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Ukraine Can't Combine Putinism And European Integration

by Taras Kuzio

Opposition leader and former Prime Minister Yulia Tymoshenko has been placed under de facto house arrest and is threatened by a prison term of up to five years, as leaked to the newspaper "Segodnya" on December 22.

She was briefly imprisoned in February 2001. The persecution of Tymoshenko is clearly aimed at removing her from politics ahead of the September 2012 parliamentary elections and the January 2015 presidential contest.

The attack on Tymoshenko and her political bloc, Batkivshchyna (Fatherland), is politically motivated and also reveals a desire for revenge that has become personal. President Viktor Yanukovich has admitted that he regularly meets all opposition leaders -- except Tymoshenko.

Whether there was corruption in the 2007-10 Tymoshenko government -- as evidenced by October's so-called international audit, the arrest of former cabinet members, and the criminal charges against Tymoshenko -- is in many ways irrelevant. These charges -- as pointed out in a [December statement](#) by the Ukrainian Helsinki Union and Kharkiv Human Rights Group -- are politically motivated.

These two human rights organizations believe that "selective criminal prosecutions are the hallmark of an undemocratic regime."

Equal Before The Law?

As the anticorruption think tank Transparency International and other foreign and Ukrainian commentators have said, it is ludicrous to argue that only one out of the 14 governments of post-Soviet Ukraine was corrupt. It is even more ludicrous to ignore Ukraine's three presidents in any audit of state corruption in Ukraine, particularly as tapes made by presidential guard Mykola Melnychenko in President Leonid Kuchma's office point to wide-scale abuse of office. Yale University professor Keith Darden described Kuchma's regime as a "blackmail state," where corruption was tolerated in exchange for political loyalty and a share of the graft.

An international audit by an independent, non-Ukrainian body into all 14 governments and three presidents would be a welcome development in Ukraine. Nevertheless, an impartial international audit would be nearly impossible, as it would implicate most of Ukraine's elites, including President Yanukovich who was governor of Donetsk in 1997-2002, and prime minister in 2002-04 and 2006-07.

The October 2010 audit could not be classified as impartial, as it was undertaken by a law firm (Trout Catcheris) that represents Donetsk oligarch Renat Akhmetov in the United States. The audit team included Kroll Associates, who was hired in 2002 by Viktor Pinchuk, Serhiy Tihipko, and the Trudova Ukrayina Party (now renamed Silna Ukrayina) to cover up Kuchma's alleged involvement in the disappearance and murder of journalist Heorhiy Gongadze.

Moreover -- especially since Yanukovich was elected president -- no court trial or criminal investigation could be fair and in accordance with the rule of law. Ukraine's judicial system became even more corrupt during Yushchenko's presidency than it was previously. The independence of the judicial system under Yanukovich has ended.

Prosecutor-General Viktor Pshonka admitted on Inter television that he was a member of Yanukovich's team, not an independent body. Pshonka has been allied to Yanukovich since he was Donetsk governor, and the Ukrainian media have covered their close family ties.

Singling Out Tymoshenko

It should also be noted that the authorities are not targeting the opposition as a whole, but only its most popular force -- Tymoshenko and the Batkivshchyna party. The two 2007-10 Tymoshenko governments were coalitions of cabinet members from the Tymoshenko bloc (BYuT), Our Ukraine-People's Self Defense (NUNS), and parliament speaker Volodymyr Lytvyn's bloc.

Nevertheless, the authorities are not targeting former cabinet members from either NUNS or Lytvyn's bloc. Former President Viktor Yushchenko struck an immunity deal with Yanukovich in exchange for opposing Tymoshenko's election as president. Yushchenko's hostility to Tymoshenko in the 2010 presidential elections, when he called for his supporters to vote against both Tymoshenko and Yanukovich in the second round, probably cost Tymoshenko the election. Although she increased her total from 25 to 45 percent between the two rounds, she lost by only 3 percent (Yushchenko received 5 percent in the first round).

Also, Lytvyn's 20 parliamentary deputies are needed by the ruling Stability and Reforms coalition, to which he shifted his loyalty after Yanukovich's election. The authorities are exploiting the blackmail state (in Ukrainian, these deputies are "on the hook") because of Lytvyn's and Kuchma's purported involvement in the Gongadze affair.

