-between, passing messages from Yushchenko to Kuchma and Yanukovych. Lytvyn had once headed Kuchma's presidential administration but had taken an increasingly independent line as Rada speaker and, by most accounts, appeared to want to play the role of honest broker. It may not have been coincidental that his broad package strengthened the authority of the Rada. In any case, by the end of November, Lytvyn had the heads of the Rada faction working on a package approach that addressed issues critical to Yushchenko and Kuchma. Kuchma showed no particular creativity in exploring compromise solutions but in the end accepted the Rada package.

The negotiation process saw the progressive marginalization of Yanukovych. After a falling out in late November, he and Kuchma pursued different agendas. Kuchma wanted Yanukovych to win, but not at any price, and was also concerned about the election's impact on his own image and legacy. Yushchenko focused on Kuchma,

whose consent to the settlement would leave Yanukovych with little other choice.

Ukrainians also deserve credit for keeping the crisis peaceful. The Orange demonstrators showed great discipline. While the possibility was discussed, they ultimately resisted the temptation to seize government buildings. With the exception of elements in the Ministry of Interior, Ukrainian military and security forces rejected the use of force. Although it is difficult to imagine the Interior Ministry forces moving on November 28 without authorization from someone in Kuchma's inner circle, many close to the crisis give Kuchma great credit for not wanting—and not allowing—a resort to force.

Mediators Facilitate Settlement

The international mediators nevertheless played an important facilitative role. They helped the Ukrainian leaders find a settlement more rapidly than might otherwise have been the case.

First, the mediators' engagement provided a strong disincentive to the use of force. As one U.S. official put it, they "helped ensure that the guys with guns kept their guns in their holsters." Another U.S. official commented that the presence of the mediators "helped reinforce Kuchma's better instincts." They provided a counterweight to—and gave Kuchma political cover for resisting—those in Yanukovych's camp who wanted a crackdown.

The mediators likewise urged Orange demonstrators and Yanukovych supporters to avoid provocative steps. They persuaded Yanukovych's team to abort a miners' march that could have led to clashes with Orange demonstrators, and they consistently pressed Yushchenko's camp to reject suggestions from more radical elements to seize government buildings.

Second, the mediators' engagement launched the negotiating process. No Ukrainian negotiating process had emerged between November 21 and 26, despite calls from Kuchma and others for talks. There was simply no trust between the opposing camps. The presence of European mediators proved a prerequisite for negotiations: Yushchenko agreed to meet with Yanukovych and Kuchma only in their presence. The November 26 roundtable was Yushchenko's first face-to-face with either Kuchma or Yanukovych since before the November 21 run-off.

According to participants and others close to the roundtable process, the first roundtable session was the crucial one. It began a negotiating process that moved into Ukrainian channels and ultimately produced the settlement package. Given the animosity between the Yushchenko and Yanukovych teams, no one can say how long it would have taken them to get a negotiation under way absent the mediators' intervention.

Third, the mediators' engagement sustained the negotiating process. The prospect of the mediators' return generated pressure on the Ukrainians to work in their channels toward a solution. Moreover, discussing the elements being developed in Ukrainian channels at the roundtable gave those ideas greater weight as a basis on which the next phase of Ukrainian negotiations could build. Thus, the second roundtable's endorsement of a broad package helped cement that formula as the starting point for the following day's Rada talks. The mediators wisely chose to reinforce and build upon the options the Ukrainians themselves had put down rather than pressing their own ideas.

Finally, had the mediators not engaged, the crisis could have dragged out far longer. A longer crisis, even with the best of intentions, would have carried the risk of a misstep that triggered violence.

There has been considerable speculation about whether Yushchenko offered Kuchma amnesty for past activities. This most likely would have been addressed in a private channel between the two; it does not appear to have been discussed by the mediators.

