

Under reconstruction! We apologize for the absence of certain materials.**WHAT DID THE UKRAINIAN AUTHORITIES PROMISE NATO?**

25 January 2003

On Wednesday, 22 January, the NATO-Ukraine Action Plan, approved by both parties at the NATO summit in Prague in November 2002, was published on the web-sites of the Ministry of Foreign Affairs of Ukraine and NATO. The text is also available on the site of the Internet newspaper "Ukrainska Pravda".

The Action Plan was created following Ukraine's decision to move towards full membership in the alliance, taken last May. It builds upon the Charter on Distinctive Partnership between NATO and Ukraine.

To support the Action Plan, the 2003 Annual Target Plan was developed. It is supposed to include specific measures, rather than political declarations, that would convince our NATO partners of the sincerity and meaningfulness of Ukraine's intentions to join the alliance.

Both the Action Plan and Annual Target Plan were coordinated during the Prague summit as a package. The former has been published, the latter is accessible to NATO yet it still remains unknown to the Ukrainian public, although, importantly, neither document has ever been referred to as "classified". They bear the NATO seal "NATO-Ukraine restricted", which is equivalent to our "for administrative use". Of course, Ukraine should have NATO's consent to publicize the Annual Target Plan, but there is no doubt that Ukraine would be given such consent as soon as it asked for it: the country is one of the document owners. Moreover, there is not one word in the Plan (let alone figures that are absent from it whatsoever) that constitute a state secret. It would be a good move to publish the Annual Target Plan in for public to know how rapidly we are advancing towards joining NATO, and if we are advancing at all. They have good reasons to pose such questions to the country's leaders.

We asked the Razumkov Centre President Anatolij Hrytsenko to comment on the NATO-Ukraine Action Plan and the 2003 Annual Target Plan (ZN has the text of the latter). Below is what he told us.

I think, that the three most distinct features of the published NATO-Ukraine Action Plan are its correctness, carefulness and declarative character. It does, indeed, formulate, clearly and exactly, major objectives the attainment of which will bring Ukraine closer to the European values and standards. The document has a much broader focus than simply the defence aspects of Ukraine's cooperation with NATO; it defines such "non-military" aims as ensuring freedom of expression, developing and strengthening a civil society, promoting citizens' fundamental human rights and freedoms, resolving essential economic and social problems. It is of major importance that our country has voluntarily made such a strong commitment and laid down the relevant mechanisms of its control in cooperation with NATO member states.

Although the Plan only once and cautiously mentions the "long-term goal of NATO membership", we have counted nine covert versions of the term, for example, "Euro-Atlantic integration", "integration into Euro-Atlantic security structures", etc. This cautiousness seems surprising for two reasons. First, the goal of Ukraine's accession to NATO was proclaimed in the Strategy on Relations with the North Atlantic Treaty Organization adopted at the CNSD session in May last year, and President L.Kuchma has stated publicly on several occasions that "we are moving towards NATO membership". Second, there is no use pretending that diplomats alone are conversant in European politics. There are only two European security structures - OSCE and NATO, and we integrated into the former long ago. Therefore, the circumspect term "Euro-Atlantic security structures" used in the Action Plan designates NATO and nothing else.

Third, does anyone need to be reminded that we live in Ukraine, rather than in the USSR, and that it is 2003, rather than 1990? The outcomes of the Razumkov Centre polls show that, notwithstanding the lack of governmental campaigning for NATO membership and the open criticism of NATO politics on the eve of the Prague summit, 27%-32% of Ukrainian people would agree to Ukraine's joining the alliance should a referendum on this be conducted today. Nor should the executive power be apprehensive of Parliament's reaction and resort to vague wording: the Rada of today is likely to support Ukraine's accession to NATO with a constitutional majority of votes.

