

## Ukraine's relations with the West since the Orange Revolution

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*(Received 24 June 2011; final version received 4 January 2012)*

This article argues that many of Ukraine's problems are long-standing and remain unresolved because government policies are virtual (i.e. do not conform to official documents or statements) thereby reducing the effectiveness of the West's (here understood primarily as NATO and the EU) engagement with Ukraine and the ability of Kyiv to pursue its declared foreign policy objectives. The article discusses Ukraine's relations with the West through cycles of Disinterest, Partnership and Disillusionment. Under Presidents Leonid Kravchuk and Leonid Kuchma three cycles equated to Kravchuk's presidency (Disinterest, 1991–94), Kuchma's first term (Partnership, 1994–99) and second term (Disillusionment, 2000–04). Three cycles partially repeated itself during Viktor Yushchenko's presidency with Partnership (2005–06) after the Orange Revolution followed by Disillusionment (2007–09), often described as 'Ukraine fatigue'. US Disinterest in Ukraine from 2009 is an outgrowth of the Barrack Obama administrations 'reset' policies with Russia resembling the 'Russia-first' policies of the early 1990s George W. Bush administration. US Disinterest covers the late Yushchenko era and continued into the Yanukovych presidency. The West held out a hope of Partnership for Viktor Yanukovych following his February 2010 election after taking at face value his claim of becoming a more democratic leader, compared with during the 2004 elections, coupled with an expectation he would bring political stability to Ukraine. Partnership quickly evaporated into Disillusionment the following year.

**Keywords:** Ukraine; Viktor Yushchenko; Viktor Yanukovych; Disinterest; Partnership; Disillusionment

Ukraine's weak capacity to undertake reforms and pursue foreign policy objectives are long-standing and remain unresolved because government policies are virtual in important areas such as the rule of law, constitutional reforms, reducing corruption and Euro–Atlantic integration. Virtual policies are those which are routinely laid out in legislation, presidential decrees and official statement and rhetoric that are ignored by Ukrainian leaders. Virtual policies resemble Soviet style extortions to fulfill five year plans or the extensive human and national rights laid out in Soviet constitutions that were contradicted by actual policies and outcomes and the realities of everyday life for Soviet citizens.

Democratization has twice been threatened during Kuchma's second term in office (2000–04) and immediately following Viktor Yanukovych's election in 2010. Ukraine's inability to implement policies and changes, including those which Kyiv

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signs up to with international organizations, reduces the effectiveness of the West's engagement with Ukraine and the ability of Kyiv to pursue its declared foreign policy objectives (see Kuzio 2011a). Partnership with Ukraine under Kuchma, Yushchenko and Yanukovych has therefore been followed by Disillusionment in Kuchma's second term, Viktor Yushchenko's third year and Viktor Yanukovych's second year in office.

During the last two decades of Ukrainian independence Kyiv's relations with the West (here primarily understood as NATO and the EU) have gone through three cycles of Disinterest, Partnership and Disillusionment (see Table 1). Under Ukraine's first two Presidents, Kravchuk and Kuchma, Disinterest throughout the Kravchuk era (1991–94) was followed by Partnership during Kuchma's first term in office (1994–99) and Disillusionment in his second term (2000–04) (see Kuzio 2003).

Since 2005, these cycles have been partially repeated in the case of Yushchenko and fully in the case of Yanukovych. Partnership with the West, particularly with the US and NATO, followed the 2004 Orange Revolution and Yushchenko's election but lasted only during his first two years as Ukrainian president. This was quickly followed by Disillusionment (often described as 'Ukraine fatigue') during his last three years in office. US Disinterest in Ukraine re-appeared in 2009 with the replacement of US President George W. Bush by Barack Obama. The Obama administration's Russia 'reset' policy resembles US prioritization of Russia (usually described as 'Russia-first') in the early 1990s under President George W. Bush. The EU has expressed Disinterest in Ukraine (and the Commonwealth of Independent States (CIS) more generally) throughout the first two decades following the disintegration of the USSR. The EU and Ukraine launched negotiations for an Association Agreement following Ukraine's entry into the WTO in May 2008, a major component of which is the Deep and Comprehensive Free Trade Agreement (DCFTA). This Partnership has developed into Disillusionment in 2011 in response to selective use of justice against the political opposition and democratic regression more broadly.

The West did not back either of the two main candidates (Tymoshenko and Yanukovych) in the 2010 Ukrainian elections (unlike in 2004 when the West largely sympathized with Yushchenko) giving President Yanukovych a honeymoon period until the end of that year. During the honeymoon period the West offered Yanukovych a Partnership based on the premise that he had transformed into a democrat since the 2004 elections, when he was associated with mass election fraud, and in the hope he was ready to play by the rules, not with the rules, in NATO Secretary General Xavier Solana's well-known words spoken to President Kuchma. In 2011, the honeymoon period with Yanukovych stagnated as Ukraine began to experience democratic regression and as a consequence relations between Kyiv and

Table 1. Ukrainian foreign policy cycles, 1991–2011.

Disinterest	Leonid Kravchuk	1991–94
Partnership	Leonid Kuchma 1	1994–99
Disillusionment	Leonid Kuchma 2	2000–04
Partnership	Viktor Yushchenko	2005–06
Disillusionment	Viktor Yushchenko	2007–09
Disinterest	Viktor Yushchenko/ Viktor Yanukovych	2009–
Partnership	Viktor Yanukovych	2010
Disillusionment	Viktor Yanukovych	2011–

Brussels and Washington deteriorated. This culminated in a crescendo of NATO, EU, Council of Europe, US, Canadian and European condemnations of the sentencing of former Prime Minister and opposition leader Tymoshenko to seven years imprisonment on 11 October 2011. A short Western Partnership with Yanukovych of only one year was followed by Disillusionment in the Yanukovych administration that will last until the 2015 presidential elections. The West's Disillusionment in Ukraine is compounded by US Disinterest in geopolitical competition with Russia in Eurasia, a different strategy to that pursued by the Clinton and Bush administrations in 1994–2008.

