

The Ukrainian Weekly Scholar Questions: Taras Kuzio

1. European integration

Q. Given Ukraine's past statements on joining European institutions, and since then its lack of movement in that direction, is there a future for Ukraine in Europe? Can Ukraine be taken seriously by Western European institutions? What steps must Ukraine take to be accepted by these institutions? What progress has been made?

A. More detailed answers to this question can be found in my "Is Ukraine's future in Europe?" published in the Washington Quarterly, the journal of the Center for Strategic and International Studies (http://www.twq.com/06summer/docs/06summer_kuzio.pdf). The collapse of the Orange coalition, after three months of negotiations and back room dealing, suggests that Ukraine could return to the vacuous "multi-vector" foreign policy of the Leonid Kuchma era under the Anti-Crisis coalition. To some extent this has been improved with the Anti-Crisis coalition being replaced by the National Unity coalition which signed the Universal that agreed to continue Ukraine's integration into NATO and the EU.

Following the Orange Revolution and Viktor Yushchenko's election, Ukraine was on track to join the WTO and NATO. This logically followed NATO's long held stance of an open door policy. Ukraine missed its chance of joining the WTO in December 2005 due to the obstruction of the Kuchma era parliament and President Yushchenko's weak and delayed strategy to achieve this goal.

The aim of joining the WTO was outlined during President Yushchenko's April 2005 visit to Washington DC. But, he did not release a decree to this effect until late May and his parliamentary allies and the Yulia Tymoshenko government only began working on adopting the required legislation in early June. The final month of parliament before its summer recess on July 8 was insufficient time to adopt all of the required WTO legislation.

There is a possibility that Ukraine could join the WTO in the fall of this year. With an Orange coalition this would have been a certainty. With an Anti-Crisis coalition this is now unclear as all three members of the coalition voted against WTO legislation in the 2002-2006 parliament. Prime Minister Yuriy Yekhanurov said in fall 2005 at the Carnegie Endowment that if Ukraine did not join before Russia then it would never join. Russia could now be on track to join before Ukraine, following the summer 2006 Ukrainian political crisis. A National Unity coalition through the Universal has signed up to supporting WTO membership. But, Ukraine could still miss the 2006 deadline. The Bush administration understands the importance of Ukraine either joining ahead of Russia or together, not permitting Russia to join WTO first.

Ukraine's chances of joining NATO following the election of Yushchenko were the best it ever possessed. The Bush administration wished to see a successful Ukraine as an example of its commitment to support for the spread of democracy abroad. During Yushchenko's Washington DC visit, President Bush successfully lobbied NATO to upgrade Ukraine into the Intensified Dialogue on Membership Issues, the stepping stone to a Membership Action Plan (MAP). A NATO MAP is the equivalent of an Association Agreement with the EU.

The Bush administration supported the re-creation of the Orange coalition following the March 2006 elections as an indication that pro-reform forces were in power in Ukraine. This would have permitted NATO to invite Ukraine into a MAP at its November summit in Riga. If the MAP had been successfully implemented, NATO planned to invite Ukraine into membership at its 2008 enlargement summit, followed by actual membership of NATO in 2010.

These plans are now in ruins following the creation of the Anti-Crisis coalition whose three members are against NATO membership. The fault lies squarely with President Yushchenko and his Our Ukraine bloc who put personal conflicts (with Tymoshenko) above national and state interests of joining NATO.

Over three months (April-June), Our Ukraine – with the Presidents consent – ignored US and Western advice and negotiated simultaneously with its Orange partners and with the Party of Regions. This protracted and double dealing negotiation process eventually led to the defection of the Socialists and the creation of the Anti-Crisis coalition. In the foreign policy arena, a planned visit to Ukraine by President Bush was cancelled and NATO membership could now be put on hold. The Bush administration had planned to give support to Ukraine and Yushchenko on the eve of the G8 summit in Russia. The National Unity coalition has agreed to support a NATO MAP but the US and NATO are still in the throes of deciding how to respond to this: offering Ukraine a MAP, even though it has no Orange coalition, or waiting to see how Yanukovych performs in key areas, such as democratisation.

The election of Yushchenko did not change the EU's stance of a closed door policy and the European Neighborhood Policy "Action Plan" signed by Ukraine was the same as that negotiated under Kuchma. The only concession to Ukraine was an additional ten points added to the "Action Plan".