And yet the Action Plan, no matter how appropriately written, can be read, or interpreted, in different ways and, moreover, fulfilled in different ways. Frankly, there is nothing new in it: a similar list of declarations can be found in the Constitution, effective laws, presidential messages and decrees, governmental resolutions and programmes. Yet none of the above has been duly enforced so far. Will the adoption of the Action Plan lead to a breakthrough in the country's social development and foreign policy? Maybe, though there is not much optimism for this.

Unlike the Action Plan, the 2003 Annual Target Plan is a more substantial document: it provides for 259 specific measures conducive, in the developers' opinion, of gaining of the aims set out in the Action Plan. However, only 51 measures are described in concrete (non-declarative) terms, with clearly defined timeframes within the current year, presupposing certain practical actions and close control of their implementation. Interestingly, almost all of these specific actions are in the competence of the Ministry of Defence, which distinguishes it favourably from other ministries and agencies that took part in the document drafting under the aegis of the Ministry of Foreign Affairs.

Timelines for 88 (34%!) of measures are not determined at all, the corresponding columns are empty; those for another 65 (25%) measures are very vague - "during the year" - and reminiscent of the manner used by former ingenious communist party secretaries to evade responsibility when controlled by their party bosses. Another 36 (14%) activities are to be performed in Q4 or "by the end of the year". Thus, as little as 27% of the Annual Target Plan is expected to meet the deadlines. Given that many of the measures with defined timeframes envisage either the most generalized activities (like "organizing an information exchange", "updating databases", "developing proposals", "integrating tasks", etc) or holding bilateral meetings, seminars, conferences and symposia, the year is not going to be intensive and challenging. Messrs Symonenko and Chernomyrdin have nothing to worry about: moving at such a speed we will not get to NATO any time soon.

Another fact deserves consideration. Strange as it may seem, the Ukrainian party developed the NATO-Ukraine individual partnership programme for 2003 without due regard of the new situation resulting from the adoption of the two essential instruments - the Action Plan and Annual Target Plan. As has become traditional over the last eight years, Brussels sent a list of various measures and activities out of which Kyiv selected the most attractive ones (not the least important selection criterion being the country hosting such activities), and the programme was ready. Today the 2003 individual partnership programme has to be reviewed and adjusted accordingly, the possibility of periodical revisions being foreseen in the document.

To return to the Annual Target Plan, its designers showed a certain misunderstanding of the depth and scope of the internal political problems inherent in the Ukrainian society, of constitutional, administrative, pension and agrarian reforms in what concerns their essence, mechanisms and terms of their implementation. According to them, for instance, the objective of ensuring "balance between the three branches of power - legislative, executive and judiciary - through constitutional and administrative reforms and their effective cooperation" is easy to achieve by taking three measures: (1) "forming a Constitutional Commission"... (Q2); (2) "commencing work towards preparing respective constitutional amendments aimed to reinforce local self-government bodies and judiciary, in particular, through the direct elections of governors" (Q1); (3) "developing a draft Municipal Code of Ukraine". Experts will understand that if the abovementioned Constitutional Commission starts working next summer, the presidential initiatives will be buried along with the political reform. Supreme Rada Speaker Volodymyr Lytvyn made a public statement to this effect. Furthermore, why is the reform reduced to the local self-government level, aren't we planning to redistribute powers within the "Parliament-President-government" triangle, to enhance Parliament's responsibility and grant more independence to the Cabinet as promised by many, including the Speaker, President and Prime Minister? And what about the election of governors? Are the Plan developers not aware that the President opposes this step? Or, on the contrary, do they know more than L.Kuchma chose to reveal in his public announcement?

The Plan confines the administrative reform to revising the country's administrative-territorial division, leaving 95% of its actual tasks in brackets. On the other hand, pension and agrarian reforms are to be completed within this year. Such unrestrained optimism is enviable, of course, but I remember hearing from our authorities that it would take 4-5 years and 30 new laws to implement the agrarian reform after the Land Code was passed, which, in fact, never happened. And given that Parliament had very little time and opportunity to do legislative work last year... The prospect looks bleak.

