



Taras Kuzio

More stick, less carrot best in dealing with Yanukovich

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Taras Kuzio, Lucan Way and Serhiy Kudelia write: Brussels and Washington should coordinate a visa denial list to punish top Ukrainian officials.

American political scientist Alexander J. Motyl has argued that a group of experts, including these three authors, are wrong to believe the European Union should take a tougher line against President Viktor Yanukovich over democratic regression since he came to power 18 months ago (See www.kyivpost.com/news/opinion/op_ed/detail/107488/).

Motyl believes that the strategic factor of denying Ukraine to Russia and the Customs Union outweighs any democratic failings and that, once inside the free-trade zone, the EU will have leverage over Kyiv and be able to gradually Europeanize Ukraine.

There are five problems with this argument.

First, we did not argue that Ukraine should be a consolidated democracy bound by the rule of law before it is invited into a free-trade agreement. But, after 18 months of democratic regression, the scorecard of democratic and rule of law gains should be at least 4-6 out of 10 that would give us hope that it could be improved once inside the free-trade area.

Second, we did not believe that we are faced with a clear-cut choice between the “bad” Customs Union and Eurasia, on the one hand, and “good” Europe, on the other.

The Yanukovich administration, like that of ex-President Leonid Kuchma, espouses the rhetoric of seeking EU membership while undertaking non-European policies at home. We did not therefore believe that either Kuchma or Yanukovich are genuinely committed to seeking EU membership.

The Yanukovich administration is seeking “EU enlargement-light;” that is, membership of the free-trade zone while preserving a monopoly on political and economic power inside Ukraine.

In the same manner as the Yanukovych administration seeks to keep Brussels from intervening inside Ukraine, so it does not want Russia to intervene in economic and energy affairs (while giving Russia inordinate influence over national identity and foreign and security policy).

Kuchma and Yanukovych are economic nationalists, like Belarusian President Alexander Lukashenko. Yanukovych and his oligarch allies seek the benefits of the free-trade deal and the Customs Union without interference from Brussels or Moscow.



Ukraine and Belarus are seen as the personal fiefdoms of Yanukovych and Lukashenko, which can be asset-stripped and used as a source of corrupt rent-seeking for the benefit of insiders while their populations are treated as subjects with no rights.

The threat by Kuchma and Yanukovych to “go to Russia” if they cannot have their cake and eat it in Brussels is an empty threat, as Ukrainian officials know that a dialogue on equal footing with Russia is impossible.

The Yanukovych administration is seeking to freeze its monopoly of power and the partial transition between communism and a market democracy – not open the system to Europeanization after joining the free-trade zone. Most oligarchs, after all, have luxurious homes, offices and children in private schools in the EU and they have no need for the stringent criteria and EU interventionism of EU membership or Russia’s overbearing arrogance and greed in

Lucan Way
the Customs Union.

Third, the EU is not offering Ukraine membership and the EU is therefore unable to balance the carrot of membership against the sticks of non-compliance to the Copenhagen criteria that determine whether a country is eligible to join the EU – including democracy and the rule of law.

Democratization is not an automatic outgrowth of trade and other ties, but happens when European governments explicitly demand it. The EU played a major role in the democratization of the Balkans not by passively waiting for it to happen, but through intensive monitoring and conditionality. It is imperative to get Ukraine right before it joins the free-trade area.

Fourth, conditions on the ground in Ukraine may overtake our debate. The argument that the strategic priority of bringing in Ukraine outweighs all other considerations will be far more difficult to make if opposition leader Yulia Tymoshenko and Yuriy Lutsenko, her ally and former Interior Minister, are imprisoned over the summer.

Fifth, it is a false hope to think that the EU will have the ability to further influence Ukraine on the issue of political persecution and selective use of justice after Kyiv joins the free-trade agreement.

This is especially seen in the Yanukovych administration's reactions to Western criticism

with the standard Soviet response of “Don’t lecture us!” The Yanukovych administration is not a listening administration which is clearly seen in their unwillingness to halt the selective use of justice.

In launching political repression, the Yanukovych administration sends two signals: that it intends to remain in power indefinitely and that future elections will not be in accordance with democratic practices.

In addition, the aim of changing the election law is to ensure the Party of Regions receives a majority or constitutional majority; the current election law only gave it a plurality in the last two parliamentary elections.

With a badly crafted election law, decapitated opposition, media censorship, and most likely domination of election commissions by the party in power, there is only a remote possibility that Ukraine’s 2012 elections will be held in accordance with democratic practices.

Indeed, recent discussions among policymakers and experts in Washington point to skepticism on the holding of free elections in Ukraine next year.



Brussels should coordinate three policies with Washington.

First, delay the signing of the free-trade agreement until after the 2012 elections and freeze negotiations if the elections do not meet democratic standards in the eyes of the OSCE.

Second, recognize that if members of the opposition are given jail sentences, the Yanukovych administration will have crossed the line.

In such an eventuality, Brussels and Washington should coordinate a visa-denial list consisting of the president, senior oligarchs, officials from the presidential

Serhiy Kudelia

administration, prime minister and government ministers with responsibility for law enforcement, the prosecutor-general and judges involved in show trials.

Third, introduce a visa-free regime for average Ukrainians and increase student and other exchanges that target young Ukrainians. While visa denials will prevent Ukraine’s elites the ability to travel to their homes and businesses in Western Europe, a visa-free regime will give average Ukrainians the right to freely travel throughout Europe.

The free-trade deal is the flagship of the EU’s Eastern Partnership and Ukraine is the most important country of its six members. It is therefore a test for Europe.

It is imperative that Brussels adopts tougher criteria towards the Yanukovych administration while supporting the Ukrainian population’s right to be part of Europe.

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