By virtually all accounts, Kwaśniewski made the most creative contributions. As one person present at the roundtable described it, Kwaśniewski understood what was going on and was the mediator most inclined to get into discussions on substance. He spoke Russian, was more attuned to the politics of the situation, and could draw upon his own experience as a participant in the 1989 Polish roundtable negotiations. Moreover, among the mediators, Kwaśniewski had the closest personal relationship with Kuchma, whom he had known since 1996 and with whom he could deal on an equal basis (president-to-president). As a Ukrainian involved in the process commented, Kwaśniewski was a political equal who could pull Kuchma aside and say, "C'mon Leonid, you can't mean that," and Kuchma would listen. Kwaśniewski had also dealt previously with both Yushchenko and Yanukovych.

Kwaśniewski quickly agreed to mediate out of concern for what might happen in Kyiv. He feared an outbreak of violence, strains leading to greater divisions between western and eastern Ukraine, and the possible Russian reaction. Poland certainly did not want to see its large eastern neighbor collapse into political chaos; Kwaśniewski saw vital Polish interests at stake. Polish public opinion, moreover, closely followed developments in Kyiv and pressed him to engage.

Adamkus worked closely with Kwaśniewski. As one Ukrainian observer noted, he played a supporting role to Kwaśniewski's lead. Adamkus intervened at several points in the roundtables, usually to defuse tense moments, and engaged actively in sidebar discussions. He knew the Ukrainian players and shared Kwaśniewski's sense of urgency. Having Lithuania involved eased Kwaśniewski's concern that the mediation not be a unilateral Polish effort.

Solana did not decide to become involved as quickly as Kwaśniewski, and officials on both sides of the Atlantic initially saw him as reluctant to engage. In addition to a busy schedule, three reasons account for his more deliberate approach. First, in contrast to Kwaśniewski (and Adamkus), Solana could not act on his own. He had to check with the EU presidency and the member-states before committing himself to mediate. (Some members were not enthusiastic about EU involvement in the Ukrainian crisis; during the Georgian crisis the year before, France had blocked a more activist role for Solana.) Second, before engaging in any diplomatic crisis, Solana wanted to understand what he and the European Union could contribute, and what mandate he would have. Third, Solana was working at the time on developing the EU-Russia relationship and was sensitive that a misstep in Kyiv could have negative repercussions with Moscow. The Russian factor also appears to have weighed on the calculations of those European leaders less inclined toward EU involvement in Ukraine.

Once engaged, Solana crucially provided the watchful eyes of the European Union, which was, as one Ukrainian noted, "a very important institution" that all Ukrainian participants "agreed they would like to be a part of." Solana's more cautious approach and his stress on having a legitimate process provided some balance to Kwaśniewski's greater enthusiasm, which some saw as favoring Yushchenko. The Poles recognized the importance of Solana's involvement. U.S. officials agreed on the value of Solana's presence. As one put it: "Were just Kwaśniewski and Adamkus representing Poland and Lithuania, the impact might not have been as great, but with Solana's presence, the EU and Europe clearly were there."

Solana, moreover, also had a long relationship with Kuchma, although he did not speak Russian, a limiting factor during the discussions, and did not have the same grasp of detail as Kwaśniewski. Solana placed a high value on stability, which certain members of the Orange camp felt worked against their interest in an outcome that required breaking some eggs. He was sensitive to Yanukovych's position—recognizing that even the most conservative estimates showed that more than 40 percent of Ukrainians supported him, Solana felt the process could not leave them feeling completely left out.

It is no surprise that Kwaśniewski was the more active mediator, the one most willing to push the envelope. In the last year of his second and final term as Poland's president, he had greater freedom to act when he saw a burning crisis on Poland's border. For Solana, who had the full spectrum of EU foreign policy issues on his plate, the crisis was neither as close nor as burning. More important, Solana had an institutional reason to be more cautious—twenty-five foreign ministries were watching his actions. Solana needed time to ensure that key EU actors agreed on his goals and means. Once he had that, he brought the full credibility and weight of the European Union.

While Kwaśniewski and Solana exercised the greatest weight in the Ukrainians' view, Kubis's presence was helpful. He represented the OSCE, an important organization even if it did not carry the same authority as the European Union. The organization's large and more diverse membership (including Russia), however, constrained his engagement.