The European Parliament has lobbied for the EU to change its stance on Ukraine's membership prospects. But, this has been to no avail. The EU has blamed its inability to open the door to Ukraine on its internal crises – Turkish membership, the failure of referendum's on adopting the EU constitution and enlargement fatigue.

With the return of Prime Minister Yanukovych there is always a danger that Ukraine will return to Kuchma era foreign policy. For President Yushchenko and Our Ukraine it would seem to have been more of a priority to not permit Tymoshenko to return as Prime Minister than to achieve a breakthrough in foreign policy. Ukraine could have now lost its chance of entering the WTO before Russia and of joining NATO in the short term.

2. National identity

A.The language issue: How important is it for Ukraine to find consensus on the issue of a national language? The use of language - Ukrainian versus Russian, whether in schools, textbooks, the government, etc. - has been and surely will continue to be a hot topic in Ukraine. Is resolving this issue critical for Ukraine? Can Ukraine develop a strong national identity while, at the same time, maintaining both the Russian and Ukrainian languages?

A.The language issue is highly exaggerated as a problem for Ukraine, and is often blown out of all proportion during elections. The reality is that the language issue has

been “resolved” to all intents and purposes under the 1989 language law, 1996 constitution and Council of Europe Charter. In the Universal, Ukrainian will continue to remain the state language while Russian, Hungarian, Romanian and Tatar will continue to be permitted free use in areas of Ukraine where these languages are widely used. This conforms to legislation, the constitution and Council of Europe Charter on Minority and Regional Languages requirements.

When Western scholars and media speak of Ukraine divided into two linguistic groups they miss two crucial points. First, language in Ukraine is not a marker of ethnic identity, unlike in Belgium, Canada or other regions of the world. The majority of Russophones in Ukraine are ethnic Ukrainians. Second, the population is divided into three, not two groups. Approximately one third of Ukrainians are primarily Ukrainophones, another third are Russophones and a final third are bilingual.

The ramifications of this are clearly seen in the political arena. In Kyiv, most schools have long used only Ukrainian, yet, one hears more Russian than Ukrainian in Kyiv. At the same time, Kyivites have always voted for national democratic parties and backed the Orange Revolution. In Donetsk, most schools are Russian and there are few people who are bilingual. The majority vote for the Party of Regions and opposed the Orange Revolution.

In other areas of nation and state building, there has long been an elite consensus. This includes majority support for Ukraine’s territorial integrity throughout Ukraine. Regionalism does not translate into separatism, as it does not in many other countries of the world. In education and teaching, national historiography has always been taught, rather than Sovietophile and Russophile texts and theories. This is one area that has been largely ignored by the diaspora. Ukrainian textbooks (which I have been assiduously collecting since the early 1990s) have long included positive coverage of the Ukrainian Insurgent Army (UPA), even though their political status has still to be resolved.

3.Parliament

Q.This year we’ve seen the Parliament in turmoil and the year of the “crisis” what lessons can be learned from this? How has Parliament changed in the last 15 years? What does it mean for Ukraine to have Yanukovich as PM? What does this bode for Ukraine’s domestic and foreign policies? What do you make of Moroz’s “betrayal”? What are the futures of Yushchenko and Yulia?

A. Constitutional reforms moving Ukraine from a semi-presidential system to a parliamentary-presidential system will prove to be positive in the medium to long terms. Successful post-communist democracies have created parliamentary systems while autocracies thrive in the super-presidential systems of Russia and the CIS. In December 2004 all of Ukraine’s factions - except the Tymoshenko bloc – voted for constitutional reforms.

In the short term, it is the opponents of democratisation who have gained. Socialist Party leader Moroz, who first initiated constitutional reform proposals, is parliamentary speaker after defecting from the Orange coalition. The Party of Regions dominates the National Unity parliamentary coalition and government. The Prime Ministers position has been enhanced and, with the return of Yanukovich to this position

he is in danger of being sidelined through these constitutional changes and his own inaction, lack of strategy and weak political will.

The first nail in the coffin of the Orange coalition came in September 2005 when President Yushchenko disbanded the Tymoshenko government (under the new constitutional reforms the President will no longer have the right to remove the government). This was a major strategic blunder coming only months ahead of the March 2006 elections. The mistake permitted the Party of Regions to soar from an average of twenty percent support in 2006 to over 30 in the 2006 elections. Drawn out coalition negotiations have pushed the Party of Regions up to close to 40 percent, double what they had prior to September 2005.

