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Published on *Atlantic Council* (<http://www.acus.org>)

Ukraine Turns Away from Europe and the West

By *Taras Kuzio*

Created 12/01/2011 - 09:43



[1]

The incarceration of Yulia Tymoshenko has temporarily halted and may permanently terminate Ukraine's integration with Europe. Until the arrest and imprisonment of Tymoshenko in August and October respectively, the EU had planned to initial its Association Agreement with Ukraine (which includes a Deep and Comprehensive Free Trade Agreement [DCFTA]) at the December 19 summit in Kyiv. Following its translation into EU languages and other technical procedures, the agreement was expected to be officially signed by the European Council (EC) in mid 2012.

The final stage would normally consist of the EU recommending its ratification by the European Parliament and the 27 parliaments of the EU member. This stage was always unlikely because of the influence of the center-right European Peoples Party (EPP), which includes Tymoshenko's party, Batkivshchina [Fatherland]. The EPP is the largest political group in the European Parliament and also currently holds power in the majority of EU capitals. The EPP's allies on the right (Conservatives and Nationalists), center (Liberals), and the left (Greens) have supported its tough positions condemning democratic regression in Ukraine. The Socialist group, which has worked with the Party of Regions, has sought to moderate their tough position in the European Parliament.

This month, as the summit approaches, the prospects for initialing and signing the Association Agreement appear increasingly unlikely due to President Yanukovich's unwillingness to take steps to meet EU and US demands for Tymoshenko's release and pardon. This impasse has already had a negative impact on relations between Ukraine and the EU. For example, after Tymoshenko was sentenced, the EU cancelled Yanukovich's planned October 20 visit to Brussels.

The sticking point is the EU and US demand for Tymoshenko to be permitted to participate in political life and stand in elections. Her sentence of seven years in prison and a three year ban from official positions removes her from the next three parliamentary (2012, 2016, 2020) and two presidential (2015, 2020) elections, giving Yanukovich and the Party of Regions a likely monopoly of power through the rest of this decade.

As I have written in the [Eurasia Daily Monitor](#) [2], Yanukovich does not want to see Tymoshenko elected to Parliament in October 2012. As Ukraine's most polished opposition leader, Tymoshenko would undermine Yanukovich's plans for re-election in the January 2015 elections (he surely remembers having only defeated her by a mere 3% in 2010).

The November 24 EU-Ukrainian parliamentary cooperation meeting confirmed that there will not be an initialing of the Association Agreement at the December EU-Ukraine summit. EU and Ukrainian officials blamed this on "technical questions" which seems [more a diplomatic excuse](#) [3] than a political reality. Negotiations were completed by mid October and follow-up "technical questions" should take 4-6 weeks.

What has damaged relations further since Tymoshenko's sentencing has been Yanukovich's unwillingness to heed Western criticism and blatant deception of President Yanukovich and Foreign Minister Kostyantyn Hryshchenko. It has therefore been surprising how the US Embassy in Kyiv and former Ambassadors to Ukraine in Washington have continued to believe until recently that the Yanukovich administration was "listening" to Western criticism.

In fact, Yanukovich and Hryshchenko have already deceived EU leaders on three occasions and following each incident, stepped up criminal charges against Tymoshenko. Yanukovich gave verbal promises to EU leaders in September at the Yalta European Strategy and Warsaw Eastern Partnership summits, and during private diplomatic conversations since then. Furthermore, Yanukovich and Hryshchenko have both told EU leaders that a compromise would be reached through de-criminalization of the 1962 article used to sentence Tymoshenko, which remains in Ukraine's criminal code adopted a decade ago.

In light of developments in the last four months since Tymoshenko's imprisonment, it should now be difficult to find any leader in the EU and US who believes Yanukovich is committed to European democratic values.

The latest act in Ukraine's Shakespearean drama was the report that Yanukovich plans to not attend the EU-Ukraine summit and instead participate in the Eurasian Economic Council meeting in Moscow being held on the same day (December 19). Borys Tarasiuk, head of the parliamentary committee on European integration, **Error! Hyperlink reference not valid.** [4] that "The current authorities have disastrously failed in their relations with the European Union." Tarasiuk warned "either the Ukrainian authorities change their policies or they can forget about European integration."

After four years of tough negotiations, Kyiv and Brussels came close to a breakthrough in the first Association Agreement and DCFTA for the Eastern Partnership that was unveiled in 2009 by the EU. The negotiations have now reached a dead end and the focus of the EU Eastern Partnership will shift to Georgia and Moldova who launched negotiations for Association Agreements and DCFTA's with Brussels considerably later than Ukraine. Both countries have made more progress in their reforms than Ukraine.

Yanukovich's desire for revenge, the neutralization of his main opponent, and to remain in power have proven to be more important than setting Ukraine on a path of European integration. It is incomprehensible that Yanukovich and Hryshchenko believed Ukraine was so geopolitically important they could hoodwink Brussels in building a 'Ukrainian Putinism' at home while pretending to uphold European values abroad.

Unfortunately, Ukraine's political leaders and oligarchs seem to have the last laugh. While their actions block a European future for Ukrainian citizens; the Ukrainian president, oligarchs, and ruling elites can continue to travel to their second homes in London, Monaco, Nice, and Vienna. In addition, capital also continues to flow illegally to offshore zones like EU member Cyprus, which is Ukraine's largest source of foreign direct investment.

