

UKRAINE'S ELECTION: NEXT STEPS

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UKRAINE'S ELECTION: NEXT STEPS

TUESDAY, DECEMBER 7, 2004

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 10:33 a.m., in room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. Although far away and unfamiliar to most Americans, Ukraine is presently a host to a dramatic struggle between the past and the future, between liberty and oppression. It is a struggle for the future of one of the largest countries in Europe, one which has been reborn after centuries of oppression, including the deliberate engineering by the Soviet regime of an artificial famine in the 1930s that killed more than 5 million people in an attempt to destroy the Ukrainian nation once and for all.

This contest is being played out in the ongoing election for the next President of Ukraine. But the stakes extend far beyond Ukraine itself and embrace the security of the European continent and, by extension, that of the United States.

Since before recorded history, Europe has suffered repeated invasions from the East. Over the past three centuries, first the Russian and then the Soviet Empire subjugated much of Europe and imposed a waiting, permanent threat to the rest. By 1945, Soviet armies were massed in the heart of the continent, having overrun Central and Eastern Europe and poised to conquer the rest. It was this overwhelming threat that necessitated the historic guarantee of Europe's security by the United States and brought about the formation of NATO.

With the collapse of the Soviet Empire, its menace disappeared as well. But we have too quickly and mistakenly become used to the idea of permanent peace. There is no guarantee that a similar threat from the still unsettled East can never be reconstituted, no guarantee, that is, except for an independent Ukraine.

Without Ukraine's 50 million people and extensive resources, and denied access to a strategically situated territory larger than that of France, no would-be imperial power could easily assemble a threat to Europe. An independent Ukraine, allied to the West, then, is the key to security in the East.

Freed from the Soviet Empire for only 13 years and ruled by remnants of that regime, Ukraine is being pulled in opposite directions, toward integration with the West or toward a closer relationship with and increasing dependence on Russia. The former would

secure Ukraine's independence. The latter is a road leading perhaps to a progressive loss of autonomy and potential subjugation by some new overlord.

These two new positions are given form by the two candidates for President. As the world is aware, the election was so compromised by open fraud that Ukraine's population took to the streets determined to preserve their new-found liberties and to prevent the installation of an illegitimate regime. Given that resistance, and near universal condemnation by the international community, the once all-powerful Government has been forced to admit that the election it presided over was fraudulent and to agree to a new runoff now scheduled for December 26th.

I focus on the need for an independent Ukraine, but also stress the importance of democracy. Why is the latter important? Because if Ukraine's independence is to be made secure, it must be fully integrated into and protected by the West and its institutions. I don't know what the European Union may do toward this end, but I believe that Ukraine's independence can only be guaranteed by its becoming a full member of NATO. It can become a member of NATO only if it has become a true democracy. Full membership may not be possible in the immediate future, but many of its benefits can be harvested by making our commitment clear now.

Given that Russia is usually cited as the principal threat to Ukraine, it may surprise many to hear that among the greatest beneficiaries of a guarantee of Ukraine's independence would be the Russian people. For centuries, the greatest enemy of those promoting democracy and freedom in Russia has come from its leaders' pursuit of empire, a goal that required autocratic rule and a massive military establishment to accomplish. Without the prospect of dominating Ukraine, the Russian people will at last be liberated from their leader's vision of an empire in Europe, one that has been instrumental in justifying their long centuries of oppression.

On June 6, 1944, American and allied forces landed on the beaches of Normandy to begin the liberation of Europe. It did not end in 1945. We have steadily advanced in that mission for over half a century, first freeing and transforming Western Europe and then embracing the countries of Central and Eastern Europe. With Ukraine's democratization and its integration into NATO, we will have achieved the last great peace remaining in our effort to liberate and secure Europe that began on those beaches so long ago.

I am pleased to recognize the Ranking Minority Member, Mr. Lantos, for such remarks as he chooses to make.

Mr. LANTOS. Thank you very much, Mr. Chairman.

Let me first commend you on a serious and thoughtful opening statement, with which I would like to identify myself, and commend you for taking full advantage of the little time remaining in the 108th Congress to hold this important and very timely hearing.

Chairman HYDE. Thank you.

Mr. LANTOS. Mr. Chairman, let me preface my remarks by welcoming our distinguished witnesses today. My friend, Senator Richard Lugar, Chairman of the Senate Foreign Relations Committee, served as President Bush's personal representative at the Ukrain-

ian elections and saw firsthand the egregious violations and falsifications that took place.

Parenthetically, I would like to congratulate Senator Lugar on receiving last night the W. Averell Harriman Award from the National Democratic Institute, which recognized both Senator Lugar and my good friend, Senator Joe Biden, for their efforts to forge a strong bipartisan consensus in the Senate on the promotion of democracy worldwide. We salute you, Senator Lugar.

My dear friend, Congresswoman Marcy Kaptur, who will speak shortly, is the Co-Chair of the Congressional Ukrainian Caucus and an internationally recognized leader on human rights and democracy, and we are delighted to have Congresswoman Kaptur with us.

I also welcome Deputy Assistant Secretary John Tefft, who has a long and distinguished career in the region, and I look forward to hearing more from him.

Mr. Chairman, the situation in the Ukraine today is both volatile and complex. It is far from a case of the good guys versus the bad guys, or East versus West, as a reading of most of the media would suggest. I would like to focus attention on two significant aspects of Ukraine today that deserve much deeper and more sophisticated consideration.

First, it is important to realize that Russia is trying to reestablish the hold it enjoyed over its immediate neighbors under the Soviet Empire. Moscow wants to export its authoritarian society to all of the independent Republics, including Moldova and Georgia. Belarus is already a Russian satellite, and this power grid must be recognized in the context of the recent Presidential elections in Ukraine. Ever the eager overlord to his former colonies, Mr. Putin offered his congratulations to Prime Minister Yanukovich even before the Ukraine Election Commission issued its phony ruling.

Although there are exceptions among an enlightened few, Russia's leadership is a tiger that does not change its stripes. This was most vividly illustrated to me during a congressional visit in the early days of the post-Soviet Russian Federation when my colleagues and I met with President Yeltsin's then-Vice President, Alexander Rutskoi. On the wall of Vice President Rutskoi's impressive office there hung a giant map of the Soviet Union, a country which did not exist anymore. This made me curious, as it would never occur to me or to my friend Arnold Schwarzenegger to hang a map of the Austro-Hungarian Empire in our respective offices. When I asked Rutskoi why he continued to display the map, given that the country it depicted was gone, he replied that it is a map of the past, but it could possibly be the map of the future.

This attitude is exactly what we are witnessing today. Through all available means, Mr. Putin and a small junta of former KGB officials are reversing the democratic achievements of the past decade, not only in Russia but in Russia's neighbors. Putin is eager to export his authoritarian form of government to the entire region. It is distressing that the United States and Europe have done so little to counter this most dangerous of Russian exports. In fact, Russian neoimperialism appeared unstoppable until just 2 weeks ago, when the courageous Ukrainian people turned out by the hun-

dreds of thousands in subzero temperatures to protest the stolen Presidential elections, and I salute them.

There is a second underlying factor to the situation in Ukraine that I wish to address today, which in all this controversy has basically remained unspoken of. I am troubled by the misleading exuberant portrayal in the Western media of Viktor Yushchenko as a pro-Western hero with Western liberal values. Both Yushchenko and Yanukovich are products of the Soviet system, and it remains to be seen whether Yushchenko will live up to the high expectations we in the West, myself included, have for his candidacy. I am also pleased with his noncorrupt political record and his willingness to take on some of the oligarchs and his efforts to pass long overdue economic reforms. But I remain deeply distressed by instances of anti-Semitism among some of his supporters and his reluctance to condemn the resurgence of historic Ukrainian anti-Semitism in the press and in the public arena.

Not long ago, an article in a widely read opposition newspaper suggested that the Ukrainian Jews marched alongside Hitler's troops when they invaded Ukraine, a ludicrous and vicious lie. Some Ukrainian officials immediately called for the paper to be closed. But Yushchenko waived because he was unwilling to silence the voice of one of his supporters.

We all know that Ukraine has a horrible past in this respect, colored with the bloodshed of Cossack pogroms. But during the last decade relations between Ukrainian Jewish citizens and the State have improved tremendously, and there has been a renaissance of Jewish life in the Ukraine. Political leaders on all sides must be vigilant on this issue and not let any anti-Semitic events go unchallenged in a new Ukraine.

Mr. Chairman, despite my concerns about some political forces in the Ukraine today, the central goal of United States policy toward Ukraine must be to encourage its integration into Europe through the promotion of democracy, transparency, sound economic policies, and human rights.

Mr. Chairman, in that context it is obvious that the election in Ukraine last month was neither free nor fair. Our Government has said so. Our esteemed colleague Senator Lugar said so. The OSCE said so, and so did the European Union.

As a matter of fact, on the first day I was called by the BBC for my opinion on what is happening in the Ukraine, I strongly condemned the actions of the Ukrainian Government. When the interviewer asked well, how do you know? I said I know because my friend Dick Lugar said so, and that is all I needed.

I was particularly pleased to see the EU and the United States working closely together to resolve this crisis, and I want to especially commend the positive role of the President of Poland, Alexander Kwasniewski, for his participation in resolving this issue.

I believe that Ukraine's ability to conduct free and fair elections on December 26th will have lasting effects, not only on the future of Ukraine, but also on Ukraine's immediate neighbors, Georgia, Belarus and Moldova, and on the autocratic regimes in Central Asia that are slated to hold elections next year. In just 2 weeks, the peaceful and powerful democratic protests in the Ukraine spurred the Ukrainian Parliament to fulfill its obligations as a leg-

islature in a democracy and to dismiss the current Government. The protest sparked the rebellion among many of Ukraine's reporters and TV anchors, who refused to be a voice for Government-sanctioned news. The judiciary in Ukraine has also found its independent mission. We can only hope that the citizens of Russia and other former Soviet Republics will act similarly in the months and years ahead.

Mr. Chairman, the world held its breath in late November, as Ukrainians took to the streets. For those who favor freedom it has been a suspenseful and hopeful scene, reminiscent of the protests that swept away the Berlin Wall and burst the dam holding back democracy in Central Europe. As we gazed at the televised images of the banners and the vast crowd sporting orange scarves, we couldn't help but wonder whether they will have a similar effect, bringing change, not just to Ukraine, but starting a new passion for freedom throughout the entire region.

But as we consider today the way forward for Ukraine, we must remain vigilant so that the ugly remnants of the Ukrainian and Soviet past do not overwhelm what may be a promising future of democracy in the eastern part of Europe. Thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Lantos.

Mr. Leach, do you have an opening statement?

Mr. LEACH. I do, but I will put it in the record, with your permission.

Chairman HYDE. Without objection, so ordered.

Mr. LEACH. I would also like to simply express my appreciation that Senator Lugar has graced us with his presence.

Chairman HYDE. Thank you.

Mr. LEACH. But I am very doubtful he can trump the wisdom of the first two speakers.

Chairman HYDE. Thank you.

Mr. Paul.

Mr. PAUL. I don't have a statement presently.

Chairman HYDE. Thank you.

It gives me pleasure to welcome our first witness today, the distinguished Chairman of the Senate Committee on Foreign Relations, the Honorable Richard Lugar. Following the first round of voting for a new President of Ukraine on October 31st, and concerned by numerous first-hand reports of fraud, President Bush asked Senator Lugar to go to Kiev and underscore to President Kuchma and his Government the great importance that the United States placed on a free and fair election.

Unfortunately, the November 21st runoff between the top two contenders was marked by even more extensive and blatant violations aimed at ensuring that the Government's candidate won. Senator Lugar's public statements highlighting the massive fraud were instrumental in focusing international attention on the problem.

After several days of standoff and maneuvering, it now appears that a tentative deal has been struck between the opposing sides, and that a new vote will be held on December 26th. However, several steps remain before a vote can take place.

Today's hearing is intended to examine the many problems associated with the voting on November 21st and on how Ukraine can prevent these from recurring on December 26th, to assess the role

of Russia and the West throughout the election and post-election period, and to discuss the direction of United States policy with Ukraine.

Senator Lugar.

STATEMENT OF THE HONORABLE RICHARD G. LUGAR, A U.S. SENATOR FROM THE STATE OF INDIANA, AND CHAIRMAN, COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE

Senator LUGAR. Thank you very much, Mr. Chairman. Is my microphone on?

Thank you very much. I am honored to be with you today. I simply want to take this moment to thank you and Mr. Lantos for your leadership during this Congress. I know I speak for Senator Biden as well as for myself in indicating what a privilege it has been to work with this Committee and with the able staffs on both sides of the aisle. I think we have made headway on many pursuits, and we look forward to another good Congress of working together.

Mr. Chairman, I had the honor of being President Bush's personal representative for the November 21st Presidential runoff election in Ukraine. As I approached the responsibility, I noted publicly that I was not an advocate of either candidate in the election. My focus was to stress free and fair election procedures that would strengthen worldwide respect for the legitimacy of the winning candidate. The campaign for the President of Ukraine had already been marked by widespread political intimidation and failure to give equal coverage to candidates in the media. Physical intimidation of voters and illegal use of administrative and governmental authorities had been evident and persistent.

President Bush wrote in a letter, which I carried to President Kuchma, and I quote the President:

“You play a central role in ensuring that Ukraine's election is democratic and free of fraud and manipulation. A tarnished election, however, will lead us to review our relations with Ukraine.”

This is from the letter that I gave to President Kuchma.

In thoughtful and careful representation of President Bush's words, I visited with President Kuchma and with both candidates with explicit requests for them to terminate any further campaign violations, and I stated I had come to celebrate the building of strong, democratic institutions in Ukraine.

Unfortunately, a nationwide celebration of a democratic election procedure at that point was not to be. The Government of President Kuchma allowed or aided and abetted wholesale fraud and abuse that changed the results of the election. It is clear that Prime Minister Yanukovych did not win the election despite enormous—or rather erroneous—election announcements and even calls of congratulation from Moscow.

In 1986, I witnessed a democratic and diplomatic challenge in the Philippines. There, too, I served as Co-Chairman with Congressman Jack Murtha of an observer group appointed by President Ronald Reagan. The parallels between the Philippine experience of 1986 and Ukraine today are interesting.

President Marcos of the Philippines called a snap election and Corazon Aquino, the widow of an assassinated opposition leader, challenged Marcos. While Marcos attempted to steal the election through fraud and abuse, the overwhelming support for Aquino led the Government to falsify the vote count. Tens of thousands of Filipinos poured into the streets of Manila in support of Aquino. The international community was shocked by the enormity of the fraud and the popular EDSA revolution. Ultimately, the will of the people brought change, and President Marcos' efforts to subvert freedoms failed.

President Bush has expressed his unequivocal support for democracy around the world. He has said, and I quote the President:

"I simply do not agree with those who either say overtly or believe that certain societies cannot be free. It is just not a part of my thinking."

I agree with the President. The United States must be at the forefront of international efforts to secure individual freedom. Democracy must be at the core of our foreign policy. We must be prepared to play an active role in ensuring that democracy and basic freedoms are promoted and preserved around the world.

An election on December 26th that is free and fair will be a tribute to Ukraine's maturing democracy and will place Ukraine on a path to join the community of European democracies. A secure and democratic Ukraine is in the national security interest of the United States, NATO, the European Union and Russia. A fraudulent and illegal election would leave Ukraine crippled. The new President would lack legitimacy with the Ukrainian people and the international community.

The United States Secretary of Defense Donald Rumsfeld, the United States Deputy Secretary of State Richard Armitage, former Secretaries of State Madeleine Albright and Henry Kissinger, and congressional leaders have visited, written and called Ukrainian leaders to advocate a free and fair election process. Secretary of State Colin Powell's leadership and the outstanding efforts of our Ambassador John Herbst have left no doubt on the impact that an illegitimate election will have on the future of Ukraine and our relationship.

With the stakes so high, I applaud the thousands of election observers who were sent by the United States and European States to organizations such as the National Endowment for Democracy and its affiliates, the Organization for Security and Operation in Europe, and the European Network of Election Monitoring Organizations. Most importantly, over 10,000 citizens of Ukraine were organized by the Committee of Voters of Ukraine to carefully observe individual polling stations. These observers outlined an extensive list of serious procedural violations, including illegal expulsions of opposition members of election commissions, inaccurate voter lists, evidence of students, Government employees and private-sector workers being forced by their deans and supervisors to vote for one candidate over another, busloads of people voting more than once with absentee ballots, representatives of the media being beaten and their equipment stolen or destroyed, and a suspiciously large use of mobile voting.

Even in the face of these attempts to end any hope of a free and fair election, I was inspired by the willingness and courage of so many citizens of Ukraine to demonstrate their passion for free expression and the building of a truly democratic Ukraine. As corrupt authorities tried to disrupt, frighten and intimidate citizens, brave Ukrainians pushed back by continuing to do their best to keep the election on track and to prevent chaos.

