

December 22, 2004

LETTER FROM EUROPE

## Why the Fever in Ukraine? A Few Not-So Easy Answers

By STEVEN LEE MYERS

**K**IEV, Ukraine, Dec. 21 - Ukraine's "orange revolution" was either a mass outpouring of popular will or the collapse of an enfeebled authoritarian power.

Or maybe it was the political and judicial maturation of a teenage democracy. Or it was a Western plot concocted in the corridors of American power and carried out with cunning by subversive forces like the Organization for Security and Cooperation in Europe. (The latter is the theory favored in parts north and east of here, particularly in the Kremlin.)

In reality, the political upheaval and mass demonstrations that ultimately overturned Ukraine's fraudulent presidential runoff last month probably resulted from a mixture of all those things. And by all accounts, Ukraine, alone among the former Soviet republics, had several essential ingredients for democracy that had managed to survive the turmoil of 13 years of halting transition: political competition, judicial independence and, of course, the political activism of voters in a vast swath of the world where apathy typically rules.

For those optimists who would like to export Ukraine's experience - and in Russia, Belarus and other former Soviet republics, there are many - those conditions might take years to develop elsewhere, if ever.

"The political trend here is different than in Russia or Belarus," said Kalman Mizsei, regional director of the United Nations Development Program, who has worked extensively in Ukraine and other post-Communist nations in Eastern Europe. "Maybe it's the difference in the fabric of civil society in different countries. Maybe it is hidden, and only emerges in times of extraordinary events."

Ukraine holds a new runoff on Sunday, and if the opposition leader, Viktor A. Yushchenko, wins, as expected, it might be tempting to view his triumph as simply the inexorable march of democracy. But there was nothing inevitable about what unfolded after two rounds of voting led to the disputed victory for Prime Minister Viktor F. Yanukovich.

It might well have turned out differently if President Leonid D. Kuchma, like Eduard A. Shevardnadze in Georgia a year before, had decided to risk bloodshed and international opprobrium by crushing the demonstrations.

Mr. Kuchma, whose popularity evaporated after 10 years of economic gains marred by scandal and, at the end, vote fraud, is unlikely to be seen as a hero by many here. Still, faced with protests and uncertain support among the security services, Mr. Kuchma gave up, negotiating a compromise that left Mr. Yanukovich isolated.

"I think the explanation is quite simple," Mikhail B. Pogrebinsky, the director of the Kiev Center for Political and Conflict Studies who has worked closely with Mr. Kuchma's government, said in an interview on Tuesday. "A revolution like this would not happen if the power had not decided to leave."

The power, however, was given a shove. And the groundwork for that took shape years ago.

Mr. Yushchenko, a former central banker, served as prime minister under Mr. Kuchma, but after breaking with him, found a political base from which to challenge him. Ukraine's Parliament is hardly a model of legislative ideals, but its rancorous sessions reflected the country's vigorous political blocs.

The Parliaments in Russia and Belarus, by contrast, have turned into rubber stamps for the executive branch. And the lack of political competition in those countries extends to their presidencies, as well.

President Aleksandr G. Lukashenko of Belarus won the right to remain in power indefinitely in a referendum in October. President Vladimir V. Putin of Russia won a second term in March against a diminished field of opponents who, like Mr. Yushchenko, faced the overwhelming resources of the state and suffered a lack of coverage on state television.

The moral and financial support of Europe and the United States has become a lightning rod for criticism here and in Moscow (which spent much more than the Western nations, according to published accounts in Russian newspapers). The Bush administration spent \$58 million during the past year on programs intended to cultivate democratic values, but not specifically, United States officials said, the candidacy of Mr. Yushchenko.

How decisive those grants were is debatable, but one involved, indirectly, what was arguably the most pivotal event in the "orange revolution," and one seemingly unlikely to be repeated in courts elsewhere in the former Soviet Union any time soon.

The Central European and Eurasian Law Initiative of the American Bar Association, which trains lawyers and judges across the region, spent \$400,000 of American money to conduct a series of sessions tutoring Ukraine's judges in election law.

Among those who took part in the training program were five judges of the Supreme Court, including Anatoly Yarema, who presided over the extraordinary five days of hearings into Mr. Yushchenko's complaint of electoral fraud. On Dec. 3, the Supreme Court overturned Mr. Yanukovich's victory and ordered the new election.

"This is the most dramatic example of judicial independence that we've seen in the developing countries" of Eastern Europe, Homer E. Moyer Jr., a senior partner in the law firm Miller & Chevalier in Washington and a co-founder of the association's program, said in a telephone interview, referring to the court's ruling.

Opposition leaders in Russia and Belarus, some of whom traveled to Kiev to witness the revolution, have looked at Ukraine's experience longingly, seeking lessons to adapt to their own struggle. Ultimately, however, beyond politics and the judiciary, everything depends on the people themselves.

"It is a ragged, uneven process," Mr. Moyer said when asked what was necessary for a revolution like Ukraine's. "One of the things that becomes evident is that it's a lot more than adopting new laws and constitutions. We're talking about pretty basic changes in thinking, changes in public expectations, a decrease in public cynicism about its own role."

Sergei V. Mitrokhin, a leader of Russia's liberal party, Yabloko, said last week that while Mr. Putin's Kremlin was creating the conditions for a popular uprising, Russians might not yet be suited for a repeat of events here in Kiev.

"Instead of an organized protest," he said at a news conference in Moscow, "we will get a traditional Russian riot."