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IS UKRAINE A MEMBER OF THE CIS?

By Taras Kuzio

Ukrainian President Leonid Kuchma offered a novel response to a question posed to him at a 28 December press conference in

Chernihiv, a town located near the Belarus-Russia border. Eleven years after the CIS was created by the three eastern Slavic states to replace the USSR, Kuchma disagreed with the description of Ukraine as merely an "associate member" of the CIS.

Throughout the 1990s, Ukrainian diplomats and officials had routinely employed that formulation to demonstrate that Ukraine was opposed to the integration within the CIS that then Russian President Boris Yeltsin assiduously promoted. The logic of the Ukrainian argument was based on the assumption that, as the Ukrainian parliament had never ratified the 1994 CIS Charter, Ukraine was not a full member of the CIS. It was therefore only an "associate member."

The only problem, as Kuchma has now finally pointed out, is that the CIS Charter makes no mention of any "associate member" status with respect to the CIS. Unfortunately, Kuchma failed to bring his point to its logical conclusion -- namely, how could a nonmember (Ukraine) have participated in so many CIS institutions and signed countless CIS documents? At the November CIS summit in Chisinau, Russian President Vladimir Putin even proposed that this nonmember head the CIS Heads of State Council. Luckily, the proposal was opposed by three other CIS states and therefore failed to pass. At the upcoming CIS summit on 28 January, Ukraine will again be proposed for that position. But as Ukraine's Hromadske Radio pointed out on 15 January, Ukraine's "bid for chairmanship is legally vulnerable."

Ukraine's de jure nonmembership of the CIS reflects three factors. First, there is the general widespread legal nihilism that pervades the CIS. It has long been pointed out that documents signed by CIS members (and "nonmembers" like Ukraine) are rarely implemented. A legal, contractual, and political culture that would guarantee the implementation of interstate documents, whether signed within the CIS or internationally in general, is simply absent within CIS states. The same is true of the yawning gap between domestic legislation and government-executive policies.

Second, there is the very nature of the CIS. The CIS is often criticized for being a moribund and ineffective structure. Why then does it still exist, when it was created in December 1991, according to then Ukrainian President Leonid Kravchuk, for the sole purpose of facilitating a "civilized divorce" among the then-Soviet republics?

One answer to that question was given by two Russian authors writing in "Izvestiya" in November 2000 on the ninth anniversary of the formation of the CIS. CIS members and nonmembers "are not so much friends as compelled to co-exist with one another, like divorced spouses who cannot make the final break." "The CIS is a communal apartment for people who are tired of one another, who no longer live together, but do not yet live apart," the authors continued.

For most CIS states, neither option -- living within the CIS or outside it -- is preferable. At the same time, living together in

the CIS "communal apartment" provides psychological support to CIS leaders, most of whom hail from the same Communist Party or KGB background and have similar political cultures and understandings of the outside world. Although the phrase "near abroad," used by Russia to denote the CIS as distinct from the "far abroad," has fallen into disuse, it still reflects the general tendency to view the CIS as a family club.

This shared perception can become vitally important during periods of international isolation, such as that Ukraine has experienced since late 2000, when the "Kuchmagate" crisis began. At such times, Russia and the CIS become vitally important to Kuchma's survival. Russian State Duma Speaker Gennadii Seleznev said on a visit to Ukraine last month, "Ukraine has realized that the West is not going to open its embrace. There is a far more reliable partner and ally it should stay side by side with [i.e. Russia]."

Russia has preferred not to formalize its Soviet-era frontiers with neighboring CIS states, agreeing only to delimit them on maps but not to demarcate them. The Antiterrorist Center of the CIS, established in June 2000, is headed by Major General Boris Mylnikov, who served in the KGB from 1975-91 and was the first deputy head of the Federal Security Service (FSB) department responsible for the "protection of constitutional order and the struggle against terrorism." Pointedly, the center is headed and staffed by the FSB,

Russia's internal intelligence agency, not the external intelligence body, the Foreign-Intelligence Service (SVR).

During his December visit to Ukraine, Seleznev contrasted the actions of the U.S. ambassador to Ukraine, Carlos Pascual, with those of Russian Ambassador to Ukraine Viktor Chernomyrdin. When Pascual (or the U.S. Congress, as in the March 2002 elections) talks about democratization, human rights, free elections, and reform in Ukraine, this is understood by Ukraine and Russia as "interference" (just as in the Soviet era). When Chernomyrdin tells Ukrainians whom not to vote for and demands the upgrading of Russian to a second state language, this is seen as brotherly advice, Seleznev claimed.

Third, Ukraine's multivector foreign policy is a reflection of the country's history and competing identities. Ukraine has jealously guarded its sovereignty since the disintegration of the USSR. It has therefore declined to join Russian-led supranational institutions, such as the Eurasian Economic Community (EEC), which Ukrainian leaders believe could undermine its sovereignty. By contrast, it was a founding member in 1997 of the GUAM alignment, which also includes Georgia, Azerbaijan, and Moldova but not Russia. Similarly, Ukraine never acceded to the CIS Collective Security Treaty (signed in Tashkent in June 1992), although even before 11 September 2001, full membership of the CIS Antiterrorist Center was deemed compatible with Ukraine's sovereignty.

Ukraine's involvement in the various CIS sub-organizations is as confusing and selective as is its membership (or nonmembership) of that structure. In 1995, Ukraine joined the CIS Air Defense Agreement as an "associate member," even though no such status formally exists and no other CIS state has claimed it. In 1998, Ukraine joined the CIS Interparliamentary Assembly, which seeks to harmonize legislation across the CIS. (It remains unclear why membership of this body does not conflict with membership of the Council of Europe.)

While refusing to join the EEC, Ukraine has also agreed to "observer" status in that body. Ukrainian officials argue that full membership of the EEC conflicts with Ukraine's steps toward Euro-Atlantic integration. Chernomyrdin, however, disagrees because he knows full well that none of the six members of the EEC seeks EU membership. Meanwhile, the EU has not voiced any opinion, as Ukraine's hypothetical future membership of the EU is not in the cards.

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