President Kuchma pledged to the Ukraine that there would be, and I quote President Kuchma, "elections worthy of a 21st century European country." The day after the runoff election, I told the press and the people of Ukraine through a live television broadcast in Kiev that President Kuchma had the responsibility and the opportunity, even at that point, to provide an outcome that was fair and responsible. I pointed out he would enhance his legacy by prompt and decisive action which maximizes worldwide confidence in the Presidency of the Ukraine and the extraordinary potential future which lies ahead of his country. To date, President Kuchma has not met those responsibilities.

This morning, we have learned from our Embassy in Ukraine that an agreement was reached late last night between European mediators, President Kuchma and the Presidential candidates. Although not as sweeping as earlier reports of a compromise, the agreement reportedly has two elements. The current Central Election Commission will be dismissed and replaced with new members to oversee the December 26th runoff.

Secondly, a new election law has been agreed to by the parties in an effort to eliminate the fraud perpetrated in the previous rounds of voting.

These reports are promising, but we will have to await the final outcome of the Rada deliberations, future rounds of negotiations, and President Kuchma's signature before offering firm conclusions.

In the meantime, I offer four recommendations. Absentee and mobile voting must be excluded. The presence of Ukrainian and international observers must be increased, ideally, to observers at each of the 33,006 polling stations. The candidates must have equal time to present themselves and broadcast their platforms to the Ukrainian people. Finally, the domestic and international press must commit to monitor and to debate the electoral process in an open and transparent manner that fully illuminates illegal activities and conveys legitimacy to the rightful winner.

Without vigorous attempts to meet these changes, I do not believe the Ukrainian people will have confidence in the integrity of the election process. Worst yet, they may be doomed to witness a repeat of the fraud and abuse that were apparent in the previous rounds of voting.

I am pleased to report that the United States Department of State has notified Congress of their intent to supplement election monitoring and related election assistance to support the December 26th runoff. This is critical, and I urge the Department to provide the funds necessary as quickly as possible to assist the Ukrainian people in their goal of a free and fair election. Specifically, funds will be used to support election observers, exit polling, parallel voting tabulations, training of election commissioners and voter education programs.

I share the Administration's strong objections to separatist initiatives and continue to urge all Ukrainians to resolve the situation through peaceful means. The future of the country rests with the Ukrainian voters, but the United States and Europe must continue to support a foundation for democracy, for rule of law, and for a market economy which will allow Ukraine to prosper and reach its full potential.

With democratic forces in retreat in neighboring Russia and Belarus, a free and fair election will be a turning point in Ukraine's history that could have widespread constructive effects beyond its borders and the region.

I have strong affection for the people of Ukraine and the bravery and determination they have shown since the fall of the Soviet Union. I have good memories of suggesting an initial pledge of \$175 million in Nunn-Lugar assistance to dismantle the Ukraine nuclear arsenal.

Parenthetically, Mr. Chairman, I would say this is now closer to \$700 million, but the nuclear weapons are all gone. I carried the Ukrainian message to Secretary of State James Baker requesting a strong United States diplomatic presence when our representation consisted of a small consular office. The Secretary moved quickly to establish an Embassy and to send a U.S. Ambassador to Kiev.

The United States has stood by Ukraine through difficult moments before, and we must not fail to do so at this critical juncture. My presence in the Ukraine during this important time was meant to underscore President Bush's support for the future of Ukraine. Free and fair elections in Ukraine embody our goal and hope of a Europe whole and free.

In closing, Mr. Chairman, I am pleased the Ukraine has dominated newspaper headlines and media broadcasts all over the world for the last 16 days. In that time, extraordinary events have occurred. A free press has revolted against Government intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has found its hope for the future. A society has rebelled against the illegal activities of its Government. It is in our interest to recognize and to protect those advances.

Thank you for this opportunity to be here today.

[The prepared statement of Senator Lugar follows:]

PREPARED STATEMENT OF THE HONORABLE RICHARD G. LUGAR, A U.S. SENATOR FROM THE STATE OF INDIANA, AND CHAIRMAN, COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE

Thank you, Mr. Chairman.

I had the honor of being President Bush's personal representative for the November 21 presidential runoff election in Ukraine. As I approached this responsibility, I noted publicly that I was not an advocate of either candidate in the election. My focus was to stress free and fair election procedures that would strengthen worldwide respect for the legitimacy of the winning candidate.

The campaign for president in Ukraine had already been marked by widespread political intimidation and failure to give equal coverage to candidates in the media. Physical intimidation of voters and illegal use of governmental administrative and legal authorities had been evident and persistent.

President Bush wrote in a letter which I carried to President Kuchma: "You play a central role in ensuring that Ukraine's election is democratic and free of fraud and manipulation. A tarnished election, however, will lead us to review our relations

with Ukraine.” In thoughtful and careful representation of President Bush’s words, I visited with President Kuchma and both candidates, with explicit requests for them to terminate any further campaign violations. I stated that I had come to celebrate the building of strong democratic institutions in Ukraine.

Unfortunately, a nationwide celebration of democratic election procedures at that point, was not to be. The government of President Kuchma allowed, or aided and abetted, wholesale fraud and abuse that changed the results of the election. It is clear that Prime Minister Yanukovich did not win this election despite erroneous election announcements and calls of congratulations from Moscow.

In 1986, I witnessed a democratic and diplomatic challenge in The Philippines. There too, I served as Co-Chairman, with Congressman Jack Murtha, of an observer group appointed by President Ronald Reagan. The parallels between the Philippine experience of 1986 and Ukraine today are interesting. President Marcos called a snap election and Corazon Aquino, the widow of an assassinated opposition leader, challenged Marcos. While Marcos attempted to steal the election through fraud and abuse, the overwhelming support for Aquino led the government to falsify the vote count. Tens of thousands of Filipinos poured into the streets of Manila in support of Aquino. The international community was shocked by the enormity of the fraud and the popular EDSA revolution. Ultimately, the will of the people brought change and President Marcos’ efforts to subvert freedoms failed.

DEMOCRACY IN U.S. FOREIGN POLICY:

President Bush has expressed his unequivocal support for democracy around the world. He has said: “I simply do not agree with those who either say overtly or believe that certain societies cannot be free. It’s just not part of my thinking.” I agree with the President.

The United States must be at the forefront of international efforts to secure individual freedom. Democracy must be at the core of our foreign policy. We must be prepared to play an active role in ensuring that democracy and basic freedoms are promoted and preserved around the world.

An election on December 26 that is free and fair will be a tribute to Ukraine’s maturing democracy and will place Ukraine on a path to join the community of European democracies. A secure and democratic Ukraine is in the national security interests of the United States, NATO, the European Union, and Russia. A fraudulent and illegal election would leave Ukraine crippled. The new president would lack legitimacy with the Ukrainian people and the international community.

The U.S. Secretary of Defense Don Rumsfeld, the Deputy Secretary of State Rich Armitage, former Secretaries of State Madeleine Albright and Henry Kissinger, and Congressional leaders have visited, written and called Ukrainian leaders to advocate a free and fair election process. Secretary of State Colin Powell’s leadership and the outstanding efforts of our Ambassador, John Herbst, have left no doubt of the impact an illegitimate election will have on the future of Ukraine and our relationship.

With the stakes so high, I applaud the thousands of election observers who were sent by the U.S. and European states through organizations such as the National Endowment for Democracy, the Organization for Security and Cooperation in Europe, and the European Network of Election Monitoring Organizations. Most importantly, over 10,000 citizens of Ukraine were organized by the Committee of Voters of Ukraine to carefully observe individual polling stations. These observers outlined an extensive list of serious procedural violations including:

- Illegal expulsions of opposition members of election commissions;
- Inaccurate voter lists;
- Evidence of students, government employees and private sector workers being forced by their deans and supervisors to vote for one candidate over another;
- Busloads of people voting more than once with absentee ballots;
- Representatives of the media being beaten and their equipment stolen or destroyed; and
- Suspiciously large use of mobile voting.

Even in the face of these attempts to end any hope of a free and fair election, I was inspired by the willingness and courage of so many citizens of Ukraine to demonstrate their passion for free expression and the building of a truly democratic Ukraine. As corrupt authorities tried to disrupt, frighten and intimidate citizens, brave Ukrainians pushed back by continuing to do their best to keep the election on track and to prevent chaos.

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and the people of Ukraine through a live television broadcast in Kiev that President Kuchma had the responsibility and the opportunity to produce even at that point an outcome that was fair and responsible. I pointed out that he would enhance his legacy by prompt and decisive action which maximizes worldwide confidence in the presidency of Ukraine and the extraordinary potential future which lies ahead of his country. To date, President Kuchma has not met these responsibilities.

WHAT TO DO:

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These reports are promising but we will have to await the final outcome of the Rada's deliberations, future rounds of negotiations, and President Kuchma's signature before offering firm conclusions. In the meantime, I offer four recommendations:

- Absentee and mobile voting must be excluded;
- the presence of Ukrainian and international observers must be increased to, ideally, observers in each of the 33,006 polling stations;
- the candidates must have equal time to present themselves and to broadcast their platforms to the Ukrainian people; and
- the domestic and international press must commit to monitor and to debate the electoral process in an open and transparent manner that fully illuminates illegal activities and conveys legitimacy to the rightful winner.

Absent vigorous attempts to meet these changes, I do not believe that the Ukrainian people will have confidence in the integrity of the election process. Worse yet, they may be doomed to witness a repeat of the fraud and abuse that were apparent in the previous rounds of voting.

I am pleased to report that the U.S. Department of State has notified Congress of their intent to supplement election monitoring and related assistance to support the December 26 runoff. This is critical and I urge the Department to provide the funds necessary, as quickly as possible, to assist the Ukrainian people in their goal of free and fair elections. Specifically funds will be used to support election observers, exit polling, parallel vote tabulations, training of election commissioners, and voter education programs. I share the Administration's strong objections to separatist initiatives and continue to urge all Ukrainians to resolve the situation through peaceful means. The future of the country rests with Ukrainian voters, but the United States and Europe must continue to support a foundation for democracy, rule of law, and a market economy, which will allow Ukraine to prosper and reach its full potential.

CONCLUSION:

With democratic forces in retreat in neighboring Russia and Belarus, a free and fair election will be a turning point in Ukraine's history that could have widespread constructive effects beyond its borders and the region.

I have strong affection for the people of Ukraine and the bravery and determination they have shown since the fall of the Soviet Union. I have good memories of suggesting an initial pledge of \$175 million in Nunn-Lugar assistance to dismantle the Ukrainian nuclear arsenal. I carried the Ukrainian message to Secretary of State James Baker requesting a strong U.S. diplomatic presence when our representation consisted of a small consular office. The Secretary moved quickly to establish an embassy and to send a U.S. Ambassador to Kiev.

The United States has stood by Ukraine through difficult moments before and we must not fail to do so at this critical juncture. My presence in Ukraine during this important time was meant to underscore President Bush's support for the future of Ukraine. Free and fair elections in Ukraine embody our hope and goal of a Europe whole and free.

In closing, Mr. Chairman, I am pleased that Ukraine has dominated newspaper headlines and media broadcasts all over the world for the last sixteen days. In that time, extraordinary events have occurred. A free press has revolted against government intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has found its hope for the future. A society has re-

belled against the illegal activities of its government. It is in our interests to recognize and protect these advances.

Thank you for the opportunity to be here today.

Chairman HYDE. Thank you very much, Senator, for a very illuminating statement. It is not traditional that we fire questions at senatorial witnesses, so tradition immunizes you from that ordeal.

Senator LUGAR. Well, I look forward to your questions, sir.

Chairman HYDE. If anybody does have a question.

Jim, do you?

Mr. LEACH. Well, I recognize your tradition. I think it is wise, but I think the House really is obligated to assert its enormous respect for Senator Lugar. I know of no civil servant that has done more for the United States of America in recent times than you have, sir. We are very appreciative of what you have done in the Ukraine.

Senator LUGAR. Thank you.

Chairman HYDE. Well, I associate myself with your remarks.

Mr. Lantos.

Mr. LANTOS. Well, Senator Lugar's contributions over the years have been so enormous and so critical that it is difficult to point out any single measure he is responsible for, but I would like to do so, and I would like to express on behalf of all of us and all of the American people your far-sighted decision on the Nunn-Lugar program, dismantling weapons of mass destruction in three of the four Soviet Republics which have them, consolidating them in one place and now, hopefully, guarding them and protecting them. Dismantling them is one of the great historic achievements of the 20th, and now the 21st century, for which you and Senator Nunn are fully responsible, and we are deeply in your debt, Senator Lugar.

Senator LUGAR. Thank you, sir.

Chairman HYDE. Well, with that, it would be pretty hard to top that.

Thank you, Senator.

Senator LUGAR. Thank you, very, very much for your very thoughtful comments and your encouragement. I reciprocate. We look forward to working with you.

Chairman HYDE. Thank you very much.

Next, I would like to introduce the gentlelady from Ohio, Marcy Kaptur. She is serving her 12th term currently in the House, where she is Co-Chair of the Ukrainian Caucus, and so it is with great pleasure that we ask Ms. Kaptur to say what she has to tell us.

STATEMENT OF THE HONORABLE MARCY KAPTUR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO AND CHAIR, CONGRESSIONAL UKRAINIAN CAUCUS

Ms. KAPTUR. Thank you very much, Chairman Hyde and Ranking Member Lantos.

Congressmen Leach and Paul, thank you also very much for the great courtesy, for allowing me to testify at this important hearing as Co-Chair of the bipartisan House Ukrainian Caucus. It is indeed an honor to follow the great Senator from Indiana, Senator Lugar.

Please let me submit for the record the names of the Co-Chairs of our Congressional Ukrainian Caucus, Congressman Roscoe Bartlett of Maryland, Congressman Sander Levin of Michigan, Congressman Curt Weldon of Pennsylvania, along with myself, and a full list of members of our caucus, including several who are Members of the International Relations Committee.

Chairman HYDE. Without objection, that will be included in the record.

[The information referred to follows:]

Members of the Congressional Ukrainian Caucus

Representative Marcy Kaptur (OH), Co-Chair
Representative Curt Weldon (PA), Co-Chair
Representative Sander Levin (MI), Co-Chair
Representative Roscoe Bartlett (MD), Co-Chair

Representative Howard Berman
Representative Corrine Brown
Representative Sherrod Brown
Representative Danny Davis
Representative Lloyd Doggett
Representative Eliot Engel
Representative Luis Gutierrez
Representative Maurice Hinchey
Representative Joseph Hoeffel
Representative Joe Knollenberg
Representative Dennis Kucinich
Representative James Langevin
Representative Tom Lantos
Representative Nita Lowey
Representative Michael McNulty
Representative Robert Menendez
Representative Frank Pallone
Representative William Pascrell
Representative Nancy Pelosi
Representative Steven Rothman
Representative Chris Smith
Representative Pat Toomey
Representative Henry Waxman
Representative Anthony Weiner

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Ms. KAPTUR. I thank the Chairman. Mr. Chairman, history has not been kind to the people of Ukraine. Just in the past century they have endured a world war, a forced famine at the hands of Joseph Stalin as a result of his failed attempts at collectivization of the land, another world war, and the ravages of Nazism and brutal domination then for decades under the Soviet Union. Now they

look to the West, especially to America, as they hope to pull off a political miracle.

They are asking us the question made famous by an American sports commentator: Do you believe in miracles? All of us share a deep concern for democratic transition in Ukraine's recent Presidential election and for the welfare of the nearly 50 million people of that nation.

We have all been awed by the courage of the Ukrainian people many times during this Thanksgiving season. Ukrainians remind us of our own Nation's Founders and the timeless words that have run through our own history; for example, at the base of the Statue of Liberty, Emma Lazarus' words, "Give me your tired, your poor, your huddled masses yearning to be free."

Who could look at the huddled masses in the Kiev square and not be reminded of our own history and then from our own Declaration of Independence, all people have an unalienable right endowed by their creator to life, liberty and the pursuit of happiness, that to secure these rights governments are instituted among men deriving their just powers from the consent of the governed.

We relived these words in real time as we witnessed hundreds of thousands of courageous Ukrainian citizens not only braving winter's bitter, bone-chilling temperatures in Kiev's central plaza—and I have felt those myself—but risking their lives and futures as Russian troops dressed in Ukrainian Army uniforms infiltrated the crowds.

Remarkably, after 2 weeks, no violent incidents marred this incredibly peaceful Orange Revolution. The will of democracy seekers is clear. America simply has a moral responsibility, and indeed a duty to help plant democracy where it seeks to root, lest this moment be recorded by history as the 21st century's first Yalta. No economic interest or strategic paradigm should divert our Nation from standing firmly beside those who are risking all.

They are bearing testament and giving birth to liberty. They are living the vision that John F. Kennedy articulated in his inaugural address:

"Let every nation know that we shall pay any price, bear any burden, support any friend, oppose any foe, to assure the survival and success of liberty."

It is nothing but miraculous to think that this most recent human crescendo for liberty is arising inside borders in which more than 50 million I repeat, 50 million human beings were annihilated or forcibly starved in former times, more human carnage than even under Nazi Germany.

When I first traveled to Ukraine with our mother, Anastasia, in 1973, long before I was serving as a Member of Congress, I held little hope that what we are witnessing today would or could happen in our lifetimes. But we walked the path in that journey of hope during the Soviet period to bear witness that borders, and even weapons, could not stifle the love of family, the raw truth of history and the aspirations of the heart.