Our Ukraine dropped from first place in the polls in early 2005, after Yushchenko became President, to second place by the fall. As a consequence of the September crisis, Our Ukraine came third place in the 2006 elections with nine percent fewer votes than in 2002. Because Our Ukraine came third it wished to renege on the informal agreement struck with its Orange partners that whoever came first in the Orange camp could put forward its candidate for Prime Minister. Our Ukraine had arrogantly assumed it would come second place (i.e. first in the Orange camp) and therefore Yuriy Yekhnaurov would stay on as Prime Minister.

Our Ukraine came third and should have immediately accepted the results and ceded the Prime Minister position to Tymoshenko. This is what Roman Besmertnyi advised Our Ukraine to do. Instead, Our Ukraine chose an alternative path to simultaneously negotiate with its Orange partners and the Party of Regions in April-June 2006.

This became a second nail in the Orange Coalition coffin when, after three months of tortuous negotiations and backroom dealing, an Orange coalition finally established itself but collapsed before a government, again led by Tymoshenko, could be created. An Orange Coalition was dealt two blows in September 2005 and spring-summer 2006 by its own members from which it will never revive. The refusal of the Tymoshenko bloc to sign the Universal closes the door on any alliance between Yushchenko/Our Ukraine and Tymoshenko.

With President Yushchenko permitting the return of Yanukovych to Prime Minister and defection of the Socialists, there is only one Orange force left, the Tymoshenko bloc, which alone will be in opposition. Our Ukraine will be a loyal opposition, as the bloc was always intended to be when it was established in 2001-2002, with some Our Ukraine members working inside the government and others working with the National Unity coalition inside the government and parliamentary committees.

With the creation of the National Unity coalition and return of Yanukovych to Prime Minister, Yushchenko is in danger of being eclipsed. This will be because the position of Prime Minister has been enhanced after constitutional reforms, Yanukovych controls the largest parliamentary faction (Party of Regions), and he has greater political will than Yushchenko.

Following Yushchenko going ahead and proposing Yanukovych as Prime Minister the Party of Regions will have what it has always sought since 2004; namely, revenge for what it considers "betrayal" by Kuchma of its election victory. The Orange electorate will feel that Yushchenko has "betrayed" the Orange Revolution, as has the Socialist Party, and will flock to Tymoshenko. Pora has demanded that Yushchenko no longer refer for legitimacy to the Maidan.

Following a June visit to Ukraine, I concluded that Yushchenko was a single term president who could not be re-elected in 2009. Following the creation of the Anti-Crisis coalition Yushchenko was in serious danger of following Leonid Krawchuk in losing power ahead of the end of his term through early elections. July 2006 polls show that Yushchenko would come third with only 8-14 percent in a presidential election held today, trailing Yanukovych at 31-36 and Tymoshenko at 20 percent. The National Unity coalition saves Yushchenko for now, but he will still only be a one term president as Tymoshenko and Yanukovych will compete with him in 2009.

There have been two betrayals in Ukraine following the 2006 elections. The first was that of Our Ukraine betraying the Party of Regions and the second Socialist Party leader Moroz defecting from the Orange Coalition to the Party of Regions and the Anti-Crisis coalition. The Party of Regions agreed to a number of concessions to join a coalition with Our Ukraine, including permitting Yuriy Yekhanurov to stay on as Prime Minister. Our Ukraine was though, simultaneously negotiating with both the Party of Regions and its Orange partners, and, in the end, chose an Orange coalition.

Understandably, the Party of Regions were incensed that their willingness to compromise over the Prime Ministers position had been in vain. Thus, after the Socialists defected from the Orange coalition to the Party of Regions, it put forward Yanukovych as the Anti-Crisis coalition's candidate for Prime Minister. Our Ukraine's demand that the earlier compromise of it being allowed to control the Prime Minister's position, in return for joining the Anti-Crisis coalition, was rejected by the Party of Regions. This position was maintained with the National Unity coalition and we have what we have, Prime Minister Yanukovych.

Both President Yushchenko and Our Ukraine have been out-manoeuvred by the Party of Regions and the Socialists, leading to a worst possible coalition emerging than the Orange coalition and the return of Yanukovych as Prime Minister.

4.Presidency

Q.With the recent shift in power from president to prime minister, does the prime minister have too much power? Are we likely to see the removal of the office of President? How has the presidency progressed since independence?

