

END NOTE

U.S. STEPS UP PRESSURE ON UKRAINE TO HOLD FREE ELECTIONS

By Taras Kuzio

The visits to Ukraine this month by Undersecretary of State Paula Dobriansky and former Secretary of State Madeleine Albright, who now chairs the U.S. National Democratic Institute (NDI), coupled with the NDI report that emerged from Albright's mission and two new resolutions introduced in the U.S. House of Representatives and Senate reflect increasing U.S. concern at the direction in which Ukraine is heading.

Orest Deychakiwsky, an adviser at the United States Helsinki Commission on Security and Cooperation in Europe, said, "They all point to strong manifestations of U.S. concerns about the upcoming elections, as these will be an important indication of whether Ukraine moves forward in its democratic development and integration into Europe."

There are four main reasons for the present U.S. concern over Ukraine. First, both U.S. and Russian leaders believe that Ukraine's independence is now secured, and support for the "Belarusian option" is confined to only the extreme left. A January report by the Polish Eastern Studies Center concurred, concluding that no "serious political groups" are likely to emerge in Ukraine to clamor for union with Russia.

Ukraine's leaders therefore can no longer blackmail the West by talking of the threat of "Russian imperialism." Consequently, the West has more leverage over Ukraine in criticizing its domestic policies when those policies are incompatible with its declared goals of "returning to Europe." At the same time, the Ukrainian leadership has less room to maneuver by playing off the West against Russia to extract the maximum advantage from both sides, as it repeatedly did in the 1990s.

U.S. criticism of Ukrainian domestic policies does not signify, as Ukrainian leaders mistakenly believe, that the U.S. no longer sees Ukraine as strategically important. Nevertheless, the U.S.-Ukrainian "strategic partnership" remains more declaratory than real and of more importance to Ukraine than the United States. In 2000, the U.S. only accounted for 5.8 percent of Ukrainian exports and 2.5 percent of imports.

Secondly, Western views on human rights, press freedom, and corruption in Ukraine have changed for the worse since the late 1990s. A major irritant is the Soviet-style discrepancy between official rhetoric and actual policies. This view has gone so far that, in private, U.S. officials sometimes describe Ukraine as "Kuchmasthan." The Center for Peace, Conversion, and Foreign Policy, a Kyiv think tank, concluded in a January paper that the new U.S. administration "has no more faith in the assurances and declarations of Ukrainian officials about their commitment to democratic values and European integration."

U.S. assistance to Ukraine this year requires that the State Department submit to Congress within 60 days of the enactment of the aid a report on murdered journalists, including the unresolved case of murdered opposition journalist Heorhiy Gongadze. The Ukrainian parliamentary commission headed by Oleksandr Zhyr, a member of Viktor Yushchenko's Our Ukraine election bloc, have begun submitting the "Kuchmagate" tapes to FBI experts. The experts have concluded that the tapes studied so far have not been doctored, thereby undermining one of the main arguments used by the Ukrainian authorities to deflect guilt away from Kuchma.

The FBI experts offered to act as expert witnesses in any subsequent trial and their reports on the tapes would be accepted as credible evidence in U.S. and Western European courts. The Ukrainian parliamentary commission is now proposing to internationalize evidence found on the tapes, as it is unlikely that any trial resulting from them would take place in Ukraine. International law takes precedence over Ukrainian, including the UN Convention Against Torture signed by 118 states. Ukrainian officials implicated in the evidence on the tapes in misdeeds could theoretically be arrested in any of these countries.

Thirdly, Ukraine is being left out of the geopolitical changes that are affecting Central and Eastern Europe. Ukraine is not among the 10 countries seeking NATO membership at the alliance's November summit in Prague. Of the 10 countries, five (the three Baltic states, Slovakia, and Slovenia) will likely be asked to join NATO this year, with Romania and Bulgaria also possible candidates (Macedonia, Croatia, and Albania are generally believed to be out of the running). On 6 February, U.S. Secretary of State Colin Powell refused to disclose how many of the applicants would be invited to join; nevertheless, he said, "I think its going to be a pretty good-sized addition to the membership." If Slovakia and Romania were to join NATO this year, Ukraine would then share borders with four NATO members.

Ukraine has narrowed its foreign policy goals to only joining the EU as an Associate Member in 2004 and full membership by 2011, but even these goals are unrealistic as Ukraine is a member of neither the "fast" nor the "slow track" groups of future members. Poland recently submitted a 92-page report to the EU detailing how it will tighten its Eastern border with Ukraine beginning next year through visas, additional border troops, and modern equipment. In 2001, 15 million Ukrainians, Russians, and Belarusians entered Poland. As of 2004, Poland's Eastern border will be the external frontier of the EU, leaving Ukraine de facto left outside "Europe."

Fourthly, during a visit on 11-13 February to Russia's Tyumen Oblast, the main producer of Russian oil and gas, President Kuchma repeatedly complained about Russian plans to lay a gas pipeline bypassing Ukraine, as a result of which Ukraine would lose its control over Russian energy exports. Last month, Western European consumers of Russian gas pressured Poland to drop its objections to the new pipeline that will run through Belarus, Poland, and Slovakia.

Because of these four factors, Kuchma faces a fundamental dilemma. He can save himself from prosecution and obtain immunity by ensuring a pliant parliament is elected through less-than-free elections, something that would end Ukraine's chances of "returning to Europe." Or, he could allow free elections that would rebuild Western confidence in Ukraine

but would threaten his own plans for a peaceful retirement after his term ends in 2004, and make it difficult for him to again travel securely to the West, now or in the future.

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