Today, now three decades later as a Member of Congress, I would like to submit for the record the official Rada/Congress

agreement that our caucus negotiated and signed in 1999 with our legislative counterparts in the New Republic of Ukraine.

Chairman HYDE. Without objection, so ordered.

[The information referred to and additional material submitted for the record follows:]



United States Congress

Ukrainian Verkhovna Rada

U.S. Congress-Rada Parliamentary Exchange

We, the undersigned members of the United States House of Representatives and members of the Parliament of Ukraine, do hereby establish the U.S. Congress-Rada Parliamentary Exchange (further referred to as CRPE), for the purpose of facilitating expanded strategic relations between the United States and Ukraine.

The purpose of CRPE is to foster closer relations between our two legislatures to address key bilateral issues. It is the goal of the CRPE Parliament to examine issues of mutual understanding and continue a constructive dialogue toward permanent peace and prosperity.

Having reviewed the work of the initial congressional delegation to Ukraine in November 1999, which participated in discussions of mutual interest in trade, economic well-being, energy reformation, agriculture, and military relations, CRPE will promote closer relationships between the lawmakers of both countries.

Building upon the strategic partnership between the United States and Ukraine first established in 1996, the CRPE shall serve as a conduit in further developing and continuing economic and political cooperation between the two countries.

Now, be it resolved by affirmation of the undersigned Members of the House of Representatives, with the support of the Congressional Ukrainian Caucus, and the Parliamentarians of the Ukrainian Verkhovna Rada there is hereby established, the U.S. Congress-Rada Parliamentary Exchange. Be it further resolved, the Exchange shall:

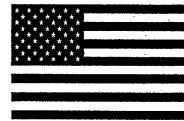
- 1) Constitute a working group to help resolve any issues hampering an expansion of economic and political cooperation between the United States and Ukraine; and,
2) Establish items of discussion by the CRPE which encompass economic relations, trade, space exploration, health-care, the environment, agriculture, natural resources, and any other matter important to the promotion of close ties between the United States and Ukraine; and,
3) Convene bi-annually in the United States and Ukraine to formally exchange viewpoints brought about by current events. The CRPE will from time to time issue recommendations to be pursued in each legislature.

The founders of the CRPE hereby acknowledge the leaders of the Congress of the United States, in coordination with the Congressional Ukrainian Caucus, and the Parliament of Ukraine, for their dedication to establishing the Exchange.

Signed at Washington, D.C. November 18, 1999 by:

[Signature of Dennis Hastert]
Hon. Dennis Hastert

Speaker of the U.S. House of Representatives



Signed at Kyiv, on November 30, 1999 by:

[Signature of Oleksander Tkachenko]
Hon. Oleksander Tkachenko
Speaker of the Ukrainian Parliament

[Signatures of: Eliashkevich, Gubbay, Bob Schaffer, Sandy Levin, Alioshin, Mykolenko, Curt Weldon, Marcy Kaptur, Shufrich, Khmel'nytsky, Steve Horn, Louise Slaughter, Nathan Deal, Ed Royce, Jim Saxton, Joe Barton, Roscoe Bartlett, Bud Cramer, Eliot Engel]
Congressional Delegation November 18 - November 24, 1999

Speakout: Ukrainian president might need wisdom of Solomon to end crisis

By Bob Schaffer, Special to the News
December 4, 2004

Yesterday's ruling by the Ukrainian Supreme Court is truly a historic, giant step for the cause of democracy. The court resoundingly nullified results previously certified by the Ukrainian government regarding the country's Nov. 21 presidential election runoff. The court also ordered a rerun of the botched election setting a date of Dec. 26.

Bob Schaffer

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Schaffer's updates from the Ukraine

That Ukraine's presidential election was marred by fraud was hardly debatable. Overwhelming irregularities observed before, during and after the Nov. 21 election have been chronicled by foreign election observers and myriad Ukrainian watchdog groups. There was so much evidence of fraud, it took the court several days to review it all before it could rule on the contest's validity.

It remains unclear who will win or how the same government can conduct a more transparent, fairer rerun. Those answers hang in an election purgatory somewhere between the dubious rulings of institutional election officials and the millions of Ukrainian demonstrators who for 13 days have filled the streets and public squares confident the election had been stolen by their government.

In the meantime, it is an easy matter for objective pundits to ascertain who ought to be Ukraine's next president. The election pits two former prime ministers, the Kremlin-backed Viktor Yanukovich of the Donetsk oligarch clan against the pro-Western reformer Viktor Yushchenko.

It is also easy to conclude that underhanded election tactics emblematic of post-communist "democracies" have failed. Russian President Vladimir Putin has deployed troops to Ukraine since the election. His personal involvement in the election has backfired. His imperialist ambitions in Ukraine have gone awry. The cheaters have been caught.

They have been called out first by the citizens of Ukraine who now assert their God-given right to the same liberty embraced by our own Declaration of Independence. Their claims have been vindicated by the global community, by history, and now by Ukraine's high

court. Lacking complete autonomy from the executive branch, the court was expected by most observers to rubber stamp the certification of Ukraine's Central Election Commission, which had declared Yanukovych the winner.

What's occurring in Ukraine today is an authentic revolution. It is an overdue rebellion against institutionalized corruption and it may indeed mark the infancy of a reclaimed republic led by sincere democrats. I saw it with my own eyes. Dubbed the Orange Revolution after the campaign color of Yushchenko, it is a spectacle to behold.

I returned Thanksgiving Day from my ninth visit to Ukraine, this time as an election observer under the auspices of the Association of Former Members of Congress and the U.S.-Ukraine Foundation. The association sponsored five such delegations throughout the months leading up to the election.

Our team's observations are consistent with those of most others. There can be no possible assurance the will of the people was reflected in the government's final vote tally nor in its conclusion Yanukovych won. In fact, evidence points to the contrary.

Yesterday's ruling only gives Ukrainians direction with no guarantee of a suitable solution. There is no precedent or legal roadmap to guide the nation past a corrupt election and a condemned government. The rerun election could turn out to be just as corrupt as the last.

Yet Ukraine's history as a peaceful, open nation makes a thoughtful, bloodless conclusion quite possible. Amid the anxiety and heightened military presence, there is a quixotic peace in the streets. To be sure, the massive demonstration grows larger with each passing day, but without violence, taunting, drunkenness, tear gas or tanks.

On Dec. 1, Ukraine's parliament approved a vote of "no confidence" in Prime Minister Yanukovych. It cast a subsequent vote to dismiss him and his government. These votes occurred at a time when European and Russian leaders flocked to Kiev to offer mediation, help, influence and advice.

While ongoing dialogue and negotiation are indeed positive indicators, virtually every solution proffered so far comes with new sets of problems, some perilous. For example, Yanukovych has even entertained the separatist threat in eastern Ukraine.

This radical proposal drew instant criticism from Secretary of State Colin Powell and uncompromising demands by Yushchenko and the parliament's speaker to prosecute the regional governors who defy Ukraine's constitution by fomenting regional autonomy. Redrawing Ukraine's border to appease pro-Yanukovych forces in eastern and southern regions is lethal for Ukraine. Most agree it cannot be done without bloodshed.

It is upon this baneful specter, however, that Ukrainians can now

morally base their destiny, upon which the West must assert Ukraine's territorial integrity and upon which Putin should admit a miscalculation that could ignite separatist tinder in his own country. It is also a point upon which outgoing Ukrainian President Leonid Kuchma might summon the wisdom of Solomon to resolve his country's election predicament.

Kuchma's record has been checkered. Deserving credit for moments of prudent stewardship, his presidency will be marked instead by sporadic blunders, episodes of scandal including alleged complicity in the murder of an opposition journalist. Kuchma's final act as mediator of Ukraine's great national crisis could become his legacy to democracy and leave him a heroic place in Ukrainian history.

Kuchma's unexpected role hands him a dilemma not unlike the one confronted by King Solomon himself. When asked to determine which of two women had legitimate claim to an infant, the 10th century B.C. ruler suggested he would cleave the child in two, leaving each woman her own half. It was the rightful mother who relinquished her claim in order to save the baby's life (1 Kings 3).

Yanukovich's openness to splitting Ukraine should similarly disqualify him from leading the nation if only on moral grounds. His loyalty to the whole Ukraine is now reproachable. Indeed, his pronouncements on the matter of separation formed the basis for the parliament's vote of no confidence. Plus, his government failed to conduct fair, transparent elections. He was the prime minister. It is his fault.

Whether Kuchma is capable of assessing these facts is unclear. He, Yanukovich and Putin could concede the obvious outcome now by declaring Yushchenko the rightful winner. Whether Kuchma opts for a whole Ukraine remains to be seen. If not, his next, but more circuitous option is to agree to the court's outline for a rerun of the invalid election.

Regardless, the millions of demonstrators understand the moral imperative of the Orange Revolution. The future of Ukraine is ultimately in their hands. They will not accept their freedom crushed nor the wisdom of Solomon lost to Moscow.

Bob Schaffer is a former U.S. House representative from Colorado's 4th Congressional District.

Ms. KAPTUR. Our agreement has several objectives. The ink is now dry on the signing. But this hangs here in the Congress as a permanent testament to our progress, and the agreement seeks to first constitute a working group, which we already have established with the Rada, to help resolve any issues hampering an extension of economic and political cooperation between the United States and Ukraine.

It established items of discussion between our Congress and the Rada through this parliamentary exchange to encompass economic relations, trade, space exploration, healthcare, the environment, agriculture, natural resources and other matters important to the promotion of close ties between the United States and Ukraine.

And, finally, it is dedicated to convening biannually in the United States and Ukraine to formally exchange viewpoints brought about by current events, and the U.S. Congress-Rada Parliamentary Exchange will from time to time issue recommendations to be pursued in each legislature. In view of ongoing events in Ukraine, I would strongly urge your Committee, building on this agreement, to undertake several immediate actions to imbue this agreement with added meaning at this juncture: First to strengthen the conversations between the legislative branches of our respective countries, and to help Ukraine's Rada become an equal branch.

Immediately, I would ask the Committee to consider convening several teleconferences through our Library of Congress between the Rada and our Congress, including a conference with Speaker Vladimir Lytvyn and other interested members of the Rada, to increase dialogue on matters of mutual interest regarding fair elections during this critical transition period. Those could be started almost immediately.

Second, to establish a fund for a legislative staff exchange between the United States Congress and the Rada to support the advancement of staff policy capability. And, thirdly, to reissue our request, prior to the Thanksgiving holiday, to organize an official congressional delegation to travel to Ukraine related to the re-vote and to assist during the election in any way that we could be supportive.

I want to say formally for the record, Mr. Chairman and Members of the Committee, that I wholeheartedly support this re-vote in Ukraine's elections, but am very mindful of the careful attention that we must dedicate to our relationship with Russia. Diplomatically, culturally, educationally, economically, surely, Congress must expand and formalize upon our ongoing and valuable relationship with the Duma. A stable and economically healthy Russia as well as Ukraine are in the world's interest.

During these last few weeks, in my role as Ukrainian Co-Chair of this caucus and a friend of the Ukraine people, I literally have received dozens and dozens of e-mails and letters from people in Kiev and throughout the countryside. I am only going to give brief quotes from three of them, and we will submit the others for the record.

But let me just say, in terms of voter suppression, I had a telephone conversation with a Ukrainian citizen residing in Moscow who explained to me how her vote was denied as she sought to cast

her vote at the Ukrainian Embassy in Moscow, made to wait in line for nearly an hour, experiencing administrative delays, and then denied her vote. We must pay particular attention to those who are casting their votes in adjacent nations and republics in this election monitoring process.

Another comment from someone I will call Katya, who said to me, "Hundreds of students have left our city for Kiev to participate in the Orange Revolution. I hope the position of the United States will force the powers to recognize the results of the elections. Please pray for us." That was written to us almost 2½ weeks ago.

From Natalia, who said to us, "I have not seen this type of emotion in our people since 1990, when the student fasts helped us to obtain independence. This past uprising is nothing in comparison to the situation that confronts us now. I am proud of our people for taking a stand. As I write this, thousands of people from across Ukraine are coming through the subways and are gathered in the streets of Kiev despite the brutal cold and constant snow."

And finally, from Oleksander, who said, "Last night 500,000 people gathered in Independence Square. I have never seen such a sea of people in my life. It is a credit to our country that the entire crowd of Yushchenko supporters is sober and well-behaved. Help us, help us, in any way you can, do not let our people stand alone in their fight for democracy. Please keep us in your prayers."

Mr. Chairman, I will submit the other comments for the record, and merely end by saying Ukraine and the people of that important nation look to the West as they hope to pull off a political miracle. They are asking us the question made famous by an American commentator: Do you believe in miracles? Do we believe in miracles? Does this Congress believe in miracles?

Thank you. I implore you to do what we can, as the premier legislative body of our Nation, in helping these people gain the freedom for which their ancestors died.

[The prepared statement of Representative Kaptur follows:]

PREPARED STATEMENT OF THE HONORABLE MARCY KAPTUR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Chairman Hyde, Ranking Member Lantos and Members of the Committee:

Thank you for allowing me the great courtesy of testifying at this important hearing as co-chair of the bipartisan House Ukrainian Caucus. Please let me submit for the Record the names of the co-chairs of the Congressional Ukrainian Caucus: Congressman Roscoe Bartlett (MD-6), Congressman Sander Levin (MI-12), Congressman Curt Weldon (PA-7) and myself, along with the full list of names of our Caucus members.

Mr. Chairman, history has not been kind to the people of Ukraine. Just in the past century, they have endured a world war, famine at the hands of Stalin as a result of his failed scheme of collectivization, another world war and the ravages of Nazism, and brutal domination under the Soviet Union.

Now, they look to the West as they hope to pull off a political miracle.

They are asking us the question made famous by an American sports commentator. Do you believe in miracles?

Our answer as a nation must be "Yes."

Yes, we do believe in miracles. And we believe in yours.

All of us share a deep concern for democratic transition in Ukraine's recent presidential election and for the welfare of the people of that nation. We all have been awed by the courage of the Ukrainian people many times since the Thanksgiving holiday here in the United States. Ukrainians remind us of our own nation's founders and the timeless words that have run through our own history:

Ukrainians are reminding us of timeless words that have run through our own history.

From Emma Lazarus at the base of the Statue of Liberty:

*Give me your tired, your poor,
Your huddled masses yearning to breathe free . . .*

And from our Declaration of Independence:

All people have unalienable rights endowed by their Creator: "Life, Liberty and the Pursuit of Happiness. That to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed . . ."

We relived these words in real time as we witnessed hundreds of thousands of Ukrainian citizens not only having braved winter's bitter bone-chilling cold in Kiev's central plaza—but risking their lives and futures—as Russian troops dressed in Ukrainian Army uniforms infiltrated the crowds. (This comes from credible sources, including former Members of Congress and Paul Miazga, *Kyiv Post* Senior Editor).

Remarkably, after two weeks, no violent incidents marred this incredibly peaceful Orange Revolution. The will of democracy seekers is clear. America simply has a moral responsibility and indeed, a duty, to help plant democracy where it seeks to root, lest this moment be recorded by history as the 21st Century's first Yalta.

No economic interest or strategic paradigm should divert our nation from standing firmly beside those who are risking all. They are bearing testament and giving birth to liberty. They are living the vision that John F. Kennedy articulated in his Inaugural Address:

*Let every nation know . . .
That we shall pay any price, bear any burden,
Support any friend, oppose any foe, to assure the survival and success of liberty.*

It is nothing but miraculous to think that this most recent human crescendo for liberty is arising inside borders in which more than 50 million beings were annihilated or forcibly starved in former times—more human carnage indeed than by Nazi Germany.

When I first traveled to Ukraine with our mother, Anastasia, in 1973, long before I was serving as a Member of Congress, I held little hope that what we are witnessing today would or could happen in our lifetimes. But we walked the path in that journey of hope during the Soviet period to bear witness that borders, and even weapons, could not stifle the love of family, the raw truth of history, and the aspirations of the heart. Today, now three decades later, as a Member of Congress, I would like to submit for the Record the official Rada-Congress Agreement that our Caucus negotiated and signed in 1999 with our legislative counterparts in the new Republic of Ukraine.

Our Agreement has several objectives:

- 1) Constitute a Working Group to help resolve any issues hampering an expansion of economic and political cooperation between the United States and Ukraine;
- 2) Establish items of discussion by the Congress-Rada Parliamentary Exchange (CRPE) which encompass economic relations, trade, space exploration, health-care, the environment, agriculture, natural resources, and any other matter important to the promotion of close ties between the United States and Ukraine; and
- 3) Convene biannually in the United States and Ukraine to formally exchange viewpoints brought about by current events. The Congress-Rada Parliamentary Exchange will from time to time issue recommendations to be pursued in each legislature.