Kuzio (2003) analyzed three cycles under Presidents Kravchuk and Kuchma. This article analyses the factors behind the cycles under Presidents Yushchenko and Yanukovych. The Yushchenko presidency was defined by two cycles of Partnership and Disillusionment. US Disinterest emerged in 2009 but it was balanced by an emerging new EU Partnership with Ukraine. Under Yanukovych three cycles cover a shorter time frame of Disinterest (2009–), Partnership (2010) and Disillusionment (2011–). The crisis in Ukraine's relations with the West that emerged in 2011 is deeper and will last longer than that during Kuchma's second term in office.

### **Partnership (2005–06)**

In April 2005, during Yushchenko's successful visit to Washington, Ukraine looked set to swiftly move toward NATO membership and after the visit, Ukraine was invited into NATO's Intensive Dialogue on Membership Issues. This was to be followed by an invitation into Membership Action Plan (MAP) at the November 2006 Riga summit of NATO. The fast-track membership strategy could have brought Ukraine into NATO in 2010–12 by capitalizing on European and North American sympathy for Yushchenko and the Orange Revolution. Yushchenko, who had been poisoned in the 2004 election campaign, had toured the globe in 2005 collecting state and national awards. Following the March 2006 elections, Washington pressured Yushchenko to quickly establish an 'orange' coalition and government so that support for a NATO MAP could be presented as giving support to pro-Western reformers. President Bush was scheduled to visit Ukraine in June 2006 to give his support to a reformist government and 'orange' coalition ahead of the Riga NATO summit.

With Tymoshenko's eponymous bloc (BYuT) winning more votes than Yushchenko's Our Ukraine in the 2006 elections it was her political force that had the right to appoint a candidate for prime minister (according to an agreement made between opposition leaders). Nevertheless, Yushchenko, who had removed Tymoshenko as prime minister in September 2005, was determined not to permit her to return as head of government and negotiations toward a coalition dragged out over three months. By June 2006, Yushchenko was inclined to support a grand coalition between Our Ukraine and the Party of Regions that would leave the head of Our Ukraine Yuriy Yekhanurov as Prime Minister US pressure allegedly made Yushchenko switch to an 'orange' coalition with BYuT. An 'orange' coalition was eventually established in late June but it quickly collapsed and was replaced by an Anti-Crisis coalition formed by the Party of Regions, Communist Party of Ukraine (KPU) and Socialist Party. The new coalition appointed Yanukovych as prime minister in August 2006.

President Yushchenko was unable to place the country's national interests (i.e. Ukrainian security and NATO membership) above that of his personal conflicts with Tymoshenko (a similar trait he possessed with Yanukovych who five years later prioritized imprisoning Tymoshenko over an Association Agreement with the EU). Four governments under Yushchenko lasted only between 1 and 2 years making it impossible to launch a NATO information campaign to increase public support for membership under three 'orange' governments, two of whom were led by Tymoshenko. Improving low public support for NATO membership was a key criteria for obtaining Western European approval for Ukraine's NATO membership. Following the 2007 pre-term elections Anatoliy Grytsenko was not re-appointed as Defense Minister sending another signal that NATO membership was not Yushchenko's priority. Grytsenko, Defense Minister under three governments in 2005–07, including the Yanukovych Anti-Crisis coalition, is highly respected in Brussels, Washington and other Western capitals as a committed military reformer who is personally untainted by corruption. Yushchenko replaced Grytsenko by his loyalist, Yekhanurov, who had no military experience. Prime Minister Yanukovych told NATO that Ukraine was disinterested in joining a MAP and Ukraine did not receive a MAP at NATO's Riga summit.

There were two other reasons why the fast-track strategy to NATO membership failed, both of which could re-appear if Ukraine's NATO membership was again placed on the agenda. The first was the organization by the Party of Regions and its Russian nationalist and left-wing allies of anti-NATO and anti-American rallies in the Crimea leading to the cancellation of SEA BREEZE maneuvers in 2006 and 2009. The rallies raised the specter in some Western European NATO members that Ukraine could be destabilized if it joined NATO. The second factor, an outgrowth of an exaggerated fear of Ukraine's regional divisions as a threat to the country's territorial integrity, was fanned by Russian leaders. In speech to the NATO-Russia Council at the Bucharest NATO summit President Vladimir Putin said that Ukraine was an 'artificial country' that would fall apart if it joined NATO. His warning came only five months before Russia invaded Georgia and annexed South Ossetia and Abkhazia. When Putin raised the question of Ukraine's alleged 'artificiality', he was indirectly threatening there would be a growth of separatism in Russophone eastern Ukraine and Crimea in the event that Ukraine pushed to join NATO (see Kuzio 2010).

Under Kuchma, EU–Ukrainian relations were guided by the Partnership and Cooperation Agreement that provided little encouragement for Ukraine to undertake deep-seated reforms. President Kuchma introduced wide embracing programs on integration with the EU in June 1998 and July 2000 decrees but these were never reflected in his domestic policies. As typical statements of intent never to be implemented into actual policies they resembled Soviet five-year plans that were never implemented by the Communist Party.

In 2004–05, when Ukraine underwent a democratic breakthrough, the EU was pre-occupied with enlargement to post-communist Central-Eastern Europe and the three Baltic States, and by the constitutional crisis after France and the Netherlands had rejected the European constitution in national referendums. The EU could not therefore develop a Partnership with Yushchenko's Ukraine similar to that developed by NATO and the Bush administration.

In 2005, the EU launched the European Neighbourhood Policy (ENP) that covered countries lying to the south and east of the EU; that is, countries both within and outside geographic 'Europe'. Ukraine's relations under the ENP were clouded by being included together with countries in Northern Africa who could never join the EU because they are not geographically part of Europe. Ukraine implemented yearly Action Plans under the ENP in 2005–08. Two Tymoshenko led governments (2005, 2007–10) lobbied parliament to adopt legislative reforms that would enable Ukraine to join the WTO. When the Party of Regions was in opposition (especially in 2005–06) it voted with the KPU against legislative reforms required to join the WTO.

