

Op-Ed
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Reflections on NATO – Will Ukraine and Georgia ever join this alliance?

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Ukraine's geography makes it more likely that it might join the EU at some future date

The renewed political crisis in Ukraine with rival Orange and Blue demonstrations in Kyiv once again show the regional divisions in the country that deepened in the 2004 and 2006 elections. Georgia also has its own regional divisions with two «frozen» conflicts within its borders. These, and other domestic and geopolitical factors, could derail both nations' drives to join NATO.

U.S. Support for NATO Membership

On March 6 and 9, the US Congress ratified the NATO Freedom Consolidation Act outlining Washington's support for NATO enlargement to the Western Balkans, Georgia and Ukraine. U.S. support is “contingent upon their continued implementation of democratic, defense, and economic reforms, and their willingness and ability to meet the responsibilities of membership in the North Atlantic Treaty Organization and a clear expression of national intent to do so...”

Greater optimism surrounding Georgia and Ukraine's integration into Trans-Atlantic structures arose after the Nov. 2003 and Nov. 2004 Rose and Orange revolutions. Georgia and Ukraine are placed in the same category because they both experienced democratic revolutions; Georgian and Ukrainian Presidents Mikheil Saakashvili and Viktor Yushchenko are close friends and both are members of the CIS. However, their differences increasingly outweigh their similarities.

Four Differences

Georgia and Ukraine are different in four-strategically important ways.

First, Ukraine's Orange Revolution led to a fundamental reform of the Constitution that moved the country away from the abused super-presidentialism prevalent under former President Leonid Kuchma to a parliamentary system. Control over the government has been transferred from the executive to the winning parliamentary

coalition while the president retains key areas of control, such as foreign and defense policy. Ukraine's reformed political system has improved democratization by leading to greater checks and balances between different branches of government.

There is a clear division within the 27 post-communist states: most are super-presidential systems that dominate the largely autocratic CIS where democracy has regressed. Parliamentary systems dominate the successful democracies of Central-Eastern Europe and the Baltic states who have joined NATO and the EU.

Super-presidential systems have emasculated parliaments and led to widespread abuse of high level power and corruption by the executive. Political machinations, abuse of administrative resources, fraudulent elections and virtual parties have been the outcome. These features were all present during Kuchma's decade-long period in power prior to Ukraine's Orange Revolution.

The US and EU supported the Rose Revolution in Georgia believing it would lead to a democratic breakthrough after a decade of stagnation under Eduard Shevardnadze. Yet, there are troubling developments that would suggest that democratic progress is under threat in Georgia.

Take the issue of the type of political system that Georgia is developing since its revolution. Among the three states that experienced democratic revolutions, namely Serbia, Georgia and Ukraine, it has been Georgia that moved to a super-presidential system a month after Saakashvili's election in January 2004.

These constitutional reforms in Georgia served to push Georgia away from its declared goal of Euro-Atlantic integration. As a consequence, Georgia's political system is closer to the Eurasian CIS than to Europe.

Georgia's democratization has been set back because of the move to a super-presidential system. Parliament is no longer as important an institution; checks and balances are no longer present; there is still extensive political interference in the judiciary and there are fears that the executive is behaving autocratically.

Second, domestically there are worrying signs that marginalization and repression of the opposition in Georgia is occurring. In Ukraine, the opposition returned to power in the March 2006 elections and the defeated presidential candidate, Viktor Yanukovich, became Prime Minister in August of that year following a round-table of parliamentary forces initiated by President Yushchenko.

In the Freedom House 2006 Nations in Transit annual study, Georgia and Ukraine are considered to be "transitional" or "hybrid" regimes. Freedom House's 2006 Freedom in the World survey upgraded Ukraine in 2006 to "Free", the first CIS state to attain this level. Georgia remains classified as "Partly Free".

Democratization in Georgia and Ukraine has improved in some important areas. Nevertheless, Freedom House warned about the lack of change in Georgia's election administration, civil society, media freedom and national governance. In Ukraine, Freedom House registered a vastly improved media environment with the ending of

ensorship, greater transparency in government and state activities and policies and a free electoral environment.

Georgia lacks a strong opposition and its opposition parties are marginalized. The Georgian parliament lacks a strong opposition check on the executive because of the high seven percent threshold to enter parliament. In Russia a seven percent threshold has been used to marginalize the opposition from the State Duma.

Ukraine, in contrast, has only a three percent threshold, a figure more consistent with the European average of four percent. Georgia therefore again resembles other CIS states, rather than Europe, in having increased the threshold for parties to enter parliament.

The marginalization of the opposition is also a result of the selective application of the rule of law in Georgia. The judiciary in Georgia is still being subjected to political interference.

The recently-released US State Department 2006 country report on human rights in Georgia pointed to persistent pressure on the judiciary by the “executive branch and powerful outside interests”.

“Many NGOs complained that judicial authorities continued to act as a ‘rubber stamp’ for prosecutors’ decisions and that the executive branch exerted undue influence. NGOs expressed concerns that recent judicial appointees lacked experience and training to act independently,” according to the report.

Of particular concern to the US State Department was “the high number of vacancies at the trial court level resulted in long delays in scheduling of trials, which in turn required pretrial detainees to be kept in severely overcrowded detention facilities for extended periods”. Constitutional reforms transforming Georgia into a super-presidential system, “increased the Georgian president’s authority to dismiss and appoint judges”, the report stated.

Political interference in the Georgian judiciary appeared to be behind the Sept. 2006 arrest of alleged coup plotters. Only a month before local elections, a large number of opposition members were arrested and accused of conspiring to violently overthrow the ruling regime.