In view of ongoing events in Ukraine, I would strongly urge this Committee, building on this agreement, to undertake several immediate actions to imbue this Agreement with real meaning at this juncture:

- (1) Schedule several teleconferences between the Rada and Congress, including a conference with Speaker Volodymyr Lytvyn and other interested members of the Ukraine, to increase dialogue on matters of mutual interest and during this crucial transition period.
- (2) Establish immediately and fund a legislative staff exchange between the U.S. Congress and the Rada to support advancement of staff policy capability.
- (3) Organize a Congressional Delegation (CODEL) to travel to Ukraine related to the revote and to assist during the election as monitors.

During these last few weeks, in my role as Ukrainian Caucus co-chair and friend of the Ukrainian people, I have received e-mails and letters from people in Kyiv and throughout the countryside. For the record, I would like to submit some of them and will close in reading three short excerpts:

- From Katya: “Hundreds of students have left our city for Kyiv to participate in the ‘Orange Revolution.’ I hope that the position of the USA will force the power to recognize the results of the elections. Please pray for us.”
- From Natalya: “I have not seen this type of emotion in our people since 1990 when the student fasts helped us to attain independence. This past uprising is nothing in comparison to the situation that confronts us now. I am proud of our people for taking a stand. As I write this, thousands of people from across Ukraine are gathered in the streets of Kyiv despite the brutal cold and constant snow.”
- And, from Olexander: “Last night, 500,000 people gathered in Independence Square. I have never seen such a sea of people in my life. It is a credit to our country that the entire crowd of Yushchenko supporters is sober and well behaved. Help us in any way that you can. Do not let our people stand alone in their fight for democracy. Please keep us in your prayers.”
- From Andrei: “Please pray for us.”
- From Sergiy: “I have never seen people of Ukraine assemble like this since the hunger strikes of 1993—and this is larger.”
- From Ihor, an example of how the people in the arts are suffering: “We lost three rehearsals last week due to there being no power in the hall—most likely a government provocation, I fear. At our concerts a number of men in the [omitted to protect Ihor] wore elegant orange handkerchiefs in the lapel of their coats and some of the women wore elegant orange headbands. We received an official letter the other day warning us that our contract would be cancelled if we continued to engage in ‘political games.’
- From William, an American who traveled to Ukraine to oversee the elections: “We are hearing credible reports that President Putin has sent in Russian troops into eastern Ukraine. These Russian troops are said to be wearing Ukrainian uniforms—a clear violation of international law.”
- From a *Washington Post* editorial: Mr. Putin, who has channeled hundreds of millions of dollars into the prime minister’s campaign, is backing the imposition of an authoritarian system along the lines of the one he is creating in Russia—with a propagandistic regime, controlled media, official persecution of dissent, business executives who take orders from the state, and elections that are neither free nor fair.
- From the *International Herald Tribune*: For 13 years the EU has been indifferent to democracy in Ukraine. EU policies toward Ukraine suggest that Europe is indifferent to democracy—except when supporting democracy is easy and accords with its crude self interests. Ukraine was, and still is, a transitional post-Soviet state.

Chairman HYDE. Thank you, Marcy, for a very helpful statement. Without objection, the documentation you have submitted will be placed in the record at this point in the proceedings.

Thank you very much.

Ms. KAPTUR. Thank you.

Chairman HYDE. I now would like to welcome our third witness, Ambassador John Tefft, who is Assistant Secretary of State for European and Eurasian Affairs at the State Department.

Ambassador Tefft has been a member of the Foreign Service since 1972. Prior to his appointment as Deputy Assistant Secretary of State, he served as International Affairs Adviser, Deputy Commandant at the National War College in Washington. He has also served as Ambassador to Lithuania, as well as Deputy Chief of Mission at our Embassy in Moscow and has held other numerous positions of leadership in the Department of State throughout his long career.

Welcome, Mr. Ambassador. I know this is the first time you have appeared before this Committee, and we are looking forward to your testimony.

If you could summarize your opening statement, your written testimony will be made a part of the record, and you may proceed.

STATEMENT OF THE HONORABLE JOHN F. TEFFT, DEPUTY ASSISTANT SECRETARY, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. TEFFT. Thank you very much, Mr. Chairman, Members of the Committee. I am really honored to be here with Senator Lugar and Representative Kaptur to discuss with you recurring developments in Ukraine and in United States policy. As you have requested, I shall try to summarize the longer statement that we will introduce into the record and provide an assessment of the problems in the election that led to the current crisis; our position on the efforts aimed at resolving the crisis; lessons learned from the earlier votes that could be useful in helping avoid a repeat of the fraud and abuse; the role of U.S. policy in helping to resolve this process; the impact of the current situation on other countries in the region; and an assessment of U.S. policy options for the period after the situation is resolved.

Mr. Chairman, more than a dozen years ago, Ukrainians chose freedom and independence and set their country on a path toward democracy and prosperity. This path has not been easy, but the Ukrainian people have remained committed to the principles of independence and self-determination. We now see the depth of that commitment on the streets of Kiev and all over Ukraine. The current crisis arose because the Ukrainian people rejected the massive fraud and abuse that characterized the November 21st second round of the Presidential election.

Senator Lugar, who was in Ukraine as the President's representative and has testified before you today, noted the concerted and forceful program of election day fraud and abuse with either the leadership or the cooperation of governmental authorities.

The OSCE report said that the election did not meet a considerable number of international standards and assessed it less favorably than the tainted first round of elections on October 21st. Specifically on the election day on November 21st, there were significant violations, to include the following: Illegal use of absentee ballots; opposition observers ejected from most polling stations in eastern Ukraine on the election day; what the OSCE termed a "North Korean style turnout" in the east with 96 percent reported in the Luhansk oblast alone; mobile ballot box fraud; computer data allegedly altered to favor Prime Minister Viktor Yanukovich; and reports of opposition fraud. To be sure, reports of efforts of pro-Yanukovich fraud greatly, greatly outweighed those indicated for Mr. Yushchenko.

The final figures announced by the Central Election Commission showed a victory for Yanukovich with 49.46 percent over 46.61 percent for Mr. Yushchenko. It is impossible to know what the real numbers were, but clearly a large-scale nationwide anonymous exit poll conducted by a consortium of three highly-respected organizations and partially funded by the United States Government pro-

jected Yushchenko the winner with 54 percent to 42 percent for Mr. Yanukovych. Other exit polls and other parallel vote counts indicated similar results.

On November 22nd, the Central Election Commission announced preliminary results showing Yanukovych in the lead. Yushchenko supporters began pouring into the streets, wearing orange ribbons and scarves, the color of the opposition. In Kiev, their numbers have been as high as 200,000, despite daily temperatures below freezing. The protests have generally been orderly and nonviolent. In the east and in the south several governors have said they would seek autonomy or even secession from the Ukraine if Yushchenko were to be declared the winner.

Many Government functionaries, however, from various institutions, have declared their support for free and fair process. The Ukrainian military and troops of the Ministry of Internal Affairs have thus far refrained from using force, though there were credible indications that Government officials were at one point preparing to crack down on protesters.

As the crisis has grown, so too have the efforts to resolve it. International mediation efforts were begun by Polish President Kwasniewski, Lithuanian President Adamkus, EU High Representative Solana and the OSCE Secretary-General, Mr. Kubis. A roundtable framework for negotiations was set up to include Yushchenko, Yanukovych, President Kuchma, Rada Speaker Lytvyn and the European mediators. Russian Duma Speaker, Mr. Gрызлов, joined those discussions at some points.

The roundtable produced an agreement that included an opposition promise not to block Government buildings and renewed pledges from both sides to refrain from violence, reform electoral legislation and preserve the country's territorial integrity.

On December 3rd, as you know, the Supreme Court announced its decision, held that there had been significant fraud in the second round, declaring the vote invalid and ordering a new vote on December 26th. The Rada continues to debate revisions to the election law to prevent the identified problems and weaknesses from recurring in the repeat of that second round.

This morning roundtable and other negotiations continue. The talks involve complex and difficult issues, and the assessment I can provide you could quickly be overtaken by events. As we understand the latest development, the sides have agreed in principle to the appointment of new Central Election Commission members and revisions of the electoral law.

They may also have tentatively agreed on a possible date for changes to the Constitution which would shift powers from the Presidency to the Rada and to the Prime Minister. A sticking point appears to be the question of Prime Minister Yanukovych and his ministers remaining in office following the Rada's no confidence vote.

We believe both sides have probably come too far not to reach some kind of final agreement, but as I said, negotiations are complex and ongoing.

From the many obvious problems in the election, a number of specific lessons emerged that would be helpful in reducing or avoiding fraud in the next election. First, the absolute necessity of main-

taining or increasing the number of domestic and international election observers, particularly those from the OSCE; strengthening legal protections for domestic observers; developing strict controls on absentee and mobile voting and on registration lists; strengthening independence and transparency of election commissions; increasing penalties against those who intimidate party activists and voters and against those who engage in fraud; providing greater media access for the opposition; and ensuring independent media outlets are protected against Government harassment; strengthening public commitment of national leaders and regional and local officials to free and fair election processes. Ukraine's leaders must lead by word and by example.

Finally, ensuring that the international community is focused on the re-vote, especially given that it takes place the day after Christmas. We understand, Mr. Chairman, that some of these most important lessons have been incorporated into the electoral law revisions that are currently being considered by the Ukrainian Rada in negotiations, though their effectiveness would ultimately depend clearly on implementation.

Let me say a word about United States policy. The primary focus of United States-Ukrainian relations over the past year has been on the Presidential election. Over a period of many months, the United States and our European allies repeatedly advised Ukrainian authorities, both publicly and privately, that we were watching, watching very closely, and consider it a test of Ukraine's commitment to democracy.

The United States-funded assistance to independent media, political party development, voter awareness and education, training for election officials and observers and more. Our election-related assistance to Ukraine was approximately \$13.8 million. Of particular note, the United States funded what we believe was an unprecedented election observer effort.

As Senator Lugar noted, we have now submitted a congressional notification of \$3 million to provide funding for election-related activities in the re-vote on the 26th of December. Given the fast approaching date, we hope the obligation can be acted on quickly.

Beginning last February, a wide range of senior United States officials and prominent private citizens visited Ukraine, carrying a strong message about the importance of democratic elections to Ukraine's Euro-Atlantic integration. These included Defense Secretary Rumsfeld, Deputy Secretary of State Armitage, former President Bush, former Secretaries Albright and Kissinger, many Congressmen and Senators, including Senator Lugar.

The President, as Senator Lugar has testified, asked him to return in December as his personal representative to deliver a letter to President Kuchma and to personally observe and to comment on the conduct of the voting.

The White House and the State Department over the last months have issued numerous hard-hitting statements on the situation in Ukraine. Secretary Powell has spoken often to President Kuchma, to Russian Foreign Minister Lavrov, Polish President Kwasniewski, EU High Representative Solana and many others. President Bush has made known his strong support and deep appreciation for the mediation efforts of the European leaders.

We and our NATO allies are united in support of democracy in Ukraine. We have reiterated our unwavering support for Ukraine's territorial integrity and our complete rejection of separatist initiatives. We have called on all parties to avoid violence, confrontation and unhelpful rhetoric. We asked them to work constructively toward a peaceful and just resolution of the impasse that truly reflects the will of the Ukrainian people. As President Bush has said, our common goal is to see the will of the Ukrainian people prevail.

As for Russia, we have discussed repeatedly with Russian officials our concern over the conduct of the Ukrainian campaign and the elections and the role of Russian citizens in that process. We have consistently encouraged the Russian Government to join other OSCE member-states in organizing common monitoring and mediation activities to promote a free and fair election that reflects the will of the Ukrainian people. We have urged them to refrain from any activities that could limit Ukraine's ability to choose freely.

As Secretary Powell said this morning in Sofia, Bulgaria, at the OSCE ministerial conference, you can have friends to the east and to the west. It is not a matter of sphere of influence. It is a matter of allowing a country to choose how it wishes to be governed and who it wishes to have as its friends.

The crisis in Ukraine remains far from final resolution, Mr. Chairman, so it is difficult to predict its long-term impact on other countries in the region. Democracy in the countries of the former Soviet Union has lately had its ups and downs. If, in the end, the democratic process prevails and there is a result in Ukraine that reflects the will of the Ukrainian people, it could have a potentially major impact for the development of democracy in the region. It is in the interest of everyone to see Ukraine develop into a democratic, market-oriented nation with good relations with all its neighbors and with other members of the European and Euro-Atlantic communities. The stakes in the outcome of this Ukrainian crisis, thus, could hardly be higher.

Over the long term, U.S. strategic interests have remained steady for more than a dozen years. They will continue to do so regardless of the outcome of this election. The United States wants to see Ukraine develop as a secure, independent, democratic and economically prosperous country that increasingly draws closer to European and Euro-Atlantic institutions.

United States policies toward Ukraine for the period following the Presidential election must be properly calibrated to provide an appropriately positive or negative immediate response to the election while furthering our long-term strategic interests in Ukraine and the region. We want to encourage Ukraine to maintain its peacekeeping contingents abroad including in Iraq, Kosovo and other peacekeeping operations, but we will not allow those deployments to become reasons to excuse or ignore democratic shortcomings in Ukraine.

Our bottom line is this: We are prepared to work closely with any candidate who wins in a free and fair contest that meets international democratic standards. We are prepared to move quickly on a number of issues that are important to Ukraine. At the same time, if the repeat election once again fails to meet democratic standards, there will be consequences for our relationship, for

Ukraine's hopes for Euro-Atlantic integration, and for individuals responsible for perpetrating fraud. This includes consideration of further use of Presidential Proclamation 7750, which denies visas to individuals engaged in corrupt and antidemocratic activities.

Mr. Chairman, in conclusion, let me say that the United States wants a secure, independent, democratic Ukraine. A democratic election on December 26, whose outcome reflects the will of the Ukrainian people, would be a very important step in this direction. The Administration is committed to helping Ukraine achieve this goal and looks forward to working with whoever wins in a free and fair process.

Thank you very much for allowing me to appear before the Committee today, and I will be happy to answer any questions you might have.

Chairman HYDE. Thank you, Ambassador.

[The prepared statement of Mr. Tefft follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN F. TEFFT, DEPUTY ASSISTANT SECRETARY, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Chairman, Members of the Committee, I am pleased to be here today to discuss with you current developments in Ukraine and U.S. policy.

As requested, I shall provide our assessment of the problems in the election that led to the current crisis, the U.S. position on the negotiations and other efforts aimed at resolving the crisis, the lessons learned in the earlier votes that could be useful in helping avoid a repeat of the fraud and abuse, the role of U.S. policy in helping to resolve the crisis, the impact of the current situation on other countries in the region, and an assessment of U.S. policy options for the period after the situation is resolved.

DEVELOPMENT OF THE CURRENT SITUATION

More than a dozen years ago, Ukrainians chose freedom and independence and set their country on a path toward democracy and prosperity. This path has not been easy, but the Ukrainian people have remained committed to the principles of independence and self-determination. We now see the depth of that commitment on the streets of Kiev and all over Ukraine.

The current crisis came to a head when the Ukrainian people rejected the massive fraud and abuse that characterized the November 21 second round of the presidential election. The numerous problems that characterized the voting in the election's second round, however, were the culmination of months of irregularities, intimidation, and abuse by the pro-presidential side. In fact, the entire presidential campaign for almost the last year was plagued by difficulties. In his testimony before your Subcommittee on Europe last May, my predecessor, Deputy Assistant Secretary Steven Pifer, described in detail the many problems in the electoral campaign, including harassment of opposition politicians and those who supported them; obstruction and preclusion of opposition campaign events; abuse of state resources to support the government's candidate, Prime Minister Viktor Yanukovich; a near-monopoly of media attention for Yanukovich; violence and intimidation directed against independent media outlets; and eleventh-hour attempts to change the Ukrainian Constitution to extend the current authorities' hold on power. Despite strong messages from the United States, including from President Bush, and the international community against such actions, the Ukrainian authorities made little effort to rectify these imbalances. These problems in the campaign persisted up to the moment voting began.

The first round of balloting on October 31, too, was plagued by numerous problems and irregularities. The report of the observer mission of the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) found that the first round failed to meet a considerable number of international standards for democratic elections and, thus, represented a "step backwards" from the 2002 Rada election, the last major election in Ukraine. Despite the many problems in the first round, however, there was no serious doubt that opposition leader Viktor Yushchenko and Prime Minister Yanukovich received more votes than any of the other candidates (39.87 percent and 39.32 percent, respectively, as determined by the Central Elec-

tion Commission) and were thus entitled to run in the second round on November 21. (Ukrainian law provides that if no candidate receives a majority of the votes cast in the presidential election, the two candidates who received the largest number of votes should stand for a winner-take-all second round of voting held several weeks after the first round.) In their reports, the OSCE and other election observers detailed a number of ways in which Ukraine's electoral machinery needed to be fixed or adjusted in order to make the second round of voting free and fair to both candidates.

Despite the hopes of the Ukrainian people and the international community that the Ukrainian authorities would heed those recommendations, the second round of voting featured even greater and more widespread fraud and abuse. Senator Lugar, in Ukraine as President Bush's representative, who testified before you today, noted "a concerted and forceful program of election day fraud and abuse . . . with either the leadership or cooperation of the governmental authorities." The OSCE/ODIHR's report said that the election did not meet "a considerable number" of international standards, and that, as in the first round, state executive authorities and the Central Election Commission displayed a lack of will to conduct a genuinely democratic election process. ODIHR assessed the second round "less favorably" than the tainted October 31 first round vote. A U.S.-funded foreign NGO observer mission also described "a coordinated, systematic pattern of major violations leading to an outcome that does not reflect the will of the Ukrainian people."