In May 2008, the Eastern Partnership was presented by the foreign minister of Poland with assistance from Sweden at the EU's General Affairs and External Relations Council in Brussels and inaugurated in Prague the following May. The Eastern Partnership complements the Northern Dimension and the Union for the Mediterranean by providing an institutionalized forum for discussing visa agreements and DCFTA within Association Agreements. The EU and Ukraine launched negotiations for an Associate Agreement and DCFTA in 2007–08, followed by Georgia and Moldova in 2010–11. Authoritarian Azerbaijan and Belarus (until the fraudulent December 2010 presidential elections when its membership of the Eastern Partnership was suspended), and semi-authoritarian Armenia are unlikely to sign Association Agreements with the EU. Russia is not a member of the Eastern Partnership.

In 2005–07, the Ukrainian parliament adopted legislation necessary for Ukraine's accession to membership of the WTO. Of particular importance was legislation prohibiting the production and distribution of pirate compact discs of which the country had been a major production center. Ukraine missed the opportunity to join the WTO in 2005 and 2006 because of political instability and opposition from the Party of Regions and KPU. The second Tymoshenko Government (2007–10) laid the groundwork for Ukraine's membership of the WTO in May 2008 which subsequently opened up negotiations for an Association Agreement and DCFTA. The DCFTA, if it is signed, 'will not be an achievement of the current authorities. They are only following up on what was laid out by their predecessors, including me', the head of parliaments committee on European Integration Borys Tarasiuk (2011) pointed out.

In November 2009, the EU-Ukraine Cooperation Council adopted the EU-Ukraine Association Agenda that replaced the former ENP Action Plan. The ENP Action Plan will prepare for, and facilitate entry into force, the new Association Agreement, of which the DCFTA is one component. A list of priorities for action was jointly agreed by Ukraine and the EU for 2010, Yanukovich's first year in office, although few of these were implemented (see later). Unlike Association Agreement's signed in the 1990s with Central-Eastern European countries, Ukraine's Association Agreement with the EU does not offer a membership perspective.

As Ukraine's relations with NATO went into decline in 2007–08 those with the EU began to improve. The major difference between both international organizations was that entering MAP would have led to Ukraine's NATO membership whereas an Association Agreement would have opened up the EU's internal market but not offered membership. Every Ukrainian president has sought to obtain a statement from the EU that outlined a future membership perspective, even when they were Presidents, Kuchma and Yanukovich, who did not uphold European values at home.

The EU would presumably be unable to offer a membership perspective to only Ukraine without offering it to all six Eastern Partnership countries.

### **Disillusionment (2007–09)**

Disillusionment with Yushchenko gradually emerged from summer 2006, when Yanukovych unexpectedly returned to power, to spring 2007, when Ukraine experienced its third political crisis since 2005. President Yushchenko's dissolution of parliament in April 2007 created a political and constitutional crisis that was resolved by compromise pre-term parliamentary elections in September. Ukrainian and Western legal experts doubted the constitutional right of the president to dissolve parliament even though there was sufficient provocation by the Anti-Crisis coalition in seeking to buy up opposition deputies.

The Party of Regions agreed to compromise after Yushchenko offered them a grand coalition with Our Ukraine following pre-term elections. Yushchenko was again repeating multi-vector coalition negotiations he had similarly held in 2006 with the Party of Regions (negotiated by Yekhanurov) and BYuT (negotiated by Roman Besmertnyy). In the September 2007 elections orange political forces (BYuT and Our Ukraine-Peoples Self Defense) won a slim majority of 228 deputies (226 being the minimum for a coalition). The slim majority made it impossible for the Tymoshenko Government, that came into power in December 2007, to rely on a stable parliamentary majority in the next three years. At least one-third of Our Ukraine-Peoples Self Defense were out right hostile to Tymoshenko, including the Presidents Chief of Staff Viktor Baloga and the United Center Party, a new party established in 2008 by 15 Our Ukraine-Peoples Self Defense deputies.

The next two years (2008–09) were dominated by public feuding between Tymoshenko and Yushchenko, presidential accusations of Tymoshenko's betrayal (August 2008), implosion of the orange coalition and its revival (September–December 2008) and collapse of negotiations for a BYuT-Party of Regions coalition (March–June 2009). As former US Ambassador to Ukraine Steven Pifer said, 'Yushchenko made the chances of achieving a NATO MAP in December zero on October 8', the day he disbanded parliament in autumn 2008. The Party of Regions aggressively blockaded the parliamentary rostrum to prevent the adoption of government policies and promoted populist legislation in November 2009 that derailed the next tranche of the 2008 International Monetary Fund (IMF) Stand-by Agreement. The legislation was signed into law by President Yushchenko in the pursuit of his personal vendetta against Tymoshenko and her government.

The autumn 2008 global financial crisis, during which Ukraine's Gross Domestic Product (GDP) collapsed by 15 per cent, added to deep-seated political instability making it impossible for Ukraine to pursue a coherent foreign policy. This was clearly visible in the 17 January 2009 gas crisis when Ukraine's president and prime minister publicly quarreled over the strategy to pursue and over the contract that was eventually signed. Tymoshenko's 2009 gas contract became the basis upon which she was sentenced to seven years imprisonment in October 2011. Yushchenko, alone among opposition leaders, has supported the sentence.

By 2008 memory of the Orange Revolution had been replaced by Ukraine fatigue (Disillusionment), Germany was in its ascendancy in NATO and the EU (following the outpouring of German patriotism in the 2006 World Cup held in Berlin) while

President Bush was approaching the end of his second term in office. By 2007–08, Germany had taken over from France as the strongest Western European opponent of NATO and EU enlargement into the CIS (Rice 2011, pp. 671–672).

Although Prime Minister Yanukovich had ruled out a NATO MAP in 2006–07, President Yushchenko continued to seek Ukraine's entry into MAP. In January 2008 President Yushchenko, Prime Minister Tymoshenko and Parliamentary Chairman Arseniy Yatseniuk signed a joint letter to NATO requesting the April Bucharest summit invite Ukraine into the MAP process. President Bush's visit to Ukraine was postponed to April 2008, when he gave his support to Ukraine entering MAP, timed to take place in the same month as the Bucharest NATO summit. With Germany particularly opposed to Ukraine receiving a MAP in Bucharest, NATO did not take this step. A NATO resolution stated that Ukraine and Georgia would become members one day without mentioning MAP, how this would happen or when membership would take place.