Gryzlov, seen as unprepared and reflexively pro-Yanukovych, had the least impact. Unlike the others, he did not come early for separate meetings with Ukrainians before the roundtable sessions, so he had little sense of developments on the ground. His presence nevertheless lent an image of East-West balance to the mediation effort, which was important for Kuchma. Polish and EU officials also saw value in a Russian presence balancing the make-up of the mediators. Moreover, as one Washington official commented, having Gryzlov in the room meant that Moscow received an unvarnished picture of the reality and dynamic at the roundtable.

The Dutch EU presidency was comfortable with Solana's role. When in Kyiv, Solana had Biegman with him, which meant he had a direct line to The Hague. Between rounds, Biegman, Tapiola, and Hartzell maintained constant contact with van Rij in Solana's office and van Hoorn in the Dutch Foreign Ministry. They, in turn, ensured EU coherence with the member states, including Poland and Lithuania, during the crisis.

Institutional Weight or Personal Relationships?

The mediators had credibility in Kyiv because of their institutional affiliations and their pre-existing personal relationships with key Ukrainians. Personal relation-

ships appear to have been more important to Kuchma than the fact that the mediators represented the European Union and Ukraine's large western neighbor. As one observer remarked, to Kuchma the European Union was something of an abstraction, whereas people were real.

Kuchma saw Kwaśniewski as a supporter of Ukraine and an old, close, and reliable friend. Kwaśniewski had maintained his friendship with Kuchma even as Kyiv's relations with the West plummeted in 2002 and most Western leaders began to avoid the Ukrainian president. Kuchma saw Solana as the primary EU representative (Poland and Lithuania had entered the European Union only in May 2004). That said, Solana also represented a known quantity, although the personal relationship was not as close as with Kwaśniewski. And Solana, while a very senior EU official, was not on quite the same level as the Polish president.

The personal relationships held up even when Kwaśniewski and Solana called publicly for a revote on November 30 and December 1, respectively, at a time when Kuchma continued to insist that there was no legal provision for such a ballot. The fact that Kwaśniewski and Solana publicly embraced a central element of Yushchenko's demands did not undermine their credibility with Kuchma. The Ukrainian president understood that the mediators had to take a position on the revote (even if he felt that their position was inconsistent with Ukrainian law) and did not hold it against them.

Yushchenko valued both the institutions represented and the personalities. As a true believer in bringing Ukraine fully into Europe and the Euro-Atlantic community, the presence of the European Union mattered more to him than it did to Kuchma. While he knew Kwaśniewski and Solana personally, the relationships were not as close as Kuchma's. Indeed, in early 2004 relations between Kwaśniewski and Yushchenko's camp had been a bit cool, and some of Yushchenko's associates worried about the close relationship between Kwaśniewski and Kuchma. Once engaged in the mediation, however, Kwaśniewski's consistent advocacy of a democratic outcome, including a revote, rapidly gained the confidence of the Yushchenko team.

Washington Accepts European Lead

The U.S. government had since the early 1990s taken a strong interest in Ukraine's development. At the outset of the Orange Revolution, U.S. officials quickly adopted a strong public line, and Ambassador Herbst and the U.S. embassy in Kyiv were extremely active throughout the crisis. Washington, however, accepted Europe's lead in helping to broker a resolution. There are several reasons that explain this.

First, U.S. officials saw managing the Ukraine crisis as an appropriate task for the European Union. Ukraine lies directly on the EU's eastern flank, and member-states such as Poland have a keen interest in the country.

Second, U.S. officials believed that European mediators would have greater resonance with Kuchma. U.S.-Ukrainian relations had plummeted in 2002 and, by the end of the year, had hit their lowest point since Ukraine gained independence in 1991. The EU's relations with Ukraine were not especially warm in 2004, but they were better than Washington's.

Third, Ukraine had long been a subject of U.S.-EU consultations. As early as 2003, U.S. officials had begun discussing the 2004 Ukrainian presidential election with their EU and Polish counterparts, including the messages the West should send to Kyiv and the types of election assistance to provide. The pattern of consultations gave U.S. officials a good understanding of—and considerable confidence in—how EU and member-state officials viewed the Ukrainian political scene. Washington's comfort level with the efforts of Kwaśniewski and Solana only grew as the crisis progressed.