Some of the cooperation objectives do not envisage any activities for the current year. They are enumerated in the Plan, but the measures to gain them are not elaborated. The Plan includes seven objectives of this kind, two of which seem to be vital for Ukraine, in particular: "creating the necessary preconditions for the establishment of a middle class" and "guaranteeing the economic rights and freedoms of citizens in all forms..." These objectives are not new for Ukraine's economic development; the President has repeatedly formulated them in his messages and decrees. Which make it the more saddening is that the authorities are not going to take any practical steps towards these vital goals.

Some of the planned events are unjustifiably delayed. We in the Razumkov Centre think that it is unacceptable (though the Plan developers might have done this on purpose). For example, according to the Plan, the objective of "continuing work to draft a law aimed to lift restrictions on incorporating informational agencies by foreign nationals and legal entities" is to be achieved some time in 2006. Bearing in mind that "continuing work" does not mean "adopting the law", we should not expect this issue to be finally resolved in Ukraine in the foreseeable future.

Surprisingly, the task to "attract donors to the consultation process with a view to revising the rules and legislation allowing the channeling of donor assistance to non-governmental organizations fostering the development of civil society in Ukraine" is postponed till the second half of the year. The Plan only refers to consultations: by proposing to meet in six months and have a talk, the authorities avoid committing themselves to paying heed to the donors' wishes or guaranteeing that the relevant rules and laws will be revised as required by a civil society and within reasonable terms. In the meantime, the Foreign Ministry can go on instigating the Cabinet of Ministers' orders interdicting the registration of USAID projects in Ukraine, artificially slowing down the registration of other Western funds and projects, as many of those in power are sick and tired of the talk of a civil society with its non-governmental sector and independent mass media.

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Neither do we consider appropriate to put off till Q4 the adoption of the Law "On State Control over International Transfer of Military Equipment and Dual Use Goods", as well as the respective amending of the Administrative and Criminal Codes. In view of the Kolchuga affair, these laws should be passed immediately to facilitate the restarting of Ukraine's international image.

The Annual Target Plan contains a host of inconsistencies reflecting the developers' total lack of understanding of the nature and the scope of the challenges faced by Ukraine, as well as their inability to suggest ways of solving them. We will give a number of examples so that our readers can not regard this conclusion of ours as simply a snap judgment.

The objective of ensuring "the freedom of assembly" is to be achieved through two activities - "organizing an assembly with the representatives of non-governmental organizations and civil society"(without any specified timelines) and "holding consultations with interested international organizations" (with no indicated terms again). And that is it. An assembly and consultations are important, no doubt. Yet they will not eradicate the common practice of local authorities banning protest rallies or refusing to provide premises for election candidates' meetings with voters or else inspire local residents to complain against the rally organizers and demand that the latter should be sued.

Another example: the Plan developers believe that in 2003 the "reform of Defence Economics" should be limited to three events: "organizing a seminar", "conducting consultations" and "holding a meeting of the NATO-Ukraine Joint Working Group" (no timeframe is set for the first two activities). Obviously, as in the previous case with a civil society, the authorities are not in a hurry to reform the defence industrial complex.

The objective of undertaking "economic and structural reforms", according to the Plan, is to be gained through the single measure of "conducting the audit of state-owned assets and establishing registry of state-owned assets"(no terms specified). Not impressive, is it?

The objective "to limit the gap in real incomes between the high and low income population and strive towards the elimination of poverty" is sustained with one activity again, that being the "implementation of a minimum hourly wage" (December 2003). This is, undoubtedly, an important step to make, but I will venture the suggestion that it will not, in and of itself, eliminate poverty and the existing, outrageous for a European country, social stratification of a small group of the extremely rich and dozens of millions of the poor. Can't anything be done about it?