Despite being disappointed by the Bucharest summit, Yushchenko continued to lobby for a NATO MAP (Rice 670–672). He pointed out Ukraine has fulfilled yearly Action Plans with NATO since 2003 that do not radically differ in scope from MAPs. President Yushchenko said, 'We have in effect been functioning under a MAP for quite a long time. Ukraine completely fulfills annual target cooperation plans' (Kuzio 2009a). Former Defense Minister Yevhen Marchuk said, 'In effect, the Action Plan is de facto a Membership Action Plan. Because nearly all of the types of activities outlined in MAP are in the Action Plan (Martyniuk 2008).

In the second half of 2008, supporters of Ukraine's NATO membership did not give up either and proposed polices to bypass MAP. NATO General Secretary Jaap De Hoop Scheffer said after the December 2008 review meeting that, 'All elements – I repeat, all elements – of the decisions regarding Ukraine and Georgia taken by the NATO heads of state and governments in Bucharest still stand. All elements'. The General Secretary continued, 'And that includes, very much, that they will one day be members, if they so wish, of course. And it is important to add, when they meet NATO standards'. Pifer believed that a post-MAP 'Plan B' needed to be developed by NATO that should send a positive signal to Ukraine and Georgia while not conceding them to Russia's sphere of influence (Pifer 2008). NATO, in Pifer's view, should reiterate that it sees both countries as future members while at the same time not accepting President Medvedev's demand for a Russian zone of 'privileged interests' in the CIS. In addition to this, NATO, Pifer believed, should deepen its existing cooperation with Ukraine and Georgia.

In 2008–09, the US and Britain downplayed the significance of a MAP for Ukraine and Georgia to keep Ukraine on a membership path. The US representative to NATO said that MAP had accumulated too much 'symbolism' and that it therefore could no longer be used. Assistant Secretary of State for European and Eurasian Affairs Dan Fried said that the MAP debate had taken 'on a life of its own' and that Ukraine and Georgia could be brought into NATO by other routes (Dempsey 2008). Fried said, 'MAP was never an end in itself' and 'that it is not the only way to get there' (Erlanger 2008) US Secretary of State Condoleezza Rice discussed the idea of Ukraine and Georgia by-passing MAP through enhancing the role of the NATO-Ukraine commission established in 1997 (when Ukraine and NATO signed a Charter) and the new NATO-Georgia commission established after the 2008 war between Russia and Georgia.

France, Germany, Norway, Luxembourg, Spain and Italy were opposed to what they perceived as by-passing MAP. The US and Britain argued that their proposal was merely an alternative way of implementing the Bucharest declaration supporting eventual NATO membership for Ukraine and Georgia. An American official was exasperated by the German stance. “They’re clinging to MAP, but they refuse to use it. They will use it only when a country is already ready to become a NATO member, so why insist on it? They say that they want to preserve it as a final hurdle. We say, ‘Let’s get out of this hamster ring, since everyone really is in agreement, and get on with it’” (Erlanger 2008).

Ukraine’s Foreign Minister Volodymyr Ohryzko gave a positive diplomatic spin on the outcome of NATO’s December 2008 review meeting believing NATO had offered MAP through the backdoor. ‘At this stage we achieved the result that we sought’, Ohryzko said. ‘Today, we de facto received an Action Plan to prepare ourselves for entry into NATO’, adding, ‘In 2009 we begin our actual integration into the Alliance’ (Foreign Minister Volodymyr Ohryzko 2008). The BBC (2008) also wondered, ‘Anyone standing outside the NATO bureaucracy might well ask what the fuss was all about. Georgia and Ukraine have a Membership Action Plan in all but name’.

Yushchenko and Ukrainian officials also stressed to NATO and US policy-makers that Ukraine is a net contributor to security and would be a positive contributor to enhancing NATO security. Ukraine, for example, has participated in every NATO operation, including Afghanistan. Tarasiuk, head of parliaments committee on European Integration, pointed out that, ‘Among European countries Ukraine remains the greatest contributor of forces and resources to UN peacekeeping operations and Ukraine is the only country to participate in every peacekeeping operation under NATO command’. Tarasiuk continued, ‘De facto Ukraine undertakes a lot more work in this sphere than certain Alliance members. This provides us with experience and increases the international authority of our state’ (Tarasiuk 2008). President Yushchenko pointed to the, ‘high assessment of Ukraine’s contribution to numerous peacekeeping operations and missions conducted under the aegis of NATO and the United Nations’ (Kuzio 2009a).

Ukrainian units operated in NATO and UN operations in Croatia, Bosnia-Herzegovina, Kosovo, Afghanistan, Liberia, Lebanon, Sierra Leone, Ethiopia and Eritrea, Democratic Republic of the Congo and Georgia. Ukraine is the tenth leading contributor of personnel and the third largest provider of strategic air transportation for UN operations. Ukraine’s net contribution to peacekeeping operations, President Yushchenko believed, would, ‘strengthen the role and security capabilities of the alliance’ (Kuzio 2009a).

Nevertheless, for the path outlined by Ohryzko to have remained on target would have required the election of a pro-Western candidate in Ukraine’s 2010 election. But, when it became obvious in the latter part of 2009 that Tymoshenko and Yanukovych would be the two candidates who would inevitably enter the second round of the 2010 elections Yushchenko threw his support behind Yanukovych, the anti-NATO candidate. While Yanukovych had opposed Ukraine entering MAP since 2006, Tymoshenko, although not as adamant as Yushchenko in her support for NATO membership, had signed the January 2008 letter requesting MAP status together with Yushchenko and Yatseniuk. Yushchenko’s support for Yanukovych over Tymoshenko in the 2010 elections was illogical as his election would undermine policies that were dear to him, such as Ukraine’s national identity, democratization

and Euro–Atlantic integration. The only explanation is that Yushchenko’s personal dislike of Tymoshenko and desire for revenge against her in 2006, 2010 and 2011 outweighed his support for Ukraine’s national interests. In this regard, Yushchenko was little different to Yanukovych who in 2011 was ready to sacrifice Ukraine’s Association Agreement with the EU by organizing a show trial of Tymoshenko and her imprisonment.