Fourth, U.S. officials did not want to turn the crisis into a contest between Washington and Moscow. The Bush administration had shown a special sensitivity toward Putin, and U.S.-Russian bilateral relations already had plenty of problems.

The last major Washington intervention was Powell's November 28 attempt to call Kuchma to warn him against deploying security forces into Kyiv. After that, Washington stayed in the background, leaving the Europeans on point. U.S. officials remained in close touch with the Dutch to ensure that the U.S. and EU public lines were synchronized and to share analyses, while consulting with EU and Polish officials on the status of the negotiations. Washington, however, resisted any temptation to try to micro-manage the mediation effort.

U.S. and EU officials regard the Orange Revolution as a very successful case of U.S.–EU coordination, a model to be emulated. As one EU participant in the roundtable process noted, "We were clearly on the same line, stressing a democratic and sustainable solution. . . . There was also a clear understanding that the European Union was in the lead in searching for a solution, with the United States showing support for our efforts."

EU Structural Advantages and Improvisation

The EU mediation effort in Ukraine—the combination of Kwaśniewski (plus Adamkus) with Solana—was somewhat ad hoc, but it worked. This is all the more impressive in light of the fact that no one had prepared for this kind of crisis. Despite considerable advance EU and U.S.-EU consultation on the election and political scene, no one had predicted there would be a revolution. The mediators successfully encouraged the Ukrainians not to use force, helped launch a negotiating process, and pressed the Ukrainians to bring the negotiations to a conclusion. There was probably little else they needed to do or could have done, particularly once the Ukrainians began negotiating among themselves. Indeed, Ukrainian observers complimented the mediation effort for doing everything possible without stepping over the line into inappropriate interference.

For its part, the ever-practical Dutch EU presidency saw no reason to challenge the Kwaśniewski-Solana combination or to assert a mediation role for itself. In any event, it is not clear how The Hague could have stopped Kwaśniewski (or Adamkus) had it been so inclined. The Hague was comfortable letting Solana and Kwaśniewski have a relatively long leash, in large part because no one had to make or propose commitments on the part of the European Union—the focus was on helping the Ukrainians find a way forward.

The combination proved a strong point in the overall mediation effort. Kwaśniewski (and Adamkus) provided the enthusiastic engagement of two EU member-state leaders, bringing to bear their personal relationships and a readiness to push the parties toward compromise. As one U.S. observer noted, an EU strength in this case was "the willingness of independent member-states to step up." For his part, Solana brought to the roundtable the very important EU institutional banner that Kwaśniewski and Adamkus could not represent.

While Kwaśniewski and Adamkus decided almost immediately to engage, Solana needed time to satisfy his institutional requirement to consult with the presidency and member-states on his participation. There had been prior EU consultations regarding the Ukrainian election process, but mediating in the post-run-off crisis posed a new question that had not been previously vetted.

Although there had been no advance consultations on a mediation effort per se, Dutch and European Union leaders had laid a basis for good working-level cooperation on Ukraine well before the end of 2004. In July, the Dutch hosted a day-long meeting of EU Foreign Ministry department heads devoted to Ukraine and the upcoming election. Ukraine also topped the agenda for regular U.S.-EU consultations on the post-Soviet space.

The internal EU briefing process functioned well. Solana's office regularly updated the representatives of the EU member-states in Brussels, while the Dutch Foreign Ministry stayed in touch by phone with its counterparts in other EU capitals. The briefings and calls dealt mainly with information updates—no one sought or saw a need to agree on detailed instructions for the mediators.

Strengthening Institutional Capacity

Given the ongoing transitions that former Soviet states are making, plus the potential for instability in such countries as Moldova and Belarus, future political crises in the region are entirely possible. Should a regional institution's help be sought, the European Union is the most likely candidate. NATO has little practical expertise in addressing political crises, and its involvement in the former Soviet space would be anathema to Moscow. The Council of Europe lacks the organizational or diplomatic expertise to engage effectively to stabilize or resolve a crisis situation. The OSCE's diverse membership would constrain its ability to intervene decisively, especially if its member-states held different views on the crisis. And the Commonwealth of Independent States is not seen as a serious organization outside the former Soviet space—or even by some of its members.