Until Ukraine's elites are also unable to experience a European perspective, as they have prevented their citizens from feeling, they will never pressure Yanukovich to reverse his undemocratic policies. The EU and US have a greater ability to influence Ukraine's policies than the policies of Belarus, which is already on a visa denial list and under sanctions from the West. Unlike Ukraine, Belarus has no oligarchs and its elites do not buy second homes in western Europe.

Brussels and Washington have yet to acknowledge this leverage over Ukraine's elite and its value as a policy option to influence the case of Tymoshenko.

Taras Kuzio is an Austrian Marshall Plan Foundation Visiting Fellow at the Center for Transatlantic Relations, School of Advanced International Studies, John Hopkins University, in Washington D.C. He edits Ukraine Analyst. Photo credit: [AP Photo](#) [5].

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ATLANTIC CC

Published on *Atlantic Council* (<http://www.acus.org>)

Association Agreement Won't Help Ukraine on its Path to EU Integration

By *Taras Kuzio*
Created 12/08/2011 - 12:12



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[Adrian Karatnycky](#) [2] and [Alexander J. Motyl](#) [3] both believe that the EU should go ahead and move forward with the Association Agreement. They believe it would be imprudent to isolate Ukraine and to push it into the Russian-dominated CIS Customs Union. They also believe the Viktor Yanukovich administration would be forced to play by the rules inside the EU Association Agreement.

They are wrong.

Firstly, this month the EU may only go ahead and *initialize* the Association Agreement. Doubts about whether a summit would take place were caused by Yanukovich himself when there were leaks he would be in Moscow and miss the December 19 summit.

If the summit went ahead and the Association Agreement was initialled it would not move Ukraine's EU integration far as the next two stages (signing by the European Council in 2012 and ratification by the European Parliament and 27 EU members) are unlikely to take place. Next month Denmark becomes President of the European Council and will make human rights a priority. The Danish Helsinki Committee has produced [three damning reports](#) [4] on political repression in Ukraine.

As for ratification, this was always an impossible feat because the European Peoples Party, to which Tymoshenko's Batkivshchina party belongs, has the largest political group and has allies on the right, left and center who also take a critical stand on democratic repression in Ukraine. The EPP congress in Marseilles on December 7 [called on the EU to initial the Association Agreement](#) [5] with Ukraine but to make the signing and ratification dependent on progress on human rights.

Secondly, the Association Agreement is not a "carrot" in the sense of a membership offer. As the December 1 European Parliament resolution points out, "Ukraine is committing itself to implement a large portion of the *acquis communautaire*." But, at the same time, Ukraine is not being offered membership.

This is the opposite of membership offered to Central Europe as the "carrot" for fulfilling the *acquis communautaire*. Former Soviet countries, such as Ukraine, suffered far worse communist legacies than Central Europe.

Thirdly, Karatnycky and Motyl's arguments fly in the face of policy recommendations that require many reforms to be undertaken *before* joining. Many EU members believe Bulgaria and Romania were let into the EU too early in 2007. The same could be said about letting Spain, Italy and Greece into the Euro.

There is an additional question of lack of trust. Andrew Wilson, a senior policy fellow with the European Council on Foreign Relations, [said](#) [6], "One of the reasons the EU has reacted so harshly is they feel they've been hoodwinked twice by Yanukovich." In fact, the "EU is entirely right to have taken the tough line with Ukraine. And in many ways they can and should be even tougher. Yanukovich's biggest problem in dealing with the EU is his belief that the rest of the world is as cynical as he is."

President Yanukovich made countless promises to many EU and European leaders since Yulia Tymoshenko's August arrest which have *all* been broken. It was Yanukovich – not the EU – who proposed a way out by de-criminalising the (1962 Soviet) article in the criminal code used to sentence Tymoshenko in October. In November when the issue was put to a vote the Party of Regions voted it down.

It should be noted that Karatnycky and Motyl approach Ukrainian politics from different perspectives. Karatnycky has downplayed democratic repression in thirteen opinion articles since Yanukovich's election in February 2010 (see my "[Time for a Reality Check](#) [7]"). Meanwhile, Motyl is the Yanukovich regime's biggest Western critic.

Since Yanukovich's election there have been countless resolutions by international organisations, Western governments and international NGO's that have spoken with one voice about political repression, fraudulent elections, media censorship, and intimidation by the security forces in Ukraine.

Are they all really all wrong?

Karatnycky assures his readers that Yanukovich “is hardly building an authoritarian state.” But, how else do we classify a state that puts in jail its opposition leaders? Ukraine is far more down the authoritarian path today than it was under Leonid Kuchma.

Karatnycky also points to “extensive prosecution of current government officials on corruption charges.” And yet, corruption is growing, not decreasing, in Ukraine since Yanukovich came to power.

The country [dropped 18 places this year](#) [8] in Transparency International’s annual rankings, now standing below Russia and even Azerbaijan and in 152nd place alongside Congo, the Central African Republic and Tajikistan. Transparency International’s Ukraine office warned: “Ukraine in the year 2011 is on the way to corruption abyss.”

In contrast, Motyl raises an important point, “Last time I looked, it was Ukraine that wanted to join the European Union, and not—repeat not—the European Union that wanted to join Ukraine. If you want to join a club, then you have to play by the club’s rules.” Ukrainian leaders were warned a decade ago by Javier Solana to [play by the rules, not with the rules](#) [9], but they have still not come to understand this important point.

Taras Kuzio is an Austrian Marshall Plan Foundation Visiting Fellow at the Center for Transatlantic Relations, School of Advanced International Studies, John Hopkins University, in Washington D.C. He edits Ukraine Analyst. Photo credit: [AP Photo](#) [10].

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