### **Disinterest (2009–)**

Independent Ukraine has worked with four US presidents and these can be divided into two groups in terms of their policies and attitudes toward Ukraine. The presidents who sought to engage with Ukraine the greatest were Democrat Bill Clinton and Republican George W. Bush while the two presidents who pursued a ‘Russia-first’ and Russia ‘re-set’ policies were Presidents Bush (senior) and Obama. Democrats and Republicans have therefore both been supportive of strong engagement with Ukraine (Clinton, George W. Bush [younger]) or prioritizing Russia (George W. Bush [senior], Obama). US policies toward Ukraine are dependent on the personality of the president, the situation on the ground in Ukraine and Eurasia and the international geopolitical situation during the period of time the president is in office.

Presidents Clinton and George W. Bush, like Presidents Jimmy Carter and Ronald Reagan, were also ideological presidents committed to enlarging NATO to post-communist Europe which they acquainted with expanding the zone of democracy from West to East. Post-communist states have used NATO as a stepping stone to join the EU. President George W. Bush was ideologically committed to democracy promotion, giving a 2003 speech on the 20th anniversary of National Endowment for Democracy (NED) (Bush 2004). President Obama is less committed to this objective, a change that has been welcomed by Russia which sees this as US withdrawal from Eurasia.

The Obama administration’s Russia ‘reset’ policies toward Eurasia resemble those of former President George Bush (senior) in the early 1990s who had the misfortune to give what became known as the ‘chicken Kyiv’ speech to the Soviet Ukrainian parliament in July 1991 when he called upon Ukrainians to not push for independence from the USSR. Of course, the geopolitical situation is different for Obama, two decades later, whose Russia ‘re-set’ policy has eclipsed US policies toward the non-Russian states of Eurasia. The US position has been advantageous to Russia because Obama, unlike his predecessor, does not actively support NATO enlargement or assertive democracy promotion and Ukraine is therefore less important to his administration whose priorities are the domestic economy, Afghanistan, Iraq, Syria, Libya and the Arab Spring.

The Obama administration’s Russia ‘reset’ policy does not mean that Washington has fundamentally changed its stance toward Ukraine. After all, the US has – and will continue to be – the strongest Western supporter of Ukraine’s independence, territorial integrity, energy independence and democracy. In addition, the greatest number of Ukraine experts in any Western capital city are located in Washington, DC (Kuzio and Deychakiwsky 2005). Indeed, since autumn 2010, the US has been a strong critic of democratic regression in Ukraine, as seen in the condemnation by the White House of Tymoshenko’s imprisonment (see Freedom House 2010).

The Obama administration has stepped back to permit Brussels to take center stage in developing relations with Ukraine and other countries in the Eastern Partnership. As most vividly seen during the Libyan crisis the EU is adrift without US leadership and the EU's policies toward the Eastern Partnership have been incoherent and lacking in substance. Popescu and Wilson, Senior Fellows at the European Council on Foreign Relations (ECFR), issued a lengthy analysis of EU policy toward the Eastern Partnership in which they called for, 'sharpening the edge of its policies, defining clearer red lines and actively policing them, and investing more political capital in the neighborhood' (Popescu and Wilson 2009).

The Obama administration's 're-set' with Russia and US geopolitical withdrawal from Eurasia may have opened a vacuum permitting Russia to export authoritarianism to Ukraine and Eurasia. Russia has been traditionally opposed to NATO enlargement into Eurasia but Moscow is also becoming increasingly vocal against EU enlargement, lobbying and pressuring Kyiv to choose the CIS Customs Union over an Association Agreement and DCFTA. The Obama administration's 're-set' therefore does not respond to Russian strategic interests that are at odds with those of the US. The EU has limited resources and little geopolitical vision for Ukraine and the Eurasia region.

### **Partnership (2010)**

The West did not sympathize with either of the two main candidates in the 2010 elections – Tymoshenko or Yanukovich. Indeed, judging from Wikileaks, cables from the US Embassy in Kyiv were very negative toward Tymoshenko and believed that Yanukovich had changed since 2004. In the 2010 elections, Tymoshenko was routinely depicted as a 'populist' and 'chameleon' by US cables from Kyiv and Western media (Kuzio 2011b). Respected Yale University historian Snyder (2010) wrote of Tymoshenko's 'authoritarian tendencies' and believed 'it is Tymoshenko rather than Yanukovich who today draws comparisons with Vladimir Putin' (see also Karatnycky 2010). The lack of Western favoritism toward either of the two candidates in the 2010 elections was different to 2004 when there was clearly Western sympathy for Yushchenko.

US political consultants working for Yanukovich since 2005 lobbied the US Embassy in Kyiv in support of Yanukovich's allegedly new democratic profile (see Harding 2011b). Yanukovich promised political stability and a changed (democratic) man and the West wanted to believe him. A *Financial Times* (2010) editorial wrote, 'Only a stable Ukraine can achieve economic reform and recovery. Ms. Tymoshenko is the polar opposite of a stabilizing force. Mr. Yanukovich, for all his manifest faults, may prove the lesser evil' (see also Snyder 2010 and Karatnycky 2010 for praise of Yanukovich's new democratic politics).

In reality, in the 2010 elections Tymoshenko and Yanukovich's profiles, programs and foreign policy priorities were available as a guide to their future actions (see Kuzio 2009b, 2009c). Some of this mistaken optimism in regard to Yanukovich was understandable in the wake of a disappointing five-year tenure by President Yushchenko. Ukraine fatigue emerged after years of political instability, constitutional crises, inter-elite fighting, and the experience of (together with Iceland, Hungary and Latvia) Europe's worst economic-financial recession, forcing the government to seek an emergency IMF Stand-by Agreement. An allegedly different Yanukovich, touted as now pro-democratic, seemed to represent a breath of fresh air.

At the same time, Yanukovych would be a different Ukrainian president on the foreign policy arena. In April 2010, the 'Kharkiv Accords' extended the Black Sea Fleet base in Sevastopol to 2042–47 and in July 2010 a new foreign policy was adopted that ruled out NATO membership. US Disinterest in Ukraine had arrived at the right time as Yanukovych was disinterested in the US (whom he believed was behind the Orange Revolution and the denial of his election 'victory') and NATO. Yanukovych is the first of four Ukrainian presidents to not support Ukrainian membership of NATO. The Yanukovych administration sought to lobby Washington, maybe in the hope of encouraging it to turn a blind eye to democratic regression, by handing over highly enriched uranium during the April 2010 nuclear security summit in Washington, DC.