EU leaders thus should be prepared for a call in future political crises. Although it is not possible in advance to predict the precise nature of the crises and the personal relationships that might exist, the European Union can still take several preparatory steps.

Early Warning. Strengthen early warning capacity in the Office of the High Representative for Common Foreign and Security Policy. As the European Union pursues an increasingly complex foreign policy, it needs the capacity to predict where and when crises may break out in its neighborhood or in other areas that affect its interests. The more early warning, the greater the opportunity for advance planning, and the greater the possibility for proactive action to prevent a crisis or mitigate its effects.

Improved Advance Planning. Increase advance-planning capacity in the high representative's office. Advance planning helps, even when plans are made for something other than the specific crisis that emerges. The months before November

2004 saw planning and consultation within EU channels on the upcoming Ukrainian election, albeit not for a revolution. When the Orange Revolution began, this prior consultation provided a common starting point for EU policy and "warm" lines of communication that were put to good use.

Broaden High Representative's Authority. Delegate in advance to the high representative the authority to act on a wider number of issues when preparing common strategies toward countries in the former Soviet space and, in particular, when there is early warning of a possible crisis. In the case of the Orange Revolution, the need to consult with member-states did not adversely slow the EU's ability to intervene, but it still required time. Future crises might have a more urgent timeline. It would behoove the European Union to give the high representative more authority to deal with a problem while in the pre-crisis stage, pre-delegate flexibility to determine the appropriate diplomatic strategies and tactics if the crisis develops, and perhaps arm the high representative in advance with the ability to commit EU resources.

Empower the Presidency. Consider vesting greater responsibility in the presidency to act on the EU's behalf in managing policy in a fast-moving crisis. The presidency could be given authority to provide guidance to the high representative for action while informing member-states in parallel or after the fact.

Build Personal Ties. Given the special importance of personal relationships in the former Soviet space (where six of the countries that come under the EU's European Neighborhood Policy are located), the high representative has to invest time to build and maintain relationships with heads of government and key political figures in these countries.

Further Enhance the EU's Appeal. Take steps to enhance the EU's image and attractiveness with neighboring states. The desire of the Ukrainian participants not to disgrace themselves in front of the European Union was an important incentive that helped enable the success of the European mediation effort. In anticipation of future crises, the European Union should consider ways to strengthen its attractiveness—and thus its possible mediation weight. While offering future membership is not in the cards in the short run, other actions—such as the EU offer to negotiate a free-trade arrangement with Ukraine—can increase the EU's pull and authority in the eyes of its neighbors.

National Matchmaking. Supplement the high representative's relationships, the European Union might consider an informal pairing arrangement that assigns an EU member-state to cultivate personal relationships with leaders and other political figures in a neighboring country. Should there be a crisis in that country and an EU mediation effort be needed, the appropriate member-state leader could join the high representative. The goal would be to have a member-state president or prime minister with personal relationships with key political actors, similar to those that Kwaśniewski had with Kuchma, Yushchenko, and others in Ukraine. Possible pairings, subject importantly to the personalities, might include Lithuania with Belarus and Romania with Moldova.

This last suggestion runs counter to the notion of centralizing and streamlining EU foreign policy mechanisms. It offers, however, a chance to replicate the successful Kwaśniewski–Solana combination: a high representative who can speak for the EU institutionally, joined by the leader of an EU member-state who adds value by virtue of personal relationships and ability to deal as an equal with counterparts. While this combination may raise coordination challenges, it offers the European Union opportunities for more effective crisis engagement.

In any event, the European Union should anticipate that the leaders of member-states will be strongly tempted to engage if they see a crisis in a neighboring state as a threat to their vital interests. This was certainly the case in 2004, when the Poles feared that violence or political anarchy in Ukraine would threaten their national interests. It is unlikely that they could have been dissuaded from engaging.

Finally, in thinking through how to address political crises in the future, the European Union might find it a useful exercise to consider what steps it would want to take now if it had reason to believe Belarus would be in crisis in one year's time.

