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Europe's Test For Ukraine

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The recent start of the trial in Kiev of former Ukrainian Prime Minister Yulia Tymoshenko, one of the leaders of the Orange Revolution, on charges of abuse of power raises grave concerns about President Viktor Yanukovych's commitment to democracy and the rule of law. In reality, it is his regime, not Tymoshenko, that is on trial, along with the European Union's willingness to stand up for democracy in a large and important neighbor.

As the EU and Ukraine start another round of negotiations for a Deep and Comprehensive Free Trade Agreement, the EU should not repeat its mistakes in accession negotiations with Bulgaria and Romania, which most EU members believe were admitted prematurely, or with Belarus, where it failed to define impermissible behavior in 2008-10. Instead, the EU should conclude the free trade agreement with Ukraine only if the Yanukovych administration demonstrates clear commitment to European values.

Anchoring Ukraine inside a free trade and political association agreement would undoubtedly bring significant benefits to the country and strengthen its European ties. But these benefits should not come at the expense of turning a blind eye to the democratic norms that the EU

claims to espouse.

During the 18 months since Yanukovych's election as president, the United States, the EU, the International Monetary Fund and other international organizations have published detailed reports about Ukraine's lack of progress in implementing economic and political reforms and reducing corruption. The IMF suspended its July 2010 standby program after Ukraine failed to implement a second round of reforms. Leading nongovernmental organizations such as Freedom House and Reporters Without Borders have documented the country's steep slide away from democracy.

The clearest example of the Yanukovych government's undemocratic methods is its repression of its opponents, which the European Parliament sharply criticized in a resolution issued on June 9. During the 18 months of negotiations, the Ukrainian authorities have added new criminal charges to existing ones against Tymoshenko and 12 members of her government that ruled from 2007 to 2010.

Many of the charges border on the absurd, while others are attempts to criminalize political decisions. For example, former Interior Minister Yury Lutsenko has been charged with having used government funds to pay for a Police Day holiday. Anti-tax protesters are accused of having damaged tiles on Kiev's Independence Square.

To maintain the credibility of its European Neighborhood Policy, the EU should take three important steps. First, it should draw clear red lines regarding what constitutes impermissible behavior for the Yanukovych administration. The EU should make clear that Ukraine needs to demonstrate a tangible commitment to European values and standards.

Second, the EU should insist that Ukraine continue to abide by the conditions stipulated in its IMF program. This is important because Ukraine has only partly fulfilled IMF agreements that it signed in 1994, 2008 and 2010.

Finally, the EU should insist that Ukrainian authorities halt all politically motivated criminal cases and release those who are incarcerated for political crimes. Selective use of justice has badly damaged the Yanukovych administration's reputation. Steps in this direction would greatly improve the Ukrainian government's relations with the EU and the United States.

These three steps would not resolve all of the difficulties in Ukraine's relations with the EU. But they would lay down important guidelines and help insure inclusiveness and transparency in Ukraine's reforms process. They would also enhance the credibility of the EU's commitment to promoting democratic reform as a core element of the European Neighborhood Policy and provide a clear roadmap of the steps Ukraine must take before a free trade agreement can be concluded.

It is not too late to bring Ukraine back to a democratic course. Most Ukrainians yearn for a European future and would turn against any government that precluded such a course. Yanukovych knows this. Does the EU?

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