

EU Sends Confusing Signals On Ukraine and Belarus

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Miroslav Lajcak, Director of the EU's External Action Service

The EU is sending contradictory signals toward its Eastern Neighborhood, which indicates it has not learnt its lessons from dealing with Belarus. The EU continues to talk tough about not dealing with Minsk, because of its political prisoners, while refusing to use this same term with Ukraine, which has approximately 40 political prisoners (see the list:

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The EU is being pushed in this direction by the actions of the Ukrainian authorities in two ways. The first is the imprisonment of Yulia Tymoshenko on August 5, which “crosses a line on respect for democratic principles,” four Washington-based senior think tankers wrote to the EU (*The Economist*, August 31). The second is the lack of dialogue between Kyiv and the West over human rights questions, which are a bad portent for Kyiv’s intentions and future relations. Usually post-communist countries are eager to show their commitment to “European values” in the approach to membership of the EU and then lapse after they have joined (as was the case with Romania and Bulgaria).

Ukraine has rejected all criticisms of Tymoshenko’s arrest (see EDM, August 11). It is unlikely that Ukraine will become more open to dialogue and, for example, release Tymoshenko and other political prisoners, after joining the Deep Comprehensive Free Trade Agreement (DCFTA) with the EU.

Miroslav Lajcak, the Director of the EU’s External Action Service, nevertheless believes that the EU’s harsh response to Belarus “is delivering results.” He added that relations will only improve after all “prisoners of conscience” are released (www.rferl.org, July 8).

Belarusian President Alyaksandr Lukashenka has promised to release all of his country’s political prisoners within six weeks. President Viktor Yanukovich has not offered to do likewise. And yet, the EU continues to negotiate with Ukraine for a DCFTA and is “determined to finalize the talks by the end of December,” according to a Polish diplomatic source speaking with Reuters on September 3. The Poles – who currently hold the rotating presidency of the EU, just hosted the Krynica Economic Forum (September 8-9) and will host the Eastern Partnership summit (September 30) – are putting a positive spin on a deteriorating situation. Meanwhile, Washington think tankers, former Czech President Vaclav Havel, an adviser on international affairs to the Polish President and Western European governments, are publicly linking negotiations for the DCFTA with the Tymoshenko and other political trials (*The Economist*, August 31, *The Moscow Times*, *Gazeta Wyborcza*, August 30; *Der Spiegel*, August 15; *Ukrayinska Pravda*, September 3).

The French, Germans, Swedes and British have been the most outspoken but for different reasons. The French and Germans are using democratic regression in Ukraine to halt the EU's "enlargement-lite" to Ukraine (in line with their opposition to enlargement in general). The Swedes and British, who along with the Poles support enlargement, have no choice but to raise the issue of adherence to democratic values following the imprisonment of Tymoshenko (see Swedish Foreign Minister Carl Bildt in Kyiv Post, August 12).

This explains the warning signal sent by the Polish presidential adviser to Yanukovich: "In Warsaw, the great hope is that by the end of the six-month period of the Polish presidency, EU talks on association agreements and free trade agreements [with Ukraine] will be concluded, but developments in Kyiv could tie the hands of Poland on the issue." He continued: "Arguments used by politicians and countries reluctant to draw Ukraine into the EU may gain the upper hand. If we fail to do so by the end of 2011, talks on the association may drag on for many months or even longer" (Gazeta Wyborcza, August 30).

The Economist (August 13) compared Tymoshenko to Russian oligarch Mikhail Khodorkovsky who was arrested in 2003. But, they point out, "The difference is that Mr. Putin knew what he was doing. Mr. Yanukovich, by contrast, seems to have waded across the Rubicon without noticing."

EU leaders meeting in Poland announced they would maintain their different approach to Ukraine (contrasted with Belarus) by continuing negotiations. At the same time the timetable looks to be increasingly in doubt. "I think there is increasing anxiety around Europe about what is happening in Ukraine," British Foreign Minister William Hague said, "The majority view [in the EU] is that the agreement can be finalized only if the Tymoshenko case is solved" (Reuters, September 3). French Foreign Minister Alain Juppe said, adding, "It means having a free and fair trial and abandoning the unjustified charges against her" (Ukrayinska Pravda, September 3). Bildt remarked "And if they continue with show trials of that sort, and it is not only Yulia Tymoshenko's case, I think the chances for an agreement being ratified are fairly slim" (Reuters, September 3).

Even if Poland succeeds against all odds in pushing the EU toward concluding negotiations by December, the European Parliament and EU members will not ratify the DCFTA (Ukrayinska Pravda, August 31; See EDM, August 5). It would only take the European Parliament or one EU member to derail the entry into force of the DCFTA. German politicians on the left and right have told their Ukrainian counterparts that, as Social Democrat Gernot Erler said, the Bundestag will not ratify the DCFTA "where election losers end up in jail because of political decisions" (Der Spiegel, August 15).

As the former US Ambassador to Ukraine William Taylor pointed out, the trial of Tymoshenko for her decisions (not corruption) "is a very bad precedent for future governments. The next government may start judging the current one. It is madness" (Interfax-Ukraine, August 29). But, it is only "madness" if it is assumed that the Yanukovich administration intends to ever leave office. Moreover, Brussels and Washington should brace themselves for highly fraudulent parliamentary elections in October 2012 that could lead to street violence. The head of the EU office in Ukraine José M.P. Teixeira told Delovatya Stolitsa on September 5 that the West would not recognize Ukraine's elections if opposition leaders could not stand in them. In addition, the Economist pointed out that "the problem with such acts of retribution is that they make the peaceful transfer of power from one leader to another that much less likely" (The Economist, August 13).

The Yanukovich administration cannot permit a free election for the first reason cited above and because they need to control parliament ahead of the 2015 presidential elections. Political culture also works against holding a free election. Yanukovich has presided over four fraudulent elections as Governor, Prime Minister and President (1999, 2002, 2004, 2010) and continues to believe he won the 2004 elections, but was denied victory by a joint conspiracy carried out by the West and then President Leonid Kuchma.