Looking to the longer term, many of the preceding recommendations could be accomplished with the passage of the EU's Constitutional Treaty and the establishment of a union minister for foreign affairs, who would combine the duties of the high representative and the commissioner for external affairs. The occupant of this post would have greater authority than Solana did in 2004 as well as greater freedom and flexibility to make tactical decisions. Although ratification of the Constitutional Treaty was blocked in 2005, EU leaders agreed at their June 2007 summit to go forward with a treaty that, among other things, will create a high representative for foreign affairs and security policy, merging the positions of high

representative for common foreign and security policy and external affairs commissioner.

Conclusion

The involvement of Presidents Kwaśniewski and Adamkus and EU High Representative Solana helped the Ukrainians avoid violence and find a political resolution to the Orange Revolution more rapidly than they would have done on their own. Both personal relationships and institutional representation enabled the European Union to manage this crisis successfully. The European Union can and should take steps that will allow it to operate equally, if not more, effectively in dealing with similar political crises in the future. These measures would enhance the authority and operational ability of the EU high representative and the EU presidency. They also should allow for the involvement of the leaders of individual EU member-states who, by virtue of proximity, personal relationships, or bilateral state relations, can offer particular and important value added.

Notes

1. Wojciech Stanisławski's *The Orange Ribbon: A Calendar of the Political Crisis in Ukraine, Autumn 2004* (Warsaw: Center for Eastern Studies, 2005) offers a useful chronology of the events in Ukraine from October 19 to December 31, 2004.

2. Andrew Wilson, *Ukraine's Orange Revolution* (New Haven: Yale University Press, 2005) provides a good description of the election irregularities.

3. Statement of Preliminary Findings and Conclusions, International Election Observation Mission (Kyiv, November 22, 2004), www.osce.org/documents/odihr/2004/11/3811_en.pdf.

4. "Yushchenko Receives 54%, Yanukovych 43% According to 100% of Exit Poll Inquiries Made by Consortium," Ukrainian News Service (November 21, 2004).

5. Much of the discussion of the period between November 22 and December 8, 2004, is based on oral or written interviews by the author with the following people (position held in November/December 2004): Nicolaas Biegman (ambassador, Special Representative of the Dutch EU Presidency in Kyiv during the Orange Revolution); Markian Bilynskiy (vice president of field operations, U.S.-Ukraine Foundation, Kyiv); Andriy Fialko (foreign policy adviser to President Kuchma); Eugene Fishel (senior analyst, Bureau of Intelligence and Research, U.S. Department of State); Dan Fried (senior director, National Security Council); Sheila Gwaltney (deputy chief of mission, U.S. embassy, Kyiv); John Herbst (U.S. ambassador to Ukraine); Kostyantyn Hryshchenko (foreign minister of Ukraine); Elizabeth Jones (assistant secretary of state for European and Eurasian affairs, U.S. Department of State); Jacek Kluchkowski (chief adviser to Polish prime minister Belka); Leonid Kozhara (deputy head of the Ukrainian presidential administration); David Kramer (member, Policy Planning Staff, U.S. Department of State); Leonid Kuchma (president of Ukraine); Aleksander Kwaśniewski (president of Poland); Michael McKinley (deputy chief of mission, U.S. mission to the European Union); Marcus Micheli (senior Ukraine desk officer, U.S. Department of State); Ken Myers (senior professional staff member, Senate Foreign Relations Committee); Oleksandr Pavliuk (acting head of external cooperation, OSCE Secretariat); Daniel Rotfeld (secretary of state/first deputy foreign minister, Polish Foreign Ministry); Oleh Rybachuk (Rada deputy and chief of staff of Yushchenko's campaign office); Yuriy Shcherbak (adviser to the Speaker of the Rada); Oleh Shamshur (Ukrainian deputy foreign minister); James Sherr (fellow, Conflict Studies Research Center, United Kingdom); Javier Solana (EU high representative for Common Foreign and Security Policy); Oleksandr Sushko (research director, Institute for Euro-Atlantic Cooperation, Kyiv); Pirrka Tapiola (adviser to EU High Representative for Common Foreign and Security Policy Solana); Borys Tarasyuk (Rada deputy and chair, National Rukh of Ukraine party); John Tefft (deputy assistant secretary of state for European and Eurasian affairs, U.S. Department of State); Jan Lucas van Hoorn (director, South and Eastern Europe Department, Dutch Foreign Ministry); Kees van Rij (diplomatic adviser to EU High Representative for Common Foreign and Security Policy Solana); and Wojciech Zajączkowski (deputy director, CIS Countries Department, Polish Foreign Ministry).

