



Deputies of the Ukrainian opposition set placards reading "The galloping prices are genocide against Ukrainians", "No communal and gas lawlessness" and "No way to the cemetery earlier then to pension" during a ceremony of the opening of the new session in Kyiv on Sept. 7, 2010. The Ukrainian opposition protested outside the parliament's building against anti-Ukrainian policy of President Viktor Yanukovich and his majority in the Parliament. AFP PHOTO/ Natalia Slipchuk

EU should get tough now with Yanukovich Kyiv Post, 17 June 2011

Dan Hamilton, Taras Kuzio, Lucan Way, Edward Chow, Nico Lange, Mykola Riabchuk, Yaroslav Hrytsak, Olexiy Haran, Serhiy Kudelia, Yuriy Lukanov write: Concluding free-trade and other deals must wait until leaders show they believe in democracy.

As President Viktor Yanukovich travels to Strasbourg, France, and the European Union renews talks over a free trade agreement with Ukraine on June 20-24, it is time to debate Ukraine's European future.

All authors of this article support Ukraine's future within the European family of nations. But we believe the EU should overhaul its approach.

Both Ukrainian and EU officials raise hopes that they will sign a free-trade deal by the end of this year, perhaps during December's EU-Ukraine summit in Kyiv.

At the same time, democratic regression in Ukraine is increasing.

There is a contradiction between the EU's hurry to sign a free trade deal and Ukraine's move away from European values.

Economic integration should include strict adherence to standards of democracy and rule of law by Ukraine.

The EU's policy guidelines define deep and sustainable democracy as nations with free and fair elections; freedom of association, expression and assembly and a free press and media; the rule of law administered by an independent judiciary and right to a fair trial; fighting against corruption; security and law enforcement sector reform (including the police) and the establishment of democratic control over armed and security forces. Ukraine has regressed in all five areas.

With the rapid trajectory of Ukraine's democratic regression under Yanukovich, the EU is faced with the likelihood that Ukraine could become an authoritarian regime.

The EU is not insisting on tough requirements in talks with Ukraine over an association agreement and free trade deal.

Yanukovich, Foreign Minister Kostyantyn Gryshchenko, Prime Minister Mykola Azarov and senior Party of Regions deputies brush aside Western criticism.

For the EU to continue this kind of dialogue would demonstrate its lack of seriousness in upholding European values.

Instead of closing down seemingly politically inspired criminal charges against former Prime Minister Yulia Tymoshenko, former Interior Minister Yuriy Lutsenko and 11 former members of the 2007-2010 Tymoshenko government, the Ukrainian authorities have not taken heed of European and

American criticism of selective use of the judiciary. Instead, they have added new criminal charges to existing ones.

While the 2009 Ukrainian-Russian natural gas contract was poorly drafted, political decisions by outgoing administrations should not be the subject of politically inspired criminal charges.

After all, Ukraine's energy sector is full of skeletons in very many closets.

The Party of Regions government rushed into its own gas agreement with Russia in 2010, only to quickly regret its terms and the party voted against the 2006 gas contract.

Should officials who negotiated these two deals also be prosecuted?

In fact, Russia and Ukraine's gas transit relationship is as precarious today as it was during the Orange Revolution governments of ex-President Viktor Yushchenko and Tymoshenko, a fact that the EU seems to ignore in spite of the 2006 and 2009 gas cutoffs by Russia.

The charges are cynical and absurd against Lutsenko, who is accused of overpaying a pension to his police driver.

The same is true about the charges against nine leaders of the autumn anti-tax code protesters, who are accused of damaging floor tiles during the protests.

Lutsenko has been imprisoned since December 2010 and Tymoshenko faces travel restrictions.

Meanwhile, ex-President Leonid Kuchma – charged with the more serious crime of abuse of office that led to the Sept. 16, 2000, death of journalist Georgiy Gongadze – is free and able to travel abroad.

We believe the EU needs to present clear red lines to Yanukovich and take these five steps:

Halt the "virtual dialogue" that has failed to produce changes in Ukrainian policies and has in fact made the situation worse.

If Ukrainian authorities are unwilling to heed any criticism of democratic failings now, there is no likelihood they would do so when the nation has new political and trade agreements with the EU.

Show greater willingness to use both carrots and sticks. The Ukrainian authorities have until now wanted to have their cake and eat it – rolling back democracy in Kyiv while claiming to sign up to European values in Brussels.

Insist that Ukraine continues to abide by its International Monetary Fund program, which has stalled.

Demand that Ukrainian authorities halt all politically motivated criminal cases and release those who are incarcerated.

The charges against Tymoshenko seem to be intended to prevent her from standing in the 2012 parliamentary and 2015 presidential elections and to intimidate the opposition in general.

Urge inclusivity and transparency. The Yanukovich administration's attempts to undertake reforms while antagonizing half of the country are doomed to failure.

At the November EU-Ukraine summit, Yanukovich replied to EU criticism of democratic regression by saying he hoped there would be a "growth of trust that everything we say we undertake."

But today, there is no trust in Yanukovich's words because they are so at odds with his actions. Negotiations are continuing in a climate of distrust, which is a recipe for disaster.

The EU should advance free trade and political agreements only if the Yanukovich administration demonstrates its clear commitment to European values. The EU needs to be tougher with Ukraine now.

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