A January 2010 U.S. Embassy cable leaked by WikiLeaks quotes Kuchma telling the U.S. ambassador that he believed the presidential elections were a choice between "bad" (Yanukovich) and "very bad" (Tymoshenko), suggesting he has no love for the current president. Kuchma said his favorite candidate was Arseniy Yatsenyuk, whose campaign was financed by Kuchma's son-in-law, oligarch Viktor Pinchuk.

Thinking Short-Term

The first conclusion we can draw from the persecution of Tymoshenko is that the Yanukovich team plans to stay in power indefinitely, using all the means at its disposal -- including illegal ones such as the fraud committed in the October 31 local elections. The persecution of Tymoshenko and the opposition, over the protests of middle-class businesspeople and politically aware Ukrainians, indicates that they do not fear that Orange forces will ever return to power and take revenge against them.

A fear of the consequences of being out of power will very likely lead the authorities to organize election fraud in 2012 and 2015 on a scale that will dwarf the fraud committed in 2004 and October 2010. The European Union will face the dilemma of whether it can sign agreements with Ukraine that could be seen as condoning democratic regression. Additionally, Ukraine will chair the Organization for Security and Cooperation in Europe in 2013.

Criminal charges against Tymoshenko open a Pandora's box that could potentially return to haunt Yanukovich and the oligarchs. In a December 24 interview in "Liga novosti," former Party of Regions deputy Taras Chornovil warned that if developments continue along this path, then in 2015 Yanukovich will be put in jail. It is easy to imagine what fate Ukraine's oligarchs would face in such a climate of revenge and counter-revenge.

Becoming Belarus

The second conclusion is that the Yanukovich administration is not serious about seeking EU membership. Since coming to power, the authorities have systematically dismantled democracy (as seen by its assaults on free elections and free media), buried parliamentarism (the mass violence on December 16 was the last nail in the coffin), and are now destroying the main opposition. The authorities believe these steps will be ignored in Brussels and that Ukraine will still be granted a visa-free travel regime, an association agreement, and a deep free-trade agreement from the EU.

If Tymoshenko is criminally charged, the EU's relations with Ukraine will resemble those Brussels has with Belarus and Russia, Aleksandr Rahr, a senior expert at the German Council on Foreign Relations, believes. This is because it would be seen as politically targeted repression. The current authorities are not impartial and are themselves not free from potential charges of abuse of office, Rahr points out.

Rahr believes Brussels will change its stance toward Ukraine because Tymoshenko is symbolic as the candidate who received 45 percent (11.6 million votes) in the second round of the 2010 presidential election. "Unfortunately in Ukraine and in Russia and Belarus, there is no tolerance of the opposition," Rahr says. "And those who come to power immediately begin to denounce and seek to destroy their opponents. This has nothing to do with democracy."

Rahr is correct up to a point. Yushchenko never undertook repression of Yanukovich and the Kuchma authorities. No criminal charges for the organizers of the election fraud denounced by a December 3, 2004, Supreme Court ruling were ever launched, and Yanukovich to this day claims his free election was thwarted by a "U.S.-sponsored coup."

Yanukovich's first year in office has seen numerous protests from the opposition, journalists, academics, students, feminists, and businesspeople. The November protests by businesspeople attracted some 50,000 people from all over Ukraine, including the Party of Regions heartlands of Donetsk and Crimea.

Ukraine's oligarchs, on the other hand, have remained silent on democratic regression, and they rarely reveal their views to the media. Yet, a Putinist regime which has co-opted, exiled, or imprisoned oligarchs is not likely to

be something they would welcome. Ukraine's oligarchs reportedly support the deep free-trade agreement with the EU that is threatened by chilly relations between Kyiv and Brussels. Western leaders should not restrict their relations with Ukraine's opposition but should seek out and lobby the oligarchs who could be potential allies in halting Ukraine's drift toward Putinism.

Ukraine's leaders seem to be intent on moving forward with their plans to establish a managed democracy, one aspect of which is the removal of the main opposition force led by Tymoshenko. The Yanukovich administration's belief they can successfully unite Putinism with European integration is fatally flawed, and the pending crisis in relations between Brussels and Kyiv in the next two years will dwarf the dilemma faced by the EU over the failure of its "ostpolitik" toward Belarus.

Taras Kuzio is an Austrian Marshall Plan Foundation visiting fellow at the Center for Transatlantic Relations, School of Advanced International Studies, Johns Hopkins University, Washington, D.C. The views expressed in this commentary are the author's own and do not necessarily reflect those of RFE/RL

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