The following are examples of the most egregious, widely observed and reported examples of election-day fraud on November 21:

- *Illegal Use of Absentee Ballots:* According to the respected NGO "Committee of Voters of Ukraine" (CVU), massive electoral fraud was committed through the illegal use of absentee voter certificates. For example, people were caught in Dnipropetrovsk and Sumy oblasts with their pockets stuffed with blank absentee ballots that they were using to vote at multiple polling stations.
- *Opposition Observers Ejected:* Observers from Our Ukraine and other opposition groups were expelled from most polling stations in eastern Ukraine on Election Day. For example, in Territorial Election Commission (TEC) district number 42 in Donetsk oblast, Our Ukraine observers were kicked out of all but a few polling stations.
- *North Korean-Style Turnout in the East:* Turnout in the pro-Yanukovich eastern oblasts was unnaturally high. In several electoral districts, turnout for the run-off round increased by 30 to 40 percent over the first round. In Luhansk oblast, the reported turnout rate hit nearly 96 percent—a number that, to quote the OSCE, even Stalinist North Korea would envy. A similar turnout rate was reported in Donetsk oblast, where 98 percent of the votes went to hometown candidate Prime Minister Yanukovich.
- *Mobile Ballot Box Fraud:* In the second round of the election, the number of voters who supposedly cast ballots at home using mobile ballot boxes was double that of the first round. Much of this voting occurred without observers being present and was massively fraudulent. In Mykolayiv oblast, for example, nearly 35 percent of the oblast's voters purportedly cast their ballots "at home."
- *Computer Data Allegedly Altered To Favor Yanukovich:* There were credible reports showing that Yanukovich supporters gained illegal access to the Central Election Commission's computer system and illegally altered vote tabulation data being transmitted by TECs to the CEC.
- *Reports of Opposition Fraud:* Yanukovich's supporters allege that Yushchenko's supporters stuffed ballot boxes in western Ukraine. But the reports and evidence of pro-Yanukovich fraud greatly outweighed those indicated for Yushchenko.

This massive ballot-box stuffing, fake turnout figures, and other forms of fraud and abuse allowed the authorities to create a victory for their candidate that almost certainly would not have been possible in a free and fair election. The final figures announced by the Central Election Commission (CEC) gave Prime Minister Yanukovich with 49.46 percent of the vote over opposition candidate Yushchenko with 46.61 percent. It is impossible to know what the real numbers were, but a large-scale (20,000 respondents), nation-wide anonymous exit poll conducted by a consortium of three highly respected research organizations (partially funded by the United States Government) projected Yushchenko the winner with 53 percent versus 44 percent for Yanukovich. Other exit polls and parallel vote counts indicated a Yushchenko victory, although by lesser amounts.

POST-ELECTION CRISIS

On November 22, the Central Elections Commission (CEC) announced preliminary results showing Yanukovich in the lead. Yushchenko supporters began pouring into the streets wearing orange ribbons and scarves, the campaign color of the opposition. In Kiev, their numbers have been as high as 200,000, despite daily temperatures below freezing. Pro-Yushchenko rallies also have occurred in several provincial capitals and other cities across Ukraine, including in eastern Ukraine. Yanukovich supporters have also demonstrated in support of their candidate, but with nowhere near the numbers or consistency of the Yushchenko supporters. The protests have generally been orderly and non-violent, though demonstrators have blocked access to government buildings and thus have impeded the legal functioning of the government and its institutions.

A number of city councils declared Yushchenko the rightful president. In the east and south, several governors have declared that they would seek autonomy or even secession from Ukraine if Yushchenko were to be declared the winner; these calls were criticized by most Ukrainian leaders, including Kuchma, but not Yanukovich. Many government functionaries from various institutions have declared their allegiance to the opposition. The latter include several diplomats at the Ukrainian Embassy in Washington, who issued a statement decrying fraud in the election, supporting Yushchenko as the winner, and calling on other members of the Ukrainian diplomatic corps to join their protest. Three hundred other diplomats reportedly have signed their letter.

The Ukrainian military has thus far remained on the sidelines of the crisis. Defense Minister Kuzmuk—a Kuchma loyalist who was appointed shortly before the first-round election in what many observers interpreted as an effort by President Kuchma to strengthen his hold over the military in case of post-election trouble—has said the military would remain politically neutral. Nevertheless, there have been reports of troop movements at times, and credible indications that government officials were, at one point, preparing to crack down on the protestors. Ukrainian police units and troops of the Ministry of Internal Affairs (MVS) guard government buildings and have also thus far refrained from the use of force. There are many reports of police officers and MVS troops fraternizing with demonstrators, but we believe that if a crackdown on the protests were to be ordered, it would be these units who would be asked to carry out the orders.

In the days after the election, the political situation began to impact Ukraine's economy. The uncertainty caused by separatist calls emanating from the November 28 meeting in Severodonetsk, Luhansk oblast exacerbated fears, especially in eastern Ukraine. PM Yanukovich and Deputy PM Azarov likewise complained that demonstrators' disruption of the government's operations was chilling economic activity. On November 30, the National Bank of Ukraine (the Central Bank) imposed a series of currency controls restricting purchases of dollars, limiting cash withdrawals, blocking early payment of fixed-term deposits, and freezing bank assets levels (thereby effectively prohibiting new bank lending). On December 3, the Rada passed a resolution ordering prices of industrial and domestic goods to be frozen at the November 30 levels, and calling on the government to take other measures it deemed necessary to avert a financial crisis. However, this resolution apparently has no legal force. We have received some reports, especially from eastern Ukraine, of customers being unable to access their bank accounts, and complaining of cash shortages. Experts believe Ukraine has sufficient foreign reserves to meet demand, and that Ukraine's robust economy—which has grown by more than 12.5% this year—will be able to withstand the current pressure, but we continue to monitor the situation closely.

RESOLVING THE CURRENT CRISIS

As the political crisis has grown, so too have the efforts to resolve it. The Ukrainian leadership and government at first appeared stunned and surprised by the strong reaction of Ukrainians to the reports of fraud, and evidently believed that the demonstrations would melt away and protestors return home as temperatures dropped and the finality of the results sank in. A precedent for such a scenario was set in 2001, when large-scale protests following revelations of the probable involvement of President Kuchma in the disappearance and murder of an investigative journalist eventually died out as protestors realized the government would not yield to their moral outrage. This time, however, the protestors have been able to maintain discipline and their numbers have not declined. Their resolve appeared to strengthen after the CEC announced final election results, followed by the Supreme Court's announcement on November 24 that the final results could not be promul-

gated (and thus become official) until the Court heard the opposition's case for election fraud.

With no apparent resolution of the crisis in sight, Polish President Kwasniewski, joined by Lithuanian President Adamkus, EU High Representative for Foreign and Security Policy Javier Solana, and OSCE Secretary General Jan Kubis, offered international mediation assistance. A roundtable framework for negotiations was set up to include Yushchenko, Yanukovych, Kuchma, Rada speaker Lytvyn, and the European mediators. Russian Duma speaker Gryzlov at times has participated in the roundtable sessions as well. The first roundtable session produced pledges from both sides to refrain from violence and set up a Working Group of representatives of both sides. The second session on December 1 produced a preliminary agreement that included an opposition promise not to block government buildings, and renewed pledges from both sides to refrain from violence, reform electoral legislation, and preserve the country's territorial integrity. There was also a controversial pledge to adopt constitutional reforms, which had been rejected by the Rada last summer but are still supported by President Kuchma. The constitutional change would shift significant power from the presidency to the Rada and prime minister. The roundtable agreement did not address the central question of resolving the fraudulent second round of voting, delaying any discussion of that issue until after the announcement of the Supreme Court's decision on the opposition's complaints.

On December 1, the Rada passed a resolution expressing no confidence in the Yanukovych government and calling on the President to name a new government of national unity. There were certain technical questions about the legality of the resolution and it was unclear when or if President Kuchma would have to dismiss the government. On December 3, after hearing testimony from both sides, the Supreme Court confirmed that there had been significant fraud in the second round vote, declared the vote invalid, and ordered a new vote by December 26. The Rada continues to debate revisions to the election law to prevent the identified problems and weaknesses from recurring in the repeat of second-round voting. We have urged all parties to move ahead quickly to adopt the necessary measures to ensure a new vote is free and fair, and results in an outcome that reflects the will of the Ukrainian people.

LESSONS LEARNED

From the many obvious problems in the first and second rounds of the Ukrainian vote, a number of specific lessons emerged that would be helpful in reducing or avoiding fraud in another election:

- First, the absolute necessity of maintaining or increasing the number of domestic and international election observers, particularly those working under the auspices of the OSCE/ODIHR. It is a sad, but true fact that it is extremely difficult to detect and deter fraud and abuse by a candidate and his supporters who have at their disposal all the resources of the state, including local authorities. The Ukrainian case, as well as the case of Georgia earlier, demonstrate that it is only through the Herculean efforts of tens of thousands of individual domestic and international election observers (both from OSCE/ODIHR and from NGOs) and others committed to a free and fair process that fraud and abuse come to light.
- Next, the need to strengthen access, legal opportunities and protections for domestic observers. There were many instances in which Ukrainians acting as observers were simply locked out of polling stations and not permitted to do their jobs. Moreover, Ukrainian legislation on elections does not provide for the registration of domestic election observers and those observers who did work during the election were forced to register as journalists.
- Likewise, the critical importance of developing legislative and oversight mechanisms to eliminate the possibility for fraud during absentee and mobile voting.
- Also of importance is the need to strengthen legal controls over, and verification of, voter registration lists to ensure that opposition supporters are not excluded while names of deceased and other bogus voters are not added.
- Strengthen and revise legislation regarding election commissions. In many cases, opposition supporters were excluded from serving on election commissions, despite legislation providing for balanced commission memberships. The functioning of commissions at the local, regional, and national levels was also in many instances non-transparent. Thirdly, election commissions should be protected from outside pressure by officials. Fourthly, protect election com-

mission computer systems from parallel or alternate servers, which reportedly were used to alter election figures transmitted from the field.

- Increase, and strengthen legal enforcement of, penalties against those who intimidate party activists and voters. In some cases, intimidation was perpetrated by local officials; in other cases by gangs of skinhead thugs.
- Increase, and strengthen legal enforcement of, penalties against officials at various levels who engage in fraud. While election fraud is illegal in Ukraine, enforcement is sporadic at best and often itself politically motivated.
- Ensure equal media access for all candidates and ensure independent media outlets are protected against government harassment. The current crisis has led many journalists to declare their freedom from government control and censorship and attempts by the authorities to dictate coverage appear to have weakened. Such positive trends should be extended and institutionalized.
- Strengthen public commitment of national leaders and regional and local officials to free and fair election processes. Before the election, Ukrainian officials repeatedly and openly admitted that the election would not be entirely “clean.” Such admissions—while perhaps a realistic appraisal from a political scientist—became an incitement and license for abuse when stated by national political leaders. Ukraine’s leaders must lead by word and by example.
- Ensure the international community is focused on the re-vote, especially given that it will take place the day after Christmas. The international community’s scrutiny undoubtedly helped deter some fraud in previous votes.

ROLE OF U.S. POLICY

The primary focus of U.S.-Ukraine relations over the past year has been the conduct of the presidential campaign and election. Over a period of many months, the U.S. and our European partners repeatedly advised Ukrainian authorities, publicly and privately, that we were watching the election closely and considered it a test of Ukraine’s commitment to democracy.

Our interest is in seeing Ukraine develop as a stable, independent, democratic, prosperous country with an economy based on free-market principles, one that respects and promotes human rights and abides by the rule of law, and draws closer to European and Euro-Atlantic institutions. We made clear that the conduct of the campaign and election-day voting would determine the democratic credentials and credibility of Ukraine’s political leadership as well as the country’s strategic course for the next decade. We specifically stressed that the conduct of elections would have significant implications for our relations; the manner in which the next president was elected would directly impact our ability to work with that president.

We did not—and do not—favor a specific candidate. The United States has pledged repeatedly that it would work with whoever won a free and fair election. We have focused on ensuring that Ukrainians had an opportunity to choose their next leader freely, without coercion or manipulation.

The United State government has worked consistently throughout 2004 to promote a free, fair campaign and election in Ukraine:

- We have made clear, consistent public statements about the positive and negative implications for Ukraine depending on the conduct of the election;
- We kept up a steady-stream of high-level visitors (both official and unofficial) to underscore our message privately;
- We have used all of our high-level meetings with Ukrainians to underscore our expectations and concerns about the election, including President Bush at the NATO-Ukraine Commission Summit in Istanbul, as well as bilateral meetings of Secretary Powell and Dr. Rice;
- We have tried to “raise the bar” for fraud by focusing our assistance in ways that would help to expose large-scale fraud (such as parallel vote counts and independent exit polls);
- We funded one of the largest international election observer efforts ever undertaken;
- We demonstrated the personal consequences of electoral misconduct by denying visas for individuals engaged in fraud and anti-democratic behavior;
- We welcomed Rada Speaker Lytvyn to Washington five days before the run-off to underscore our support for a legislative body committed to ensuring an outcome that reflected the will of the people;
- We have welcomed Congressional activity on Ukraine (resolutions, floor statements, visits); and

- President Bush asked Senator Lugar to deliver a message directly to President Kuchma on the eve of the vote.

The United States provided funding to support independent media, provide non-partisan political party training, voter awareness and education, training for election officials and observers, and more. All of this assistance was provided on a non-partisan basis. For instance, political party training funded by the U.S. government is open to all parties on an equal basis. Our election-related assistance to Ukraine totaled approximately \$13.8 million. The U.S. also funded thousands of international observers. This included the U.S. contribution funding the approximately 600-person OSCE observer mission; additional funding for another 100 observers under special agreement with the countries of Central Europe; and funding for an additional 1,000 foreign NGO representatives organized by Freedom House and the European Network of Election Monitoring Organizations (ENEMO). In addition, some 10,000 domestic observers were organized by the Ukrainian NGO Committee of Voters of Ukraine, which receives partial support from the U.S. Government via NDI. This support represents one of the largest international observation efforts ever.

In preparation for the mandated re-run of the election on December 26, we today submitted a Congressional Notification of \$3 million, as a contingency, to provide funding for election-related activities. The CN provides for up to \$500,000 for OSCE election observers (including a possible central European mission of 100 people under ODIHR auspices) and up to \$2.5 million to support NGO monitoring and other election-related efforts.

Beginning in February, a wide, bipartisan range of senior U.S. officials and prominent private citizens visited Ukraine carrying a strong message about the importance of a democratic election to Ukraine's Euro-Atlantic integration. These included Defense Secretary Rumsfeld, Deputy Secretary of State Armitage, USAID Administrator Natsios, former President Bush, former Secretaries Albright and Kissinger, Dr. Brzezinski, Richard Holbrooke, Thomas Pickering, General (r.) Wesley Clark, Rep. Bereuter, Senator McCain, and of course Senator Lugar. The President asked Senator Lugar to return in November as his representative to deliver a letter to President Kuchma urging a free and fair election and to remain in Ukraine during the sensitive period immediately following the voting. He has already reported to you on that experience. We are grateful for Senator Lugar's efforts, and have been extremely pleased at how closely the Administration and the Hill have cooperated in the run-up to the election in Ukraine.

As we look back now, we can cite some positive elements of the election campaign. There was very little election-related violence, and the military stayed entirely on the sidelines. Despite substantial obstacles, the opposition remained viable, active, and able to compete. President Kuchma did not seek a third term and, as far as we can tell, is prepared to leave office once a successor is legitimately elected. That said, we were extremely disappointed with the violations of democratic processes reported throughout the campaign that I described at the beginning of my testimony.

Russia also openly supported Prime Minister Yanukovich. There were credible reports of Russian financial backing for his candidacy. President Putin visited Ukraine twice this fall, just prior to each round of voting, and underscored his support for the Prime Minister. We have discussed repeatedly with Russian officials our concern over the conduct of the Ukrainian campaign and elections and the role of Russian citizens in that process. We have consistently encouraged the Russian government to join other OSCE member states in organizing common monitoring and mediation activities to promote a free and fair election that reflects the will of the Ukrainian people. We have urged the Russian government to refrain from any activities that could limit Ukrainians' ability to choose freely.

U.S. efforts intensified as the campaign drew to a close. The State Department issued a hard-hitting statement in October that got considerable attention in Ukraine, the Deputy Secretary published an op-ed in the Financial Times on the eve of the first round, and the Department issued another statement after the first round vote. The White House issued strong statements of its own just before the November 21 election, and both the White House and the Department have spoken out repeatedly since the November 21 vote to make it known that we did not recognize the legitimacy of the results of the run-off because of the widespread and credible reports of fraud, and that we expected the will of the Ukrainian people to be upheld. The White House issued another statement following the run-off underscoring the "extensive and credible indications of fraud," "calling on the Government of Ukraine to respect the will of the Ukrainian people," and noting that "the United States stands with the Ukrainian people in this difficult time."