The task for Ukraine "to be a key contributor to regional stability and security, including to enhance Ukraine's contribution to the international cooperation in conflict settlement and peacekeeping" is supposed to be performed through Ukraine's sharing its peacekeeping experiences with the GUUAM member states and the Caucasian and Central Asian countries, "maintaining political dialogue between Ukraine and NATO" and "holding NATO-Ukraine consultations" ("during the year" or with no specific timeframes). I do not think this is a realistic way for a country, especially with aspirations towards exercising regional influence, to become a key contributor to anything. We should be more modest in evaluating our own resources and capacities. If Ukraine is incapable of independently maintaining its peacekeeping unit in Kosovo and regularly seeks financial assistance from the USA and other NATO member states, we should hold back on declarations of "key contributions", for the time being.

The Plan developers assume that an objective of vital importance for the country, namely "to improve security of its energy supply" can be achieved entirely through "ensuring appropriate physical protection of transit pipelines" (no terms specified), full-stop. Not a word about the safety of NPP units and dams on the Dnipro River, about the mining industry reform, about the diversification of power supply sources, about the "Odessa-Brody" oil pipeline project, about concrete steps to reduce the GDP power intensity to European standards, about the restorable power sources, etc, etc, etc. Further examples are readily available, but even at this point the following three conclusions seem evident.

First, one should be ashamed of producing such significant documents so inadequately. The developers' feeling ashamed, rather than afraid of possible public criticism in the event of non-implementation of some activities, presumably, accounts for the fact that the Annual Target Plan has not been published yet. And isn't it embarrassing that the officials hesitant about presenting the document for public judgment risk submitting it to the NATO summit? Aren't any of them concerned about the country's international image and standing, or will they go on blaming every lapse on the opposition?

Second, a document of this strategic importance for the state and society at large should not be drafted by a small group of bureaucrats in the government: the outcome shows that those bureaucrats were not the most assiduous, responsible or best qualified for the job. Had MPs, academics, independent experts been involved in the Annual Target Plan drafting, it could have been an effective and valuable instrument, and it could have been developed over a relatively short period of time. Hopefully, the National Centre for Euro-Atlantic Integration, set up in January and headed by V.Horbulin, will revise the Plan thoroughly and adjust it as required. The Centre's cooperation with Parliament, which, according to the Plan, is vested with the primary responsibility for its implementation, could result in setting realistic timeframes for adopting the necessary legislative framework.

Third, such important documents should not be kept secretly in ministerial offices; not only our NATO partners, but also the Ukrainian people should be made aware of their contents. The publication, popularization in the media and wide public discussion of the Annual Target Plan could consolidate society and encourage its support of the authorities' effort in this strategic area.

NATO is, first and foremost, a stronghold of European democratic values and the guarantee of their protection. Upon reading the above Plans one can rest assured that Ukraine will eventually be able to guarantee military protection against external threats, but in what concerns values, their establishment, legislative and legal protection against internal threats (coming, primarily, from the state) - no such guarantees can be given.

At the same time, over these last years we have come to realize what values are fostered in NATO countries, what these countries expect from Ukraine and how Ukraine can benefit from joining the alliance. In principle, we know what Ukraine should and what it should not do to be viewed as a successful candidate for membership.

For some time, the adopted plans can serve as a new toy our diplomats can use to entertain and pacify the international partners who are truly aware of what is going on in the country and who are truly concerned about our future. We can pretend to be fulfilling our plans, and the NATO partners will listen to our formal reports with a condescending smile, many - without really caring.

Alternatively, these plans, upon being revised and improved, can become locomotives pushing our country ahead, if not towards the full NATO membership, at least to NATO values (which is more important). These plans open up for Ukraine a unique opportunity to remind Brussels about itself six times a year: twice at the Defence Ministers' meetings, twice at those of the Foreign Ministers and Ambassadors to NATO. Ukraine's active advancement, provided there is one, will help to restore the shattered confidence and to give new momentum to its cooperation with the alliance.

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