6. Ahto Lobjakas, "Ukraine: EU Criticizes Elections," Radio Free Europe/Radio Liberty (November 23, 2004), www.rferl.org/featuresarticle/2004/11/D25387CD-E904-47C8-8DB5-A3FDB0910B6D.html.

7. Statement released by the Deputy Press Secretary, Office of the Press Secretary (November 23, 2004), www.whitehouse.gov/news/releases/2004/11/20041123-2.html.

8. William Branigin, "U.S. Rejects Tally, Warns Ukraine," *Washington Post* (November 25, 2004): A36 (www.washingtonpost.com/wp-dyn/articles/A10212-2004Nov24.html).

9. National Radio Company of Ukraine (November 23, 2004), www.nrcu.gov.ua/index.php?id=4&listid=7602/.

10. C.J. Chivers, "A Crackdown Averted: How Top Spies in Ukraine Changed the Nation's Path," *New York Times* (January 15, 2005): A1 (www.nytimes.com/2005/01/17/international/europe/17ukraine.html).

11. Olena Prytula, "The Ukrainian Media Rebellion," in *Revolution in Orange*, ed. Anders Åslund and Michael McFaul (Washington, DC: Carnegie Endowment for International Peace, 2006), pp. 119–20.

12. National Radio Company of Ukraine (November 25, 2004), www.nrcu.gov.ua/index.php?id=4&listid=7661/.

13. Ahto Lobjakas, "Ukraine: Crisis Overshadows EU-Russia Summit," Radio Free Europe/Radio Liberty (November 25, 2004), www.rferl.org/featuresarticle/2004/11/744CB1AE-5E84-42DB-8C01-7FC2C4FEDA71.html.

14. In addition to interviews, the account of the three roundtables also draws on Jason Campbell and Andrew Wilson, "The Mariyinsky Palace Negotiations: Maintaining Peace Throughout Ukraine's Orange Revolution" (case study prepared for the Program on Negotiation at Harvard Law School, January 2007, and the appended translation of a partial transcript of the three roundtables).

15. "Kwaśniewski: At the Dacha I Told Kuchma: While You Sit in the Woods, You Have No Power," *Polityka* (December 22, 2004), www.polityka.pl/archive/do/registry/secure/showArticle?id=2002124/; reported in *Ukrainska pravda* (December 22, 2004), www.pravda.com.ua/news/2004/12/22/15085.htm.

16. "Meetings in Mariyinskiy Have Finished; Yushchenko, Kuchma and Solana Have Agreed on Negotiations and Peace," *Ukrainska pravda* (November 26, 2004), www.pravda.com.ua/news/2004/11/26/14224.htm.

17. Chivers, "Crackdown Averted."

18. Marcin Bosacki and Marcin Wojciechowski, "Behind the Scenes of the Ukrainian Revolution," *Gazeta Wyborcza* [Warsaw] (April 3, 2005), www.gazetawyborcza.pl/1,75477,2636171.html; translated by Maciej Mark Karpinski for the Ukraine List, www.ukrainianstudies.uottawa.ca/ukraine_list/ukl354_11.html.

19. "National Congress of Local Self-Government Organs Decides to Hold Referendum on Creation of a Southeastern Republic on December 12 if Yanukovych is Not Recognized as President," Ukrainian News Agency (November 28, 2004).

20. Chivers, "Crackdown Averted."

21. "Lytvyn Proposes Package in Order Not to Waste Time on Details," *Ukrainska pravda* (December 1, 2004), www.pravda.com.ua/news/2004/12/1/14407.htm.