In addition, the Deputy Secretary spoke to PM Yanukovich and to opposition leader Yushchenko last week. The Secretary has been in regular contact with President Kuchma, Russian Foreign Minister Lavrov, Polish President Kwasniewski, EU High Representative Solana, and many others since November 21. The President has made known his strong support and deep appreciation for the mediation efforts of European leaders, which bore fruit in a preliminary agreement last Wednesday. We and our NATO and EU allies are united in support of democracy in Ukraine. We have reiterated our unwavering support for Ukraine's territorial integrity and our rejection of separatist initiatives. We have called on all parties to avoid violence, confrontation, and unhelpful rhetoric, and to work constructively towards a peaceful and just resolution to the impasse that reflects the will of the Ukrainian people. As the President said, our common goal is to see the will of the people prevail in elections that are free of outside interference. It is essential that the voice of the Ukrainian people be respected.

IMPACT ON THE REGION

The crisis in Ukraine remains far from final resolution, so it is difficult to predict its long-term impact on other countries in the region. If, in the end, a democratic process prevails and there is a result that reflects the will of the Ukrainian people, it could have a potentially major impact for the development of democracy in the region. It will signal millions of people that democratic freedom is on the ascendance. This will help bolster pro-democracy NGOs, even as authoritarian governments in Belarus, parts of Central Asia, and elsewhere in Eurasia advance crack-downs on pro-democracy civil society groups. We will intensify our efforts to establish balanced cooperation with governments in these regions, recognizing that long-term stability and security arise when people enjoy freedom to participate in the civic life of their countries and fundamental human rights.

Democracy in the countries of the former Soviet Union has lately had its ups and downs. In Georgia, a "rose revolution" in 2003 unseated the government of President Shevardnadze following a fraudulent parliamentary election, and was followed in January 2004 by a presidential election that by and large did adhere to international standards. At the same time, however, there have been disturbing indications of a retreat from democracy in Russia, including flawed elections, greater control of the press, and selective prosecution of powerful business leaders thought to pose a threat. Moreover, Moscow has of late become more active in what it regards as its "near-abroad." As I said, the Russians have taken a particularly active role in the Ukrainian election, openly throwing their support behind Prime Minister Yanukovich.

The outcome of the presidential election process in Ukraine will have an impact well beyond Ukraine's borders. It is in the interests of everyone to see Ukraine develop into a democratic, market-oriented nation with good relations with all its neighbors and with other members of the European and Euro-Atlantic communities.

LONG-TERM U.S. POLICY

U.S. strategic interests in Ukraine have remained steady for more than a dozen years and will continue to do so regardless of the outcome of the presidential election. As I said earlier, the U.S. wants to see Ukraine develop as a secure, independent, democratic, and economically prosperous country that increasingly draws closer to European and Euro-Atlantic institutions.

U.S. policies toward Ukraine for the period following the presidential election must be properly calibrated to provide an appropriately positive or negative immediate response to the conduct of the election while furthering our long-term strategic interests in Ukraine and the region. We want to encourage Ukraine to maintain its peacekeeping contingents abroad, including in Iraq, Kosovo, and other peacekeeping operations. But we will not allow those deployments to become reasons to excuse or ignore democratic shortcomings in Ukraine.

Our bilateral relationship will obviously be affected by the final outcome of the crisis over the presidential election. Isolation of Ukraine is not an option, but, at the same time, if the repeat election once again fails to meet democratic standards, there will be consequences for our relationship, for Ukraine's hopes for Euro-Atlantic integration, and for individuals responsible for perpetrating fraud, including our consideration of further use of Presidential Proclamation 7750 to deny visas to individuals engaged in corrupt and anti-democratic activities. We have made clear our willingness to respond to an undemocratic electoral process given that failure to do so would undercut our credibility with others in the region who also support a Europe whole and free.

As I stressed earlier, we are prepared to work closely with any candidate who wins in a free and fair contest that meets international democratic standards. If that condition is met, we also are prepared to deepen our relationship and to move quickly on a number of issues of importance to Ukraine. These would include intensifying consultations and engagement at the highest political levels, possible upgrading of Ukraine's relationship with NATO; increased U.S. support for a closer relationship between Ukraine and the European Union; increased cooperation in the areas of energy, health, education, science, and technology; closer military-to-military links; and increased cooperation to accelerate Ukraine's bid for accession to WTO, provided its government enacts WTO-consistent laws and regulations and addresses our concerns on agriculture and protection of intellectual property. A democratic outcome would also likely spur greater trade and foreign investment. We are prepared to work with OPIC, Ex-Im Bank and the Trade and Development Agency in order to bolster our economic relationship. Substantial progress on intellectual property rights would also allow us to recommend removing existing economic sanctions and restoring Ukraine's benefits under the Generalized System of Preferences (GSP) program. Ukraine has complied with the provisions of the Jackson-Vanik Amendment to the Trade Act of 1974. In principle, we support Congressional action to "graduate" Ukraine from Jackson-Vanik and to grant normal trade relations with Ukraine, and we would urge more rapid action on this matter. In other words, a Ukrainian government reflecting the will of the Ukrainian people could expect a broad and growing, and mutually beneficial, relationship with the United States.

CONCLUSION

Mr. Chairman, in conclusion, let me say again that the U.S. wants to see Ukraine develop as a secure, independent, democratic, and economically prosperous country that increasingly draws closer to European and Euro-Atlantic institutions. A democratic election whose outcome reflects the will of the Ukrainian people would be an important step in this direction. This Administration is committed to helping Ukraine achieve this goal and looks forward to working closely with whoever wins in a free and fair election process.

Thank you very much for allowing me to appear before your Committee today. I would be happy to answer any questions you may have.

Chairman HYDE. Without objection, Mrs. Jo Ann Davis of Virginia will submit a statement for the record.

Mr. Lantos.

Mr. LANTOS. Mr. Chairman, I want to commend both my friend Congresswoman Kaptur and Ambassador Tefft for their useful testimony. And I think we are all in accord on the basic objectives of what we seek. The long-suffering Ukrainian people are entitled at long last to be fully independent and to live in a free, open and democratic society. I am very pleased that our Government is on the right side of this issue, and I am very pleased that our Government is working with the countries of Western Europe to achieve these goals.

I do have an issue which I would like to raise, and it may not be the most popular issue to raise at this moment, but I think it needs to be raised. As we applaud the heroism, courage and determination of the Ukrainian people to move toward free elections—and I fully anticipate that the ones on December 26 will be free because the whole world will be watching and the steps will have been taken to ensure their fairness—they will provide for a government which reflects the will of the Ukrainian people, or at least the majority of the Ukrainian people. The question then becomes, what will Ukraine do with its newly-won freedom and democracy and independence? And the answer to that question is not yet in.

It is particularly not yet in, in view of the experience we have had in recent years with several major European countries, such as Germany and France. It is self-evident to all of us on this panel what the United States has done to bring about freedom and de-

mocracy in Germany and France. Tens of thousands of our finest young men gave their lives, as the cemeteries on Normandy Beach so clearly demonstrate, for the freedom of France. Yet France is totally unwilling to participate in crafting a somewhat more free and somewhat more open society in Iraq. Nor is Germany. And I was disturbed to note that "our man in Ukraine," the candidate we favor for all the good reasons, Mr. Yushchenko, is recommending the withdrawal of the 1,600 Ukrainian troops currently fighting side-by-side with our soldiers in that long-suffering country.

The issue I am raising is a very fundamental issue with respect to all of Europe, far transcending Ukraine. Europe is very interested in carving out its own independence and freedom and democracy and prosperity, but it is far less interested than it ought to be in bringing similar wonderful developments to other parts of the world. It has grown increasingly self-centered and cynical.

The wave of anti-Americanism that is sweeping Europe has to do with much more than the current Administration or the style of the current Administration. It reflects a very fundamental cleavage between views in the United States and views in Europe. The European views are profoundly Eurocentric and are far less interested in reaching beyond Europe and moving toward the creation of free and open societies elsewhere.

Iran is a good example. The most recent agreement on Iranian weapons of mass destruction is singularly flawed, and it is European countries which negotiated it. The appalling scandal of the Oil-for-Food Program reflects an avarice on the part of some European countries, which is simply appalling. It would be unreasonable to expect a country that is trying to gain its independence and freedom to be ahead of countries such as Germany and France, which are enjoying prosperity and freedom and have done so for a long period of time.

But I would be grateful if you would be prepared to comment on the issue I raised, because we are all passionately committed to Ukrainian freedom, democracy and independence. But that is not the ultimate goal in a global context, and countries which are democratic, free, open and independent have a responsibility vis-a-vis other regions of the world where this nirvana has not yet arrived. With your experience in the field, I would be grateful for your observations.

Mr. TEFFT. Thank you, Mr. Lantos. You have raised some very important points. Let me respond with regard to Ukraine, which is my particular area of responsibility.

The Ukrainian troops—the almost 1,600 troops that are in Iraq—have played a very valuable role; all of our military leaders say that. We want them very much to stay and we have conveyed that message to the Ukrainian Government repeatedly. I was in Ukraine in September and I met with Prime Minister Yanukovich just after he had come back from his visit to Iraq, after his visit with the troops. He made it very clear to me that he wanted to keep the troops there. He also was trying, during a Presidential election campaign, to deal with popular sentiment, much of it opposed to keeping Ukrainian troops there.

You are correct, Mr. Yushchenko has also talked about withdrawing Ukrainian troops. Our Ambassador has had several con-

versations with him about that, and it is our understanding that whoever is elected, there will be serious consultation between us, and not an abrupt withdrawal of those troops. We will continue to urge them to stay and continue to play the important role that they have done.

I agree with you completely that Ukraine will have to play an important role in broader global issues. As its focus is now on its democratic election campaign, it is a country of 50 million people. It is a country with enormous resources with military capability. And we believe that is important, to marshal that capability toward peacekeeping activities and others.

In my longer, prepared statement, I have laid out a number of specific areas where, if we have a fair and free election on the 26th of December, we could move. And this would include closer integration of Ukraine in NATO and other structures to work together on better military-to-military cooperation, to work with Ukraine more broadly on that type of global role you are talking about. This is very much on our minds and will be part of our agenda with Ukraine after the election. And again, we are very hopeful that we will have the possibility to work with them and take advantage of what they bring to the table.

Mr. LANTOS. I am very pleased with your answer because we have recent historic examples of profound disappointments that we have had to endure along these lines. The majority of this Committee, under the Chairman's leadership, was strongly in favor of NATO membership for Poland, the Czech Republic and Hungary, and subsequently of Estonia and Latvia; and we are delighted that these countries have achieved that status. I very much hope that at the appropriate time, Ukraine will as well. But I think it is important to understand, for both the leadership and the people of these countries, that NATO membership, which is a dream come true, is a protective military umbrella for the first time in the history of these countries, which guarantees collective response vis-a-vis any hostile action.

It also entails some responsibilities, and many of these countries have been very eager to obtain the benefits of NATO membership, but are singularly disinterested in assuming the responsibilities of NATO membership. And I very much hope that from the earliest times on, which is now in our dealings with the new Ukrainian leadership, we need to underscore the duality of our interests: One, our passionate commitment to their free democratic and independent existence; and two, the expectation that they will accept their responsibilities of democratic, free and independent nations in a global context.

I thank you for your answer.

Chairman HYDE. Mr. Leach.

Mr. LEACH. Ambassador, do you or does the State Department have any assessment of President Putin's role in all of this? Has he overstepped himself?

Is a threat of a split in Ukrainian society real? If the threat is real, is it a movement toward two States or reintegration of part of one State with Russia?

And then, finally, it is my sense that there are true cultural divisions based on language in the Ukraine, but the political cohesion

is pretty powerful and that this is kind of an outside political threat. Is that your impression, or is it the type of thing we ought to be worried about?

Mr. TEFFT. I don't understand your last point.

Mr. LEACH. My sense is, there is kind of a hanging political threat used by few people in politics outside and a couple within Ukraine, but from a public point of view, it doesn't hold a lot of sway. Is that valid or is this division something that we saw an example of with Czechoslovakia, for example?

Mr. TEFFT. We very much oppose any attempt or any urging of separatism in Ukraine. We were very happy the morning after this conference in Severodonetsk a week ago Sunday where a lot of separatist talk was mounted. We are happy that President Kuchma called the governors who had attended this conference to his office in Kiev and made it clear to them and made a public statement strongly opposing any kind of separatism or any kind of division of Ukraine.

There is no question that there are broad historical and cultural differences between East and West, but we believe any solution in Ukraine has to be based on territorial integrity. We were encouraged that the Russian Government from President Putin on down came to that same public conclusion.

The day after the conference at Severodonetsk, Assistant Secretary Beth Jones, my boss, asked the Russian Ambassador to come in and for his clarification. He and other Russian officials assured us that Russia stood for territorial integrity of Ukraine and did not favor separatist remarks. President Putin made that point subsequently.

Ukraine has had a remarkable economic recovery over the last year, one of the highest growth rates in Europe. It is important for its future that the economic vitality of that country be maintained, and territorial integrity and political stability are critical to that, so we will continue to push in that direction.

Chairman HYDE. Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman. And thank you, Mr. Ambassador. Before I ask my questions, just a comment on my good friend, Congresswoman Kaptur.

She and I had the pleasure of traveling together to Ukraine. I have been to Ukraine on two occasions. One time when we were stuck in Moldova and told there was no way we could go to Ukraine, Marcy and I "hijacked" a car and drove into Ukraine to observe firsthand what was going on. And I am just proud to be one of the people who signed the document that she had spoken about in 1999 with the joint Congress and Rada. And thank you, Marcy, for all the good work you do.

Mr. Ambassador, I am concerned about the elections, and I would like to ask you a few questions about the monitoring of the elections. Obviously, we monitored the elections in the recent fraudulent election. Are our plans for monitoring the elections for this runoff similar to what we had? How many monitors are we planning to send? What is Russia planning on doing in terms of sending monitors? I would like to ask you about that.

And also, there has been some talk about how elections would affect different minorities in Ukraine. I am wondering if you have any comment on that.

You mentioned that Mr. Kuchma had talked about any type of breakup, and I am wondering if you could give us your assessment of the role he has played. I have met with him on a number of occasions both in Ukraine and in Washington. He has always professed to me a desire to work with the United States, and that is why it was very interesting for me to notice that the press has played this as an East-versus-West-type thing with Mr. Kuchma and his hand-picked candidate leaning toward Russia, and the reformers leaning toward the West. But in all the private conversations that Mr. Kuchma has had with me, he professes just the opposite. So I wonder if you could comment on that as well.

Mr. TEFFT. With regard to the election observers, we are trying very hard to fund, with Congress' approval, and field as many, if not more, observers for the December 26 round as we had the last time. We believe that the last round was successful. We were able to document—the OSCE and American observers were able to document the fraud and abuse we have talked about today at this hearing.

My understanding is that the Organization for Security and Cooperation in Europe is shooting for a number of 960 observers for this next round. We will pay, if the appropriation is agreed, for 100 of these. We will pay for 100 in the Visegrad Four countries. In addition, it is our intention to reconstitute the 1,000 nongovernmental observers from the International Republican Institute, from Freedom House, National Democratic Institute and others who comprise the European network of election-monitoring organizations. These all will work with the Committee of Voters of Ukraine, the 10,000 observers who were participating the last time, which we very much expect will be there this time.

My understanding is that the OSCE, today at its ministerial meeting in Sofia, has approved the deployment at the invitation of the Ukrainian Government of these people. We are going to have a robust and, again, hopefully successful monitoring mission.

With regard to minorities, clearly, as I responded to Mr. Leach, the question of the minorities, the cultural, historical divisions in this country are serious. We believe, however, that Ukraine should be a unified country, that it can manage, that it can incorporate the different minorities in a multiethnic society that will be very, very successful. This is a challenge for whoever will be the next President. There are a lot of issues out there that will have to be addressed.

With regard to President Kuchma, Senator Lugar mentioned, and I mentioned in my remarks, the many officials who went to see President Kuchma, who urged a free, fair and transparent election. Sadly, the election was not free and fair, and there was some complicity by the Government of Ukraine.

We are continuing to urge President Kuchma—Secretary Powell has spoken to him—that the next round, the rerun of the election, has to be free and fair; and that we look to him personally to continue to make sure that there is not fraud again this time. And I

am sure that will be a theme over the next couple of weeks as we approach the runoff election.

Chairman HYDE. Mr. Paul.

Mr. PAUL. Thank you, Mr. Chairman.

Mr. Ambassador, you have stated that you do not favor a specific candidate and that, of course, is the position of our Government. And the same thing was also stated by Senator Lugar, and the President has been very clear on this. Any election, if there is one, ought to be free from any foreign influence, which I think sounds like a pretty good idea.

It is illegal for other countries to interfere in our election. At least it is good policy not to pick a candidate. And yet I have come across some evidence to show that U.S. taxpayers' dollars may have supported one candidate over another.