Both parliamentary committees on foreign policy and European integration voted to recommend to parliament to reject the 'Kharkiv Accords' while a third parliamentary committee on military and national security was split down the middle. Western policy-makers criticized the agreement in terms of how it was adopted and Western governments and international organizations remain lukewarm toward the treaty believing it will negatively impact upon Ukraine's integration into Europe. As NATO's Parliamentary Assembly pointed out, 'While the Ukraine's democratically elected leadership has every right to make strategic foreign policy decisions, it would be preferable that the decisions of such long-term strategic importance were made after extensive and comprehensive public and parliamentary debate, rather than in a haste and without any attempts to engage the opposition' (NATO Parliamentary Assembly 2011). During the vote only 211 deputies were registered and therefore 25 of the 236 votes in support of ratification were undertaken on behalf of deputies who were not present (a common occurrence in the Ukrainian parliament which has been nicknamed 'piano voting').

Extending the Black Sea Fleet treaty base was never included in Yanukovych's 2010 election program and, if it had been, could have lost him elections that he barely won by 3 per cent. Although Yanukovych called repeatedly throughout the Yushchenko presidency for a referendum on entering a NATO MAP no referendum was offered by the Yanukovych administration for the extension of the Black Sea Fleet base. NATO membership and the Black Sea Fleet are controversial issues that divide Ukrainians (unlike EU membership. See Butusov *et al.* 2010). In a 2008 International Foundation Electoral Systems survey nearly half of Ukrainians supported the withdrawal of the Black Sea Fleet by 2017, as specified in the 1997 treaty. Twenty-four per cent were in favor of the treaty being extended and 10 per cent for it to be ordered to immediately withdraw (Public Opinion in Ukraine 2008).

Yanukovych's honeymoon with the West in 2010 encouraged Brussels and Washington to mute criticize of democratic regression in his first year in office. The US was pre-occupied with the Arab Spring and other conflicts while the EU only woke up to the lack of support for European values in the Yanukovych administration *after* Tymoshenko was sentenced to imprisonment. In 2010, there were many examples of Yanukovych's intention to build a 'managed democracy': unconstitutional formation of parliamentary coalition (as in 2007), judicial reform that sidelined the Supreme Court, overturn of the parliamentary constitution introduced in 2006 and emasculation of parliament, arrests of opposition leaders and members of the 2007–10 Tymoshenko Government, fraud in the October 2010 local elections, return to Committee for State Security (KGB) style tactics against civil society

activists and journalists by the Security Service and resumption of censorship in Ukraine's media. Limited and unpopular reforms were undertaken under the July 2010 IMF agreement during Yanukovich's first year in office, raising household utility prices and pension reform (raising the pension age of women from 55 to 60). The unwillingness of the Nikolai Azarov Government to raise household utility prices for a second time in April 2011 led to the suspension of further IMF tranches. In 2011 Ukraine's relations with the IMF and EU deteriorated.

Ukraine's implementation of the European Neighborhood Policy in 2010 was abysmal by the EU's own admission in its report released on the same day as the new ENP policy. The EU audit of Ukraine's Action Plan in 2010 found that Ukraine had regressed in all five areas the EU believes to be crucial to a 'deep and sustainable democracy' (European Commission – External Relations 2011). It is therefore surprising that Ukraine's Partnership with the EU lasted as long as one year in view of numerous examples of attacks on Ukraine's democracy by the Yanukovich administration. A *Wall Street Journal* (2011) editorial pointed out, the sentencing of Tymoshenko 'shows that Yanukovich isn't the newly minted democrat of 2010, but the same man whose election team in 2004 hacked into Ukraine's central election commission computer' (see also Harding 2011a).

Throughout 2010, the EU and US tempered their criticism of democratic regression in Ukraine without clearly defining 'red lines' that could not be crossed giving the illusion of a partnership. The EU and Ukraine continued to negotiate the Association Agreement throughout the attacks on Ukrainian democracy and only threatened to derail talks after Tymoshenko was sentenced. The 'red line' became too closely associated with Tymoshenko when in fact she was but the most well known of a large number of political activists who had been repressed. Former Interior Minister Yury Lutsenko had been in jail since December 2010 on flimsy charges of over-paying his chauffeur and was sentenced in February 2012 to four years imprisonment. Riabchuk (2011) writes:

From the EU's point of view, Yanukovich has overstepped the mark. He ignored, in a rather arrogant way, all the signals. For Yanukovich, however, it was not so clear why this particular straw should have been the one to break the camel's back. After all, the West has tacitly accepted much heavier breaches of the democratic code – starting with the 2010 parliamentary coup. Why should this line really be red, since it has never been clearly defined?

### **Disillusionment (2011–)**

Yanukovich's foreign policy is different to that pursued by *both* 'pro-Russian' Kuchma and 'pro-Western' Yushchenko. In 1994–99 the NATO card was used by Kuchma to pressure Moscow to respect Ukraine's sovereignty and territorial integrity. Ukraine joined NATO's Partnership for Peace (PfP) in January 1994 and a NATO Documentation and Information center was opened in Kyiv in 1997, the second after Moscow. Under Kuchma, Ukraine became the most active PfP member from the CIS and developed extensive levels of cooperation with individual NATO countries, such as the UK and US. In order to balance against Russia and break out of international isolation, Kuchma sought NATO membership in July 2002. This step was reinforced a year later by Russia's threat to annex the Tuzla Island lying off the eastern coast of the

Crimea and led the president to authorize the sending of the largest contingent of troops from a non-NATO member to US-coalition forces in Iraq.

In contrast, Yanukovich and the Party of Regions have always adopted a multi-vector approach to NATO. The 2002–04 Yanukovich Government supported Kuchma's two requests to enter NATO MAP's at the Prague and Istanbul summits in 2002 and 2004, respectively and his government backed the sending of Ukrainian troops to Iraq. The 2002–04 Yanukovich Government fulfilled two NATO Action Plans that differed little from a MAP. Parliament's approval of a 2003 law on national security that enshrined Ukraine's desire for NATO membership was adopted unanimously by parliament, including by Party of Regions deputies.