Not surprisingly, the alleged plot and accompanying diplomatic row resulted in Russia severing all transport and postal links with Georgia. That led to a landslide victory for the ruling United National Movement (UNM). The alleged Russian plot proved to be highly beneficial in attracting voters to the UNM. The OSCE post-election report complained of that “the blurred distinction between the ruling authorities and the leading party reinforced the advantage of the incumbents.” The OSCE was referring to the use of machine politics (i.e. abuse of state administrative resources) by the UNM.

The alleged coup plotters belonged primarily to the Justice Party led by Igor Giorgadze who has been in exile in Russia since 1995. Maia Topuria, Giorgadze’s niece and single mother of three, together with eleven others were charged with

attempts to overthrow the regime. If convicted, Topuria could face up to 25 years in prison. Topiura is being tried in a closed court where the public and media have no access.

Topiura and other alleged plotters have been held without bail for more than six months. The US State Department's country reports and annual reports by international human rights organisations, such as Human Rights Watch (HRW) and Amnesty International, have criticised Georgia for the common practice of extended pre-trial detention. A 2007 HRW report on Georgia found that two-thirds of the prison population are pre-trial detainees who are held in overcrowded, dirty cells with poor sanitation and food.

The arrests seemed to be more a sweep against the already cowed opposition ahead of local elections, than an alleged plot. This is evidenced by the accusation linking the plotters to a 4 May meeting that many doubt ever took place. The charges claim that Topuria invited the Anti-Soros, Conservative-Monarchist and 21st Century parties to a meeting at the Justice Party headquarters to discuss a plan to be carried out in the autumn to violently overthrow the regime.

Some of the arrested alleged plotters have claimed that a meeting never took place on 4 May 2006 and others state that they have never visited the offices of the Georgian Justice Party where the meeting was allegedly held. Neighbours living in the same building accused the police of planting weapons in the basement of one of the alleged plotters, Kakhaber Kantaria. Other witnesses have produced contradictory statements.

Third, NATO has long stated with an eye to Russia that it will never give any country a veto over another's desire to join. But a Russian veto may well exist in practice through two frozen conflicts in Abkhazia and South Ossetia that show no sign of being resolved since Georgia's Rose Revolution. The two regions have acted as quasi-independent states since Georgia lost both wars of secession in 1992.

President Saakashvili's early success in reinstating central control over Ajaria is unlikely to be replicated any time soon in these two frozen conflicts. For progress to take place there has to be an improvement in relations between Georgia and Russia. Recent arrests of plotters, expulsions of diplomats and the severing of transportation and communications links have only served to worsen Georgia's relations with Russia. According to Russian analysts, President Vladimir Putin personally dislikes only two CIS leaders, Georgia's Saakashvili and Alyaksandr Lukashenka of Belarus.

Fourth, Georgia and Ukraine have both declared their support for Euro-Atlantic integration and claim that their domestic policies are geared towards this goal. Georgia is in a more precarious position by virtue of both its geography and domestic policies since the Rose Revolution.

Georgia has little chance of ever joining the EU as the Trans-Caucasian republics lie outside the commonly understood definition of what constitutes "Europe", a requirement for EU membership as outlined by the 1957 Rome Treaty. This makes NATO membership for Georgia even more important and not merely a stepping stone to EU membership, as was the case for Central-Eastern Europe and the Baltic states.

Ukraine's geography makes it more likely that it might join the EU at some future date. This likelihood could be brought forward by Ukraine's greater democratic progress than Georgia's since revolutions occurred in both countries. But, even Ukraine may have to wait; the Enhanced Agreement under negotiation with the EU to replace the Partnership and Cooperation Agreement currently includes no provision for membership.

Georgia and Ukraine were upgraded in 2005-2006 to Intensified Dialogue on Membership within NATO. The alliance, with strong backing from the Bush administration, backs their eventual integration into NATO.

At the same time, NATO sources remain unclear as to when Membership Action Plans (MAP) could be granted to Georgia and Ukraine. Both countries will not be included in next year's NATO enlargement summit which will be restricted to the three Western Balkan states that have long been inside the MAP process.

Uncertain NATO

NATO is uncertain whether to enlarge into the CIS by bringing Georgia and Ukraine into the MAP process, a step that would signify a future membership offer. Georgia has high domestic support for joining NATO but includes two frozen conflicts that would make NATO members weary of bringing the alliance into a territorial conflict with Russia. Democratic regression could also dissuade some NATO members from extending an invitation to Georgia.

Ukraine has low public support for membership of only 20 percent, down from a third during the 1990s. Donetsk, the home base of Prime Minister Yanukovich and the Party of Regions he leads, has only 2 percent support for NATO membership. The Yanukovich government and ruling Anti-crisis parliamentary coalition, which could remain in place until the next elections in March 2011, is opposed to joining NATO. During a Sept. 2006 visit to NATO, Prime Minister Yanukovich said it was "premature" for Ukraine to enter a MAP.

Georgia's attempts to appease the Bush administration by offering to increase the number of troops in Iraq to 2,000 (a move that would give Georgia the third largest contingent) and to host a base for the new Defense Shield cannot paper over the threats to democratic reforms that exist. Post-communist states that have joined NATO and EU all have parliamentary systems, do not marginalize the opposition by unduly high thresholds or arrests and uphold the rule of law. Georgia is deficient in all three areas.

Ukraine's Orange Revolution is often placed in the same category as the Rose Revolution. Nevertheless, Ukraine has clearly moved further ahead in democratic reforms; conflict between the legislature and executive are not a preserve of Ukraine as anybody who follows French politics will all too willingly testify. Ukraine has a parliamentary system and the opposition has returned to power.

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