You talk about more funding for the NGOs, and this is for monitoring elections, and I understand that; but there are other fundings that I am concerned about. For instance, we know that USAID sends millions of dollars to a group called the Poland-American-Ukraine Cooperation Initiative, which is administered by Freedom House. And Freedom House then distributes many, many dollars to many Ukrainian NGOs. And if you study their Web pages, you find out that they are not nonpartisan at all, but very partisan.

On one, for instance, the International Center for Policy Studies has one of the candidates on the advisory board and there is a connection to his political Web site. There are several that I have here where you see money going from USAID to Freedom House to the NGOs who are absolutely connected to a particular candidate. I think it is a real stretch to say that U.S. taxpayers' dollars have not supported a particular candidate, and I am just wondering whether you think that is possible, or why this would exist, and if there is a question, whether or not you would support an effort on my part or somebody else's to look at this and try to trace this money through these various organizations to find out if the American taxpayers' dollars were used for a specific candidate in contradiction to our stated policy. Because I would think, quite possibly, the GAO could do a report for us and tell us this.

Could you comment on this? Is there any chance that our taxpayers' dollars have been used for a particular candidate?

Mr. TEFFT. I am not familiar with those particular programs, and I will be happy to look at that and get back to you. We have tried, as a government policy, to not support a particular candidate. I know that some of the larger programs, for example, the National Democratic Institute, the International Republican Institute, do training programs. Those programs are open to anyone who wants to participate. These are political training programs in terms of how to do political parties and all of the things that go with politics.

The fact that some people in Ukraine, as in other countries, choose to participate in some parties and others, not, is something that is their choice. It is not something that we are trying to exclude or to include anyone in particular.

With regard to those Web sites, I would have to take a look at that and get back to you, sir.

Chairman HYDE. Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

Thank you, Mr. Ambassador, for your testimony. What would be the likely consequences in terms of United States and Ukraine relations if an election takes place that is tainted by widespread fraud? What would be the consequences as far as our relations, in your opinion? And are there rewards or punishments that we should employ?

What are our principal interests in Ukraine? How would these be affected by a fraudulent election?

Mr. TEFFT. Thank you.

We believe that we have a long-term strategic interest in Ukraine. Our concern is that if the elections are not fair, we would have to indicate our displeasure with what had happened, clearly. At the same time, we are not going to try to undermine overall strategic relationships with Ukraine. It is very much our hope that the elections will be free and fair on the 26th of December, because, as I have laid out in my formal statement, the long statement, there are many, many things that we can do with Ukraine. That is certainly the direction we want to go. I hope we don't have a situation where there is fraud again.

I think the Ukrainian people are certainly sensitized to what has happened. Many Ukrainians who are not particularly partisan, or supporters of one particular party or another, have now endorsed the larger issue of having free and fair elections. They want that for their country, and that is very much our hope.

Mr. PITTS. What, in your opinion, would the foreign policy of Ukraine look like? How would it differ between the two candidates?

Mr. TEFFT. I think that part of what is at stake here is the question of integration into Western institutions. I think that came up during the course of the discussion. Both candidates said that they wanted to have very good relationships with the United States and with Europe. I think we would have to take a hard look afterwards to see whoever was elected—to see how this actually was implemented, what the specific foreign policies were.

Certainly, it is the policy of the European Union and the United States to try to remain as engaged, for all the reasons I described, with Ukraine after these elections. We hope it will become increasingly integrated into the Western community of nations and a democratic, successful, market-oriented economy.

Chairman HYDE. Mr. McCotter.

Mr. MCCOTTER. I just would like to flip Mr. Pitts' question in the sense of, What do you believe the consequences are of the outcome of this election to Russia and what are its strategic, long-term interests? And what are the potential consequences to Ukraine if Moscow does not like the outcome of the election?

Mr. TEFFT. I think it is clear that President Putin invested a great deal of personal interest in this campaign. I leave to other analysts the evaluation of his success.

We were encouraged the other day when we saw that President Putin said publicly, whoever wins, he will work with the head of the Government of Ukraine. Secretary Powell, this morning in Sofia, Bulgaria, was asked about the criticism that Russia had lev-

eled, that somehow we were playing sphere-of-influence politics. I think you could look at it the other way.

But I think the fundamental point that the Secretary made—and I would like to read the quote—is exactly the right one today as we look at Ukraine and we look at Europe. He said:

“I think the term ‘sphere of influence’ is really not relevant to the circumstances we face today. If you look at the situation in Georgia, the United States isn’t interested in sphere of influence.”

He goes on to say,

“In general, while we are engaged with all of these countries, there doesn’t need to be an East-West division. There is no need for the concepts to be in conflict. You can have friends in the East and the West.”

It isn’t a matter of sphere of influence. It is a matter of allowing a country to choose how it is to be governed and who it wishes to have as its friends. I think that is very much the American point of view. We don’t buy the idea of spheres of influence in 20th century Europe. The European Union feels very much the same way about that.

Mr. ROHRABACHER [presiding]. Mr. Weller.

Mr. WELLER. Thank you, Mr. Chairman. And, Ambassador, I appreciate the opportunity to be here. I came here from another meeting, so I missed some of your testimony.

If I have some time remaining, Mr. McCotter, I will yield you some time. I have a couple of quick questions.

I have had the opportunity, as a candidate, to participate in elections, but I have also observed elections—the Palestinian elections in 1996 and others, and recently in Venezuela for the referenda there. The international community—the United States—has expressed concerns over the conduct of the elections, the appearances of impropriety.

Who do you see as playing a key role in ensuring that this special runoff election is conducted properly? Who do you see playing a key role? And what are the steps necessary that need to be taken to ensure that from the international standpoint these elections are conducted in a fair and transparent manner?

Mr. TEFFT. Thank you.

We very much support the efforts of the European Union. President Kwasniewski of Poland, President Adamkus of Lithuania, EU Special Representative Solana, who had been to Kiev a second time, to try to work out the actual modalities to get the deal that will allow the rerun of the elections to be done freely and fairly.

I think the EU’s mediation has been critical to helping this very polarized society come to grips with what has happened, the fraud that has happened, you mentioned, but then to work out specifics so we can do this right the next time.

The word I have just gotten is that part of the Parliament of Ukraine has adjourned for the day. We were hoping they would come to agreement for new rules for the election, a new election commission, which are fundamental to make sure that the integrity of the next round is correct. There are a lot of issues being dis-

cussed there. Hopefully, they will come to an agreement on this very soon. Those are the key things.

I mentioned in my testimony a number of problems we had the last time. The legislation that is pending before the Rada today will deal with a number of those things. It will deal with the absentee ballot issue, as I understand it, and other issues that were the cause of the fraud.

Mr. WELLER. Which international organizations, besides the role of the European Union, do you see playing a key role in ensuring that the election is perceived and is actually a fair election? What do you see are the key groups that can play a role in ensuring that the election is credible?

Mr. TEFFT. In addition to the two Presidents and Mr. Solana and Mr. Kubis of the Organization for Security and Cooperation in Europe, who have been at the table for the roundtable discussions, Mr. Gryzlov, the Russian Duma speaker, has participated in some of these sessions. There are many NGO groups. Particularly the ODIHR—the branch of the OSCE that does the monitoring and the observation of elections—played a critical role, I think, in uncovering the fraud the last time; and when they went public with their assessment, it was vital, I think, to mobilizing world opinion, to educating world public opinion, to seeing the problems that had occurred and to putting them right out in the open so that ultimately the Ukrainian Supreme Court threw out the election because of the blatant fraud.

All of those organizations are going to be involved in this rerun, the second round of the election, as well as the NGOs in our own country and Europe who have been very active participants.

Mr. WELLER. You mentioned in your testimony and in your answer to my first question the standards essentially that the international community would look to see whether they are met during the election process. The Ukrainian Parliament, you said, adjourned for the day without resolving the issue. But I presume that is legislation that is before them. Is there anything that is lacking in that legislation that you believe should be included that is currently not included from the standpoint of setting up the election process? And who is going to administer it?

Mr. TEFFT. I don't have the text, but it is a fluid document. It incorporates the changes that the opposition has urged and it has been put together under the auspices of Mr. Lytvyn, the speaker of the Parliament, who has played a critical role in this process. Senator Lugar invited him to come to the States before the second round, and he came and had meetings not only on the Hill, but with Dr. Rice and Secretary Powell, where he explained his approach to this. That was a very good visit, and the role he has been playing, I think, since the fraudulent elections has been critical. I am confident that if the suggestions that he, as well as the opposition, wants are included in this law, that it will go a long way in making sure that on December 26, we see a free and fair election.

Mr. WELLER. If there is any time, I yield to my friend from Michigan.

Mr. ROHRBACHER. The Chair apologizes to Mr. McCotter. As we were in the middle of shifting the Chairman's gavel here I inad-

vertently curtailed Mr. McCotter's time, and you may ask as many questions as you would like. I apologize for cutting you off.

Mr. MCCOTTER. I appreciate your courtesy and your discretion.

Just to continue, the thrust of my question in terms of Russia, because Russia is in the post-Chechen terror attacks and a lot of the NATO isolation that they feel internally, what types of tools do they have to pressure Ukraine both now and in the future, given the larger picture that they want to be friendly to them? I think they have a desire, as we have seen in their own global war on terror, to be able to strike preemptively, and that has to be favorable to Moscow.

What constitutes friendliness? Was it an economic agreement? Is it the single economic space that they have entered into? What is Russia expecting of these countries like Ukraine? And what are we prepared to do about it to meet their strategic expectations? I am not quite sure we know what Russia's long-term strategic expectations of these countries are, let alone protect them from the consequences of failing in them.

Mr. TEFFT. It is a difficult question to answer in a short time. I think that Russia—the Russian leadership—sees Ukraine in its sphere of influence. It is kind of a zero-sum-game kind of approach. The criticism that Russia has leveled toward the Administration is that we are somehow interfering and trying to make Ukraine part of our own sphere of influence, and the statement that I read, that the Secretary made this morning, I think is a very clear rebuttal to that.

With regard to the methods that they might use, clearly there are reports that the Russians invested heavily in Mr. Yanukovich's campaign. In contrast to us, where we supported a process, they supported a specific candidate. The results of that election were flawed, as we have seen, and the Ukrainian people have objected to that quite clearly. I am not sure they have understood this in Moscow; I hope they have.

Again, President Putin has said he will work with whomever is the head of Ukraine. There are long-term and substantial economic ties. There are energy ties. But we hope that Russia will work with Ukraine, and we want Ukraine to be a good friend of Russia, too. There is no reason why it can't be a win-win situation. It doesn't have to be a zero-sum-game approach, as I think many people in Moscow seem to think it is.

Mr. MCCOTTER. Thank you.

Mr. ROHRABACHER. Thank you very much.

Let me note—and I apologize for being here a bit late—we have a major piece of legislation about to come onto the Floor, and there was a much heated discussion about that legislation that I was part of and had to participate in.

But thank you very much. Let me first and foremost commend the State Department and yourself for the strong stand that has been taken on behalf of the people of the United States concerning free and fair elections in Ukraine. It doesn't always happen, and in the past I have been dismayed when there has been a lack of, let us say, commitment on the part of our Government toward the success of people in other countries who are struggling simply to have a democratic process as the basis of choosing their leadership.

And today, and over this last election we have seen in Ukraine, you and the State Department and our Government have done well by the ideals of the people of the United States.

Clearly, the people of the United States of America are with the people of Ukraine in demanding free and fair elections. What is of concern to us, when it comes to choosing a leader of Ukraine, is that the people of Ukraine and their rights are respected and not some of the sensibilities of some of the leadership in Moscow or any other country. But then again, I think you have also made some good points that there is no reason for Mr. Putin or anyone else in Russia to think that a free and democratic Ukraine is anything else but in their interest. The bottomline is, what is in the interest of the United States, what is in the interest of Russia, is respect for the democratic process; and in the end, if Ukraine has a free and democratic election, it will strengthen the commitment to democratic elections in Russia and elsewhere.

So let us note that there is, let us say, a unified team behind this concept of free and fair elections. We have Europe which, as you have explained, is standing with the United States. Europeans don't always do that. In the United States we have Democrats and Republicans who are standing together strongly on this issue. That doesn't always happen. So if there is any message that has come out of these hearings today it is that we were watching closely, we are committed to a democratic process that is run freely and fairly in Ukraine and that there will be—and I understand you have made some statements earlier—that there will be serious repercussions if certain elements in Ukraine try to compromise the integrity of that election, as we have seen some evidence that that was compromised in the election that has already taken place, and that is the reason why they have to have another vote.

I introduced H.R. 5247 last year—excuse me, earlier this year, and it really outlines some very serious repercussions for any group of individuals who think they can game the system in Ukraine and make a mockery of the democratic process by taking power or continuing to hold power by the manipulation of the elections and by undermining the integrity of the elections. This bill will be reintroduced next year, and I can guarantee you, it will have bipartisan support to give penalty to those people who undermine the integrity of those free elections in Ukraine.

So I believe that this is a turning point. I worked with Ronald Reagan in the White House. I was one of his speechwriters who helped him develop the concept of the Reagan Doctrine. That was a doctrine that we relied on, confronting military force with expansion of Soviet military power and our support for those people who were defending their own freedom with arms in various parts of the world.

Today, the Cold War is over, and it is up to us to stand unified with those people, as they have in the Ukraine, who are peacefully demanding that they have the right to choose their own leaders. I don't know what kind of doctrine it is going to be called, but there is a doctrine emerging in the post-Cold War world of this type of unity among free people to stand with people in every country, as they have in this democratic process, and make sure that the democratic process has integrity.

Thank you, Mr. Ambassador, and thank you for the great job you are doing and for standing true to American principles.

And I would now ask unanimous consent that additional statements by Mr. Smith, Mr. Burton and myself be made a part of the record. And without objection, so ordered.

I would like to thank you, Mr. Ambassador, and the other witnesses for your testimony. I am sure that the message is loud and clear to anyone who would compromise the integrity of the democratic process in Ukraine that we mean business. There will be no crime against democracy committed in Ukraine that will not have serious consequences by those committing that crime.

So, with that, I would thank Mr. Hyde for his leadership. Chairman Hyde throughout this election process in Ukraine has taken a special interest in this, as I think he should, because it is very symbolic what is happening there.

I now declare the Committee adjourned.

[Whereupon, at 12:20 p.m., the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE JAMES A. LEACH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA AND THE PACIFIC

Mr. Chairman, history unfolds at an unpredictable pace. While we've been preoccupied with Iraq and our own elections at home, dramatic events have shaken Ukraine for the past fortnight. They must not be overlooked or their implications misunderstood.

Once again in the former Soviet empire, we are witnessing the courage of the human soul and the lengths to which oppressed people will go to seize freedom.

In Ukraine, a country besieged in the last century by two of mankind's greatest 'isms' of hate—fascism and communism—a populace has risen against another kind of 'ism'—“corruptionism.” We are now witness to the power of the individual standing up against forces of injustice and oppression. We are also witness to the continuing saga of a people aspiring to shape its own destiny, clear of the shadows cast for centuries by powerful neighbors.

At issue is the question of freedom and its transforming effects. Democracy implies more than elections. It implies integrity of process, and when that integrity is lacking, the charade of stolen elections can be more debilitating than unabashed authoritarian rule.

There are geostrategic as well as philosophical dimensions to the Ukraine situation that need to be understood in the broad context of the region and its history.

Geopolitically, Ukraine is a large expanse about the size of Texas, with a population of nearly 48 million people, stretching from the wheat fields along a line between Warsaw and Moscow to the palm trees of Yalta, on the Black Sea. The Ukraine was the breadbasket of the old Soviet Union; today, it is an economic and political hinge between the European Union and NATO on the one hand, and the Russian Federation and the Asian landmass, on the other. The western, Ukrainian-speaking half of the country looks to Warsaw and Berlin, Paris and Washington; eastern Ukraine, with its Russian-speaking population, looks more to Moscow. Language creates cultural divisions, but the forces of political cohesion are strong. Both population groups are committed to independence and undiluted Ukrainian sovereignty.

So, in addition to democracy, at issue is Russian imperialism. Instability in Ukraine can only strengthen the hand of an increasingly authoritarian Kremlin. By contrast, a genuinely free election in Ukraine would not only enhance national solidarity but encourage democratic forces in the rest of the former Soviet Union, not the least, within Russia itself.

Those committed to democracy anywhere in the world should not hesitate to identify with aspirations of the Ukrainian people. Ukraine may be on the distant side of Europe from the United States, but our countries are bound by a common heritage and an inalienable urge for freedom. As Taras Shevchenko, the 19th century Ukrainian poet, wrote: “It makes no difference to me / If I shall live or not in Ukraine / Or whether any one shall think / Of me mid' foreign snow and rain / It makes no difference to me . . . It makes great difference to me / That evil folk and wicked men / Attack our Ukraine, once so free / And rob and plunder at will / That makes great difference to me.”

So far courageous Ukrainians have succeeded in halting a fraudulent election. Sensing political winds blowing from a new direction, the once docile Supreme Court has, startlingly, done an honest job, erasing an injustice and calling for a new election. But the outcome is still in doubt. There is plenty of opportunity before the court-ordered runoff for status quo authorities to attempt, once more, to subvert the

democratic process. There can be little doubt they will try to do so. For the KGB alumni who dominate the Kremlin, Ukrainian democracy is more than an embarrassment. It is a threat to their power and wealth and, for some, to their dream of restoring the Russian empire.