Nevertheless, in 2004, when Ukrainian troops were still based in Iraq, the Yanukovich presidential election campaign unleashed an anti-American campaign directed against Yushchenko whose wife is a Ukrainian-American (Kuzio 2004). In opposition in 2005–06 and 2007–09, the Party of Regions aligned with the extreme left and Russian nationalists to oppose security cooperation with NATO but after returning to power in 2006–07 and since 2010 has supported security cooperation. It is therefore disingenuous of Yanukovich to say that relations are 'comfortable for both Ukraine and NATO. They are open and honest, at least' (*Ukrayinska Pravda* 2008). There has never been honesty in Yanukovich's and the Party of Regions relationship with NATO.

Although Prime Minister Yanukovich had supported NATO membership President Yanukovich moved quickly to remove it from the agenda. In April 2010, the National Centre for Euro–Atlantic Integration, which assessed the implementation of annual Action Plans, and the Euro–Atlantic coordination body under the Cabinet of Ministers were both abolished. In the same month, during Yanukovich's visit to the US, he nevertheless said, 'The relations between Ukraine and NATO are not going to change' and 'They will stay on the same level and with the previous attention' (Diehl 2010).

In July 2010, the Ukrainian parliament voted for 'The Fundamentals of Domestic and Foreign Policy' law that dropped the goal of seeking NATO membership. As with the April 2010 Black Sea Fleet base extension, the law was railroaded through parliament after ignoring 420 proposed changes by the opposition and the scrutiny of parliamentary committees. Our Ukraine deputy Vyacheslav Kyrylenko described the vote on such an important issue of national security as a 'farce', adding '[Parliament's] hall is a pure profanation of the democratic process' and parliament had become a 'rubber stamp body' (*Ukrayinska Pravda* 2010a). The vote was timed to occur before US Secretary of State Hillary Clinton's arrival in Kyiv on the following day.

Ukraine's 'non-bloc' neutrality can be criticized on three grounds. First, it is not supported by any increase in the defense budget which has in fact been slashed. Neutral Sweden and Finland spend between \$608 and 745 per citizen on defense while Ukraine spends only \$26 per citizen. Second, neutral countries do not host foreign military bases while Ukraine has agreed to a long-term foreign military base. Third, Yanukovich allegedly supports Ukraine's membership in the EU which is also a bloc that has an evolving and expanding European Security and Defense Policy (ESDP). Yanukovich's non-bloc status is therefore a product of traditional Soviet anti-NATO sentiments rather than backing for a European neutral status.

Yanukovich has been intensively pressured by Russia to drop his support for European integration and join the CIS Customs Union between Belarus, Kazakhstan

and Russia in exchange for ‘discounted’ gas. Kyiv’s official response has been that Ukraine as a WTO member cannot join a Customs Union with three countries who are not WTO members. In addition, the EU has warned that countries can only join one Customs Union and therefore Ukraine should decide whether this would be the CIS Customs Union or the DCFTA with the EU. Yanukovich has supported the DCFTA over the CIS Customs Union while at the same time undermining ‘European values’ at home that are incompatible with Ukraine’s integration into Europe.

Yanukovich’s aim is to obtain the trade and economic benefits of a DCFTA without pursuing the political requirements of an Association Agreement. At the 2010 YES (Yalta European Strategy) summit, Yanukovich never once mentioned Ukraine’s desire to join the EU, stating Ukraine, ‘will choose the speed, form and methods of integration that conform to its national interests’ (Leshchenko 2011). Yanukovich is the first of four Ukrainian presidents to be perceived in Brussels and Strasbourg as weak on EU membership, as reflected in remarks made at the YES summit by Elmar Brok, member of the European Parliament’s Committee on Foreign Affairs (*Kyiv Post* 2010). On the eve of Yanukovich’s October 2010 visit to France, French experts reached similar conclusions (*Ukrayinska Pravda* 2010b).

The EU and US face a dilemma. On the one hand, the West has been critical of democratic backsliding under Yanukovich, as seen in the condemnation of Tymoshenko’s imprisonment, but this has not translated into ‘sticks’; that is, Belarus-style sanctions. The EU uses both ‘carrots’ and sticks’ when offering membership of the union but is reluctant to use ‘sticks’ when only offering enlargement-lite; that is an Association Agreement and DCFTA. The ECFR issued a lengthy analysis of EU policy toward the Eastern Partnership in which it lamented the fact ‘The EU approach has been based on offering some carrots and using almost no sticks’, except in the case of Belarus (Popescu and Wilson 2011). The only Eurasian country against whom there are EU and US sanctions is Belarus that are not applied against six other authoritarian regimes in the CIS. Visa denials of Ukrainian officials are possible but these are unlikely to be drawn up unless the 2012 elections are denounced as not having been compatible with democratic standards.

Ukraine and the EU were moving toward the DCFTA and Association Agreement at the same time as Ukraine is consolidating an authoritarian regime (as most vividly seen by Freedom House’s demotion of Ukraine in 2011 from a ranking of ‘Free’ to ‘Partly Free’). Until Tymoshenko’s imprisonment, the EU was sending a signal that there was no incompatibility between growing authoritarianism and Ukraine’s Association Agreement and DCFTA. EU policy would seem to be to encourage democratization in ‘enlargement-heavy’ (membership) and be willing to accept semi-authoritarianism in ‘enlargement-light’.

Anchoring Ukraine inside a DCFTA and Association Agreement, while not the same as EU membership, would bring immense benefits to Ukraine but these should not come at the expense of turning a blind eye to the very ‘European values’ that the EU espouses. In May 2011 the EU unveiled ‘A new and ambitious European Neighborhood Policy (ENP)’ in which it stated: ‘A functioning democracy, respect for human rights and the rule of law are fundamental pillars of the EU partnership with its neighbors’. The EU’s new policy guidelines define ‘deep and sustainable democracy’ as including ‘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 force' (New and Ambitious Neighborhood Policy 2011).