A.It would be wrong to ignore many positive advances made since the Orange Revolution in the sphere of democratic rights. At the same time, it would be also true to say that the Yushchenko presidency is largely one of failed and missed opportunities.

A major failure was that Yushchenko was never interested in breaking with the Kuchma era and moving Ukraine decisively ahead, in both the domestic and foreign domains. He reneged on key 2004 election promises of dealing with the oligarchs by separating business and politics and of putting "bandits in prison". Instead of prison, these "bandits" are sitting in parliament, and are in government.

Why has this happened? Yushchenko never seriously intended to deal with this issue as he maintained Prosecutor Sviatoslav Piskun in place until October 2005. Piskun is now a Party of Regions deputy. Piskun protected senior Kuchma era officials from being prosecuted and allowed many of them to flee Ukraine.

Serhiy Kivalov, head of the Central Elections Commission in 2004 when election fraud occurred, is also a Party of Regions deputy. He was never charged and continued to be Dean of Ukraine's most prestigious Law Academy in Odesa. He is now head of the

parliamentary committee on the courts! The organiser of the November 2004 separatist congress in Severodnetsk, Yevhen Kushnariov, another Party of Regions deputy, is head of the parliamentary committee on Legal Policies!

Party of Regions deputy Mykola Dzhyga is head of the committee on organized crime and corruption. During the Kuchma era he was involved as a senior Interior Ministry official in covering up the murder of journalist Heorhiy Gongadze. Even more absurd, the Communist Party has the chairmanship of the human rights committee.

Is this issue not important for democratic progress and the rule of law in Ukraine? This question needs to be asked because the New York based Orange Circle has spent the last year arguing in presentations throughout North America that the fact that “bandits to prison” did not take place is not a tragedy. The Orange Circle argued that nobody was sentenced for Soviet crimes and therefore why should there be such a fuss over Kuchma era crimes?! This comparison of Soviet and Kuchma era crimes is morally repugnant. During the Orange Revolution nobody campaigned in favour of putting Soviet war criminals on trial.

The outcome of inaction on “Bandits to Prison” has been a return of Kuchma era officials into government and parliament. The rule of law has not progressed as senior Ukrainian officials have once again protected each other from prosecution. They, as in the Kuchma era, are again seen to be above the law. The only individuals to have been charged have been middle and lower ranking officials due to the work of the Interior Ministry headed by Yuriy Lutsenko. The Prosecutor’s office, which deals with crimes committed by high ranking officials, continually fails to initiate any charges.

This dual-track rule of law policy is clearly seen in the trial of those who murdered journalist Heorhiy Gongadze. Lower ranking police officers are the only ones on trial. The organizers have never been charged (i.e. Kuchma), or have been allowed to flee Ukraine or may have been murdered (i.e. Yuriy Krawchenko, Olexiy Pukach).

Contrast these policies to those in Russia under Vladimir Putin. When Putin came to power in 2000 he gave immunity to Borys Yeltsin on condition that he stay out of politics and did not comment to the media. Yushchenko also gave immunity to Kuchma but ignored an important part of such a deal demanding that he stay out of politics and the media.

Putin also told oligarchs that they could keep what they have but they had to stay out of politics. Most Russian oligarchs abided by this deal; those that did not went into exile or were jailed. In Ukraine, there was only one re-privatization and no deal with the oligarchs. In contrast to Russia, oligarchs and big businessmen flocked into the 2006 Ukrainian parliament, especially into the Party of Regions headed by Prime Minister Yanukovich.

In Ukraine, there has not been a separation of business and politics but instead a tighter relationship between business and politics than that in the Kuchma era. In Ukraine, this is seen by the influx of even greater number of businessmen into parliament. Party of Regions oligarch Renat Akhmetov sent many of his business managers from his Systems Capital Management companies into parliament. The large number of businessmen in parliament do not desire to be in opposition to one another or to the government, as businessmen in Ukraine still believe that good relations with the authorities is essential for good business development. The larger number of businessmen in parliament explains why Our Ukraine and the Party of Regions felt close enough to each other to create the National Unity coalition.