22. "Yanukovych Offering Yushchenko Post of Prime Minister If Supreme Court Upholds Results of Presidential Election," Ukrainian News Agency (November 30, 2004).

23. "Yanukovych Calls on Yushchenko to Refuse with Him from Competing in New Elections If Such Take Place," Ukrainian News Agency (November 30, 2004).

24. "Solana, Adamkus and Kwaśniewski Are Again Flying to Kyiv," *Ukrainska pravda* (November 30, 2004), www.pravda.com.ua/news/2004/11/30/14365.htm.

25. "Kwaśniewski Bringing Plan with Five Points and a Revote Before Christmas," *Ukrainska pravda* (December 1, 2004), www.pravda.com.ua/news/2004/12/1/14404.htm.

26. "Kuchma Wants New Elections and Will Not Allow a Revote," *Ukrainska pravda* (December 1, 2004), www.pravda.com.ua/news/2004/12/1/14428.htm.

27. Wilson, *Ukraine's Orange Revolution*, p. 144.

28. "Yanukovych Breaks Off Negotiations and Says He Does Not Recognize the Parliament's Decision," *Ukrainska pravda* (December 1, 2004), www.pravda.com.ua/news/2004/12/1/14418.htm.

29. "New Mariyinskiy Negotiations: Lifting the Blockade, Political Reform, and a Handshake," *Ukrainska pravda* (December 1, 2004), www.pravda.com.ua/news/2004/12/1/14390.htm.

30. "Putin Criticizes Ukrainian Push for New Vote," Radio Free Europe/Radio Liberty (December 2, 2004), www.rferl.org/featuresarticle/2004/12/47BCC654-CA02-4E9D-9536-5E6E011E5A82.html.

31. "European Parliament Calls for a Revote with the Participation of Yushchenko and Yanukovych," *Ukrainska pravda* (December 2, 2004), www.pravda.com.ua/news/2004/12/2/14459.htm.

32. "Kwaśniewski Proposes a Revote on December 19; Australia Also Wants a Revote," *Ukrainska pravda* (December 3, 2004), www.pravda.com.ua/news/2004/12/3/14508.htm.

33. "Adamkus and the OSCE Secretary General Again Will Fly to Ukraine," *Ukrainska pravda* (December 3, 2004), www.pravda.com.ua/news/2004/12/3/14484.htm.

34. "Supreme Court Rules Yanukovych Victory Invalid; Rerun Election on December 26," *Ukrainska pravda* (December 3, 2004), www.pravda.com.ua/news/2004/12/3/14490.htm.

35. "Council of Europe and PACE Support Supreme Court Decision; Sol Calls for Its Implementation," *Ukrainska pravda* (December 3, 2004), w .pravda.com.ua/news/2004/12/3/14498.htm.

36. "Duma Condemns West's 'Destructive Role' in Ukraine," Ra Free Europe/Radio Liberty (December 3, 2004), www.rferl.org/feature ticle/2004/12/EEAF5CF4-B448-4452-A2CB-4814640A65C1.html.

37. "Ukraine's Parliament Makes No Headway on New Vote," Radio F Europe/Radio Liberty (December 4, 2004), www.rferl.org/featuresarticle/20 12/797C8DD0-31E8-459C-B88B-2386F17262DA.html.

38. "Kuchma Will Dismiss Yanukovych and Yield to Yushchenko, But O on One Condition," *Ukrainska pravda* (December 6, 2004), www.pravda.cc ua/news/2004/12/6/14577.htm.

39. "On Tuesday They May Pass Changes to the Constitution; Before T Kuchma Will Remove Yanukovych," *Ukrainska pravda* (December 6, 200 www.pravda.com.ua/news/2004/12/6/14574.htm.

40. "Third Roundtable: Collapse of the Negotiations or Tactical Victo for Yushchenko?" *Ukrainska pravda* (December 7, 2004), www.pravda.c .ua/news/2004/12/7/14584.htm.

41. "Vote Clears Path to New Ukrainian Election," Radio Free Europe/Ra Liberty (December 8, 2004), www.rferl.org/featuresarticle/2004/12/2548D5 83E8-4ECC-BC25-677796C38B89.html.