Under Yanukovich a virtual dialogue between both the EU and Ukraine was clearly seen when on *every* occasion Ukrainian President Yanukovich, Foreign Minister Kostyantyn Gryshchenko, Prime Minister Azarov and senior Party of Regions deputies brushed aside Western criticism of democratic regression and selective use of the judiciary. Party of Regions deputies have routinely lambasted Western criticism using Soviet style language reminiscent of the pre-détente era. The most prominent example of the lack of dialogue in 2010–11 was continued use of political repression to intimidate Ukrainian society, policies condemned in 9 June and 27 October 2011 European Parliament resolutions (European Parliament 2011a, 2011b). Politically inspired criminal charges were not halted, as the West demanded, and instead the authorities added new criminal charges to existing ones against Tymoshenko. Despite widespread Western condemnation of the Tymoshenko imprisonment on 11 October 2011 the Security Service launched three new charges against her in the next six months that included payment for a contract killing in 1996.

While the 2009 Ukrainian–Russian gas contract was poorly drafted, political decisions by outgoing administrations should not be the subject of politically inspired criminal charges. The European Parliament resolution: 'Reminds the Ukrainian authorities that the principle of collective responsibility for the decisions of the government does not permit the prosecution of individual members of the government for decisions that were taken collegially'. Ukraine's energy sector is full of skeletons in very many closets and such charges could be applied against most members of Ukraine's elites.

If the Ukrainian authorities are unwilling to heed any EU and Western criticism of democratic failings when Ukraine is outside the DCFTA and Association Agreement there is no likelihood they would do so when Ukraine is inside the trade agreement. There is no mechanism for suspending or expelling countries from the DCFTA and Association Agreement and therefore it is important to lay the ground rules *before* Ukraine joins. EU members believe it would have been better to ensure Romania and Bulgaria got it right *before* they joined the EU in 2007. The seven-year sentence and three years ban from official positions against Tymoshenko is intended to prevent her from standing in the next four elections and to intimidate the opposition in general. The OSCE and Council of Europe will be unable to define Ukraine's elections as having been held in accordance with democratic standards if opposition leaders are in jail. A second factor that will lead to the OSCE to denounce the 2012 elections is the adoption of a new election law that the Council of Europe's Venice Commission and International Foundation for Election Systems condemned for favoring the ruling Party of Regions (Venice Commission 2011, International Foundations for Electoral Systems 2011, Joint Opinion on the Draft Law on Election of People's Deputies of Ukraine 2011).

Negotiations between the EU and Ukraine for an Association Agreement (within which is included the DCFTA) were completed in October 2011 in the same month as Tymoshenko was sentenced to seven years imprisonment. In protest the EU cancelled Yanukovich's planned 20 October visit to Brussels. At the December 2011 EU-Ukraine summit in Kyiv the EU refused to initial the Association Agreement, the purely technical first stage in the process that signals the end of negotiations and

completion of a final document. The EU did not wish to give President Yanukovich a propaganda victory at the summit. Germany's position of using Ukraine's deteriorating human rights position to thwart 'enlargement-lite' out of fear it could one day become 'enlargement-heavy' won out over the Polish argument to bring Ukraine inside the Association Agreement in order for the EU to have leverage over it and to thwart the country moving under Russia's sphere of influence. The possibility of the EU undertaking the second and third stages (signing by the Council of Europe followed by ratification by the European Parliament and parliaments of 27 EU members) are dependent upon democratic changes in Kyiv, the EU have stated, including Tymoshenko's release from prison and her being permitted to participate in elections. Signing and ratification will be therefore frozen if democratic regression inside Ukraine continues unabated and the 2012 elections are not internationally recognized which they cannot be if opposition leaders remain in jail. At the same time as Ukraine's negotiations with the EU are frozen Moldova and Georgia's negotiations with the EU for Association Agreements are becoming more advanced. With NATO and EU membership closed, Russia will have achieved its objective of ensuring Ukraine's only integration option is within the CIS. Moscow received one of two major strategic objectives in Ukraine when the 'Kharkiv Accords' extended the 1997 Sevastopol treaty as a base for the Black Sea Fleet until 2042–47. Russia's second strategic objective is to gain control over Ukraine's gas pipelines through a consortium that would be controlled by Moscow.

### **Conclusion**

During the last two decades Ukraine has experienced cycles of Disinterest, Partnership and Disillusionment that have become shorter. Under Kravchuk (1991–94) there was Western Disinterest in Ukraine coupled with a 'Russia-first' US policy to Eurasia. The EU continued to pursue Disinterest to Ukraine and the CIS until 2007–09 when the EU launched negotiations with Ukraine for an Association Agreement, Ukraine joined the WTO and the Poles and Swedes lobbied the EU to launch the Eastern Partnership. During Kuchma's first term (1994–99) Ukraine experienced its longest Partnership with the US and NATO. The Partnership turned to Disillusionment during Kuchma's second term in office (2000–04). Following the Orange Revolution and Yushchenko's election a promising Partnership opened up with the US and NATO that gave Ukraine the first possibility of Ukraine joining a Euro-Atlantic organization, NATO. The Partnership quickly evaporated into Disillusionment in 2007 with the onset of Ukraine's third political crisis since 2005, return of Yanukovich to head the government and feuding between orange leaders.

At the same time, the election of Obama changed US policies towards Ukraine and Eurasia leading to a resumption of Disinterest found in the early 1990s. US Disinterest, brought on by pre-occupation with the economy and other foreign crises and military commitments, was deepened by Ukraine fatigue under Yushchenko and the disinterest in NATO membership by Yanukovich who came to power in 2010 and his innate suspicion of the US. The EU's Partnership with Ukraine in 2007–10 evaporated in the face of democratic regression. Partnership with Yanukovich in 2010 had been on illusions that he had become a democrat and would bring the stability to Ukraine that the country had lacked under his predecessor. The honeymoon the West gave Yanukovich disintegrated into Disillusionment in 2011

as Ukraine's democracy came under sustained threat and relations deteriorated with the West. Disillusionment will be compounded by election fraud in the 2012 parliamentary elections that will further isolate Ukraine from Euro-Atlantic structures ahead of the 2015 presidential elections.

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