No one wishes to poison relations with Russia, but free elections are not an issue on which the United States should or, indeed, can compromise without sullyng its principles. Nor need we respect the threat of those who are so fearful of losing power that they hint of promoting a division of Ukraine into western and eastern parts. Separatism misserves the Ukrainian people. It is a trend that Russia, grappling with Chechnya and other non-Russian regions, can only endorse at great risk.

Differing with Russia may be politically awkward, but once the flame of freedom is ignited, the United States and other western democracies have no ethical choice except to stand up in support of the people of Ukraine. The march to freedom in Poland, Czechoslovakia and other former communist-bloc countries has shown that the risk of an outbreak of destabilizing violence is far greater in situations where the popular will is suppressed than in those where it is allowed to find full expression.

The Ukrainian election set for December 26th is one of the seminal events of this new century. As members of the American people's House, we are obligated to express our support for the aspirations of Ukrainians.

PREPARED STATEMENT OF THE HONORABLE JO ANN DAVIS, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA, AND CHAIRWOMAN, SUBCOMMITTEE ON EUROPE

As Chairwoman of the Europe Subcommittee, I welcome this hearing which will review the circumstances surrounding the recent Presidential election held in Ukraine. We also hope to assess the current political situation in that country and why Ukraine's future should be of interest to the United States.

Ukraine is viewed by many as an important element in the long-term stability of Europe. A weak or unstable Ukraine, or one which is shunned by the West, could result in a Ukraine once again under the domination of Russia. Ukraine's transition to democracy over the past 13 years has been slow and difficult. However, no issue will be more important to Ukraine's future standing with the West than the strength of its democracy.

Five months ago, the Europe Subcommittee held a hearing on the future of Ukraine. All of the witnesses who testified agreed that the single most important event for Ukraine was the successful conduct of their upcoming Presidential election. The Congress, like the Bush Administration, had made the Presidential election a litmus test of Ukraine's commitment to democracy. Several high level delegations from the Administration and the Congress visited Kiev in order to stress to the government the importance of free and fair elections. On every occasion these delegations were assured by the government in Kiev from the President on down that all election laws would be enforced and that the elections would be truly democratic.

Unfortunately, the rhetoric did not meet the actions. Both rounds of the election were marred by serious irregularities but the highly-charged second round vote on November 21 met all of our worse expectations. We all have read the media accounts of the election-day problems so I will not repeat them here. Suffice it to say that the election itself fell significantly short of acceptable standards for democratic elections. Since it was the primary responsibility of the government to ensure the integrity of the vote, it must be the government which bears the brunt of the criticism. We knew from the beginning that the government and the electoral committees were capable of conducting good elections. Regrettably, they seemed to have lacked the will to do so. Hopefully, they learned an important lesson.

In the aftermath of this contested election, an extraordinary series of events have taken place in Ukraine which have given us a glimmer of hope that Ukraine's democracy may have survived the effects of the election abuses and may have given it new life.

The outpouring of public opposition to the faulty election process has been beyond expectation. To their credit the people of Ukraine have spoken with determination that the will of the people will not be thwarted by those who are unable or unwilling to relinquish power.

The demonstrators themselves should be commended for their strong commitment to the democratic process even in the face of personal hardship. Their restraint and rejection of violence was noteworthy. Similarly, the police, the military and other security forces should be commended for their restraint as well.

Beyond the popular uprising, it has also been impressive to see Ukrainian institutions such as the Parliament and the Supreme Court affirm their commitment to the rule of law and to take their responsibilities seriously in order to resolve this political crisis.

We welcome the new openness of the electronic media in providing coverage of the crisis and the initiative of many of Ukraine's journalists to resist biased reporting. We hope that the same approach will prevail during the new election period. Similarly, it appeared that even government officials and their supporters recognized that they were caught with their hands "too far into the cookie jar" and realized they needed to find an acceptable way out of their self-inflicted crisis.

Finally, I believe it is worth mentioning the leading effort being made by the European Union, Poland, Lithuania and joined by the United States to help broker a fair solution to the crisis. This is a perfect example of how the transatlantic partnership is working.

On the other hand, we have been disappointed in Russia's actions throughout the entire campaign and question their motives. What has been going on in Ukraine over the past two weeks is not an "east versus west" struggle as some would make it out to be. Regardless of who eventually leads Ukraine the new government must have internal stability and a positive working relationship with both its neighbors to the east as well as to the west. In that context, therefore, the territorial integrity of Ukraine must be preserved and we reject any idea of splitting the country into two.

Rather than an external geopolitical struggle, events taking place in Ukraine are all about democracy; of freedom; of real rather than declared rights as we heard Mr. Yushchenko explain, and of the right of the people to freely and fairly choose their leaders. The past two weeks have been all about Ukraine's future and its rightful place in the international community of democratic nations.

The United States Congress attaches great importance to the success of Ukraine's continued transition to a democratic state, with strong institutions, and a flourishing market economy. U.S. government policy must remain focused on promoting and strengthening a stable, democratic, and prosperous Ukraine, more closely integrated into European and Euro-Atlantic structures but at peace with its neighbors.

The recent election was truly disappointing. The post-election period has given us hope. The new election scheduled in just a few short weeks may finally usher in the beginning of that new era for Ukraine for which we all been waiting for.

I thank the Chairman for calling this hearing and look forward to hearing the views of our witnesses.

PREPARED STATEMENT OF THE HONORABLE RON PAUL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman: President Bush said last week that, "Any election (in Ukraine), if there is one, ought to be free from any foreign influence." I agree with the President wholeheartedly. Unfortunately, it seems that several U.S. government agencies saw things differently and sent U.S. taxpayer dollars into Ukraine in attempt to influence the outcome.

We do not know exactly how many millions—or tens of millions—of dollars the United States government spent on the presidential election in Ukraine. We do know that much of that money was targeted to assist one particular candidate, and that through a series of cut-out non-governmental organizations (NGOs)—both American and Ukrainian—millions of dollars ended up in support of the presidential candidate, Viktor Yushchenko.

Let me add that I do not think we should be supporting *either* of the candidates. While I am certainly no supporter of Viktor Yushchenko, I am not a supporter of his opponent, Viktor Yanukovich, either. Simply, it is none of our business who the Ukrainian people select to be their president. And, if they feel the vote was not fair, it is up to them to work it out.

How did this one-sided US funding in Ukraine come about? While I am afraid we may have seen only the tip of the iceberg, one part that we do know thus far is that the U.S. government, through the U.S. Agency for International Development (USAID), granted millions of dollars to the Poland-America-Ukraine Cooperation Initiative (PAUCI), which is administered by the U.S.-based Freedom House.

PAUCI then sent U.S. Government funds to numerous Ukrainian non-governmental organizations (NGOs). This would be bad enough and would in itself constitute meddling in the internal affairs of a sovereign nation. But, what is worse is that many of these grantee organizations in Ukraine are blatantly in favor of presidential candidate Viktor Yushchenko.

Consider the Ukrainian NGO International Centre for Policy Studies. It is an organization funded by the U.S. Government through PAUCI, but on its website you will find that the front page in the English section features a prominent orange ribbon, the symbol of Yushchenko's party and movement. Reading further on, we discover that this NGO was founded by George Soros's Open Society Institute. And further on we can see that Viktor Yushchenko himself sits on the advisory board!

And this NGO is not the only one the U.S. government funds that is openly supportive of Viktor Yushchenko. The Western Ukraine Regional Training Center, as another example, features a prominent USAID logo on one side of its website's front page and an orange ribbon of the candidate Yushchenko's party and movement on the other. By their proximity, the message to Ukrainian readers is clear: the U.S. government supports Yushchenko.

The Center for Political and Law Reforms, another Ukrainian NGO funded by the U.S. government, features a link at the top of its website's front page to Viktor Yushchenko's personal website. Yushchenko's picture is at the top of this US government funded website.

This May, the Virginia-based private management consultancy Development Associates, Inc., was awarded \$100 million by the US government "for strengthening national legislatures and other deliberative bodies worldwide." According to the organization's website, several million dollars from this went to Ukraine in advance of the elections.

As I have said, this may only be the tip of the iceberg. There may be many more such organizations involved in this twisted tale.

It is clear that a significant amount of U.S. taxpayer dollars went to support one candidate in Ukraine. Recall how most of us felt when it became known that the Chinese government was trying to funnel campaign funding to a U.S. presidential campaign. This foreign funding of American elections is rightly illegal. Yet, it appears that that is exactly what we are doing abroad. What we do not know, however, is just how much U.S. government money was spent to influence the outcome of the Ukrainian election.

Dozens of organizations are granted funds under the PAUCI program alone, and this is only one of many programs that funneled dollars into Ukraine. We do not know how many millions of U.S. taxpayer dollars the National Endowment for Democracy (NED) sent to Ukraine through NED's National Democratic Institute and International Republican Institute. Nor do we know how many other efforts, overt or covert, have been made to support one candidate over the other in Ukraine.

That is what I find so disturbing: there are so many cut-out organizations and sub-grantees that we have no idea how much U.S. government money was really spent on Ukraine, and most importantly *how* it was spent. Perhaps the several examples of blatant partisan support that we have been able to uncover are but an anomaly. I believe Congress and the American taxpayers have a right to know. I believe we urgently need an investigation by the Government Accounting Office into how much U.S. government money was spent in Ukraine and exactly how it was spent. I would hope very much for the support of Chairman Hyde, Chairman Lugar, Deputy Assistant Secretary Tefft, and my colleagues on the Committee in this request.

President Bush is absolutely correct: elections in Ukraine should be free of foreign influence. It is our job here and now to discover just how far we have violated this very important principle, and to cease any funding of political candidates or campaigns henceforth.

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND VICE CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

Mr. Chairman, I commend you for convening this extremely timely and important hearing on developments in Ukraine. I was pleased to have worked with you on H. Con. Res. 415, a resolution urging the Ukrainian Government to ensure a democratic, transparent, and fair election process in Ukraine which passed the House unanimously in early October. As Chairman of the Commission on Security and Cooperation in Europe, I have closely monitored developments in Ukraine and have chaired hearings on that strategically important country. Over the past year I have repeatedly spoken out and tried to highlight concerns about the election process and state of democracy in Ukraine. Regrettably, though not surprisingly, the Ukrainian authorities—including President Kuchma—largely ignored our calls and those of the international community to hold free and fair elections.

It was, and continues to be, essential to demonstrate that the United States is keeping the faith with the Ukrainian people in their struggle for democracy, human rights and human dignity. And it is absolutely vital that we support their historic struggle at this critical juncture and into the future.

Helsinki Commission staff who served as OSCE observers in central Ukraine for the November 21st run-off elections witnessed flagrant violations as did many other international and domestic observers. The OSCE pronounced the elections as not meeting “a considerable number of OSCE commitments” with British MP Bruce George underscoring that violations during the run-off were even worse than those observed in the first round. Importantly, the Ukrainian people have made clear that they will not accept elections that by all credible accounts were fraught with fraud and falsification.

What we are witnessing today in Ukraine is a historic, momentous, peaceful “orange” revolution. The Ukrainian people and many institutions of government, including the Supreme Court, with its momentous decision invalidating the November 21 run-off and ordering a new one for December 26, have demonstrated that they will stand up firmly, decisively and peacefully to assaults on their democratic rights whether from within Ukraine or beyond.

Much has been said about the geo-political implications of these elections and the peaceful “orange” revolution. Indeed, the implications are tremendous, for the U.S. and Europe, and for Russia, Belarus and other not-so-newly independent states. Russian President Putin’s repeated, heavy-handed personal involvement shows that he understands what is at stake. It is not only about Ukraine’s resistance to Russian encroachment on its independence and neo-imperial ambitions in the region, but it is also about Ukraine’s serving as a model for Russians, Bearusians and other peoples’ legitimate aspirations for freedom and democracy. The Putins and Lukashenkas of the world well know that the events in Ukraine will have lasting consequences elsewhere.

For the Ukrainian people, this peaceful revolution is primarily about the desire to confront corruption, break with the status quo, and live in a truly free and independent country where democratic norms, including the rule of law, prevail.

Those who have peacefully taken to the streets; the courageous journalists who have said no to state censorship; the members of the military and security services who have renounced the use of force against the people; the Ukrainian diplomats here in Washington and around the world who are standing with their countrymen; and the millions resisting intimidation—deserve our admiration and moral support in their struggle for truth, freedom and justice.

Mr. Chairman, the fate of Ukraine rightly belongs in the hands of the Ukrainian people, period. Independent Ukraine need not look elsewhere for the way ahead.

PREPARED STATEMENT OF THE HONORABLE DAN BURTON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF INDIANA

Mr. Chairman:

Since the fall of the former Soviet Union over 13 years ago, the United States has been keenly aware of the economic importance and geo-political significance of Europe’s second-largest country, Ukraine. Situated between Poland, Romania and Moldova to its West, and Russia to its East, Ukraine’s people, 48 Million in total, and their political affiliation are truly representative of the constant dynamic between East and West.

Ukraine’s recent Presidential run-off election, held on November 21st, also reflected this East/West divide. The Presidential race was held between current Prime Minister Viktor Yanukovich, who derives his strength from Southern and Eastern Ukraine, and opposition candidate, Viktor Yushchenko, whose force comes from Central and Western Ukraine. The result of this election, and the proceeding events over the last few weeks, warrant deep concern for me and for the United States.

As Ukrainians went to the polls three weeks ago, monitored by scores of domestic and international observers, including those from Organization for Security and Cooperation in Europe (OSCE), several cases of electoral fraud were recorded and reported. There was blatant misuse of the government apparatus, subtle and violent intimidation of voters, fraudulent voter lists, and extensive absentee voter abuse. There were even reports of invisible ink being used on ballots. Major irregularities on Election Day have been well documented, and most of the world’s major powers declined to accept or recognize the flawed election results; which reported that Prime Minister Yanukovich won the Presidential election by 3 percentage points.

In the initial aftermath of the “fraudulent” election, there were worrisome signs that chaos was spilling into the streets, as supporters of both Yanukovich and

Yushchenko rushed into the streets of Ukraine's major cities. Seemingly spontaneous, protests and political demonstrations flared up in both Western and Eastern Ukraine, in cities like L'viv, Kiev and Donetsk. I was heartened that these demonstrations stayed peaceful and that the most recent developments out of Ukraine indicate that this electoral issue will be resolved through peaceful, constitutional means. The power to bring about a smooth transition of power rests solely with the Ukrainian government and its citizens, whose will should not be undermined in any way. Over the past three weeks, both sides have conducted a constructive dialogue to resolve the issue, while both the Ukrainian Parliament and its Supreme Court have effectively invalidated the election results. Thankfully, just recently, the Ukrainian Supreme Court scheduled another run-off election for the 26th of December. I hope these talks between the two sides continue and that both sides receive assurances that the next election will progress smoothly.

The next step for Ukraine is to hold another round of Presidential elections between the two "Viktors," free of fraud and manipulation, certified by both domestic and international observers, and upheld by the Ukrainian Supreme Court, to safeguard a peaceful succession process. There must not be a repeat of the concerted election fraud and abuse and the United States and the world community must do everything in their power to ensure that.

The United States has a strong interest in Ukraine's development as a modern democratic, capitalist state as it is gradually integrated into Trans-Atlantic institutions.

Ukraine has been a strong U.S. ally in the War of Terror and has supplied troops and material to both Iraq and Afghanistan, and the United States must do all that it can to build upon that friendly relationship and foster Ukraine's Trans-Atlantic progress into the World Trade Organization and possible even acceptance into NATO. Only a truly democratic Ukraine, free of government corruption, would be able to secure a position in Trans-Atlantic institutions and organizations, as it would serve to bolster the prospects for democracy in the rest of the former Soviet Union and likewise may even breathe new life into pro-democracy forces within Russia itself.

President Bush, the State Department, and this Congress have shown solidarity and support for the democratic gains and progress in Ukraine. This support must and will continue as our Ukrainian friends rise to meet the new challenges of a truly independence state, free from corruption and graft, and continue to a channel the divide between East and West.

We owe a debt of gratitude to my colleague from Indiana, Senate Foreign Relations Committee Chairman Richard Lugar, who served as President Bush's special representative during the recent November run-off election. I am looking forward to his expert testimony and firsthand observations from his visit. Thank you.

PREPARED STATEMENT OF THE HONORABLE DANA ROHRBACHER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I compliment you on holding this hearing and praise our distinguished guest, Chairman Lugar, for making the effort to witness the election as President Bush's personal representative and now calling attention to what we all now *know* to be fraudulent efforts in stealing an election. There simply isn't any question that an attempt is ongoing to steal this election from the democratically elected, reform-minded victors.

Mr. Chairman, as a proponent of the Reagan Doctrine which helped liberate Eastern Europe and end the Soviet Union itself, I am an optimist about the future of Ukraine. For a people who have suffered under tyranny and corruption for so long, now is