In the North American Ukrainian diaspora, these developments impacted upon the Orange Circle, established in September 2005 with the noble aim to lobby the ideals of the Orange Revolution. Contacts between the future Orange Circle leadership and Ukraine's wealthiest oligarch Renat Akhmetov began a week following the December 2004 re-run of round two of the elections which culminated in a positive opinion editorial about Donbas oligarchs in the *Wall Street Journal* (15 January 2005). During the course of 2005-2006, the Orange Circle began to solicit funds from Ukrainian oligarchs, such as Ukraine's wealthiest oligarch Akhmetov and the main financier of the Party of Regions, to fund conferences, such its June 2006 Warsaw energy conference. Donbass Fuel-Energy company is listed as a "supporter" of the Orange Circle (see <http://www.orangecircle.org/donors.html>). The Donbass Fuel-Energy Company manages the energy business of Systems Capital Management which is 90 percent owned by Akhmetov (with his spouse owning the remaining ten percent).

This, in turn, has impacted upon the message being given out by the Orange Circle. During Orange Circle presentations the Party of Regions has been described as not entirely a negative force as it allegedly has a large pro-European business component led by supposedly "reformed" oligarchs, such as Akhmetov. Such a view was the same as that promoted by the business wing of Our Ukraine which has successfully developed the National Unity coalition with the Party of Regions. Prime Minister Yuriy Yekhanurov described oligarchs as Ukraine's "national bourgeoisie".

It is intriguing why the Orange Circle, which was founded with the support of President Yushchenko, has "supporters" only from the Party of Regions (Donbass Fuel-Energy Company) but not from any businesses within Our Ukraine or the other two members of the Orange Revolution camp?

5.Reforms

Q.People believed in the Orange Revolution, few still believe. This disenchanted nature of the Ukrainian people can be equated to people from Missouri - "show me." What can Ukraine show the world it has accomplished since it gained independence?

A.Ukraine's negative international image changed 180 degrees during the Orange Revolution. Much of this has been squandered since the implosion of the Orange coalition in September 2005. The positive international response for Ukraine having conducted a free and fair election in March has been overshadowed by three months of coalition negotiations between Orange Revolution partners and the return of Yanukovych as Prime Minister.

What we have now is creeping Ukraine fatigue among the friends of the Orange Revolution in the West who always wanted to see Yushchenko succeed. The summer 2006 crisis, and return of Yanukovych to government, is a crisis of President Yushchenko's own making. Future historians and political scientists will write that it did not have to be like this.

The biggest disappointment will come domestically. Throughout 2005, Ukrainians felt increasingly disappointed by developments inside Ukraine (see the International Foundation for Electoral Systems survey at <http://www.ifes.org/publications-detail.html?id=270>). Most of the Ukrainians who went on the streets during the Orange

Revolution did so because they believed Yushchenko and his team were different to Kuchma-era politicians who were only interested in personal gain. This view has been shattered and we are in danger of a return to the cynicism and apathy of the Kuchma era among Ukrainian citizens.

The Orange Revolution did not have to develop this way if the president and Our Ukraine had upheld one of the central ideals of the Maidan. When Ukrainians went on to the streets in the Orange Revolution they sought to change the relationship between themselves and their rulers. The Orange Revolution was a call for the ruling elites to treat its 'subjects' for the first time as citizens; that is, to move this relationship from Eurasian to European norms. A central component of this new relationship was to be the ruling elites listening to public opinion, and acting in line with it. It is in this area that President Yushchenko has failed.

Every opinion poll that followed the March elections showed that an overwhelming majority of Orange Revolution voters in Our Ukraine, the Yulia Tymoshenko bloc and the Socialists wanted to see a revived Orange coalition. Yet, Our Ukraine and President Yushchenko took credit, on the one hand, for holding Ukraine's first free election while, on the other, ignored the fact that Our Ukraine had come third. It was more important to block Tymoshenko's return than to listen to Orange voters. Instead of Prime Minister Tymoshenko, Yushchenko and Our Ukraine now have Prime Minister Yanukovich.

Ukrainians also flocked to the Orange Revolution because they believed that Yushchenko, and other Orange leaders, were different to other politicians who only entered politics out of self interest. Events since this years elections have proven to many Ukrainians that this Maidan assumption was wrong. Our Ukraine and Socialist politicians have not proven that they are different to the ones who ruled Ukraine under Leonid Kuchma. Only the Tymoshenko bloc has stuck to its position of refusing to negotiate with Yanukovich.

The return of Prime Minister Yanukovich is proof of the failure of President Yushchenko to implement the core values of the Orange Revolution in listening to Ukrainian citizens and voters. Yanukovich would never have returned if Yushchenko had implemented what he himself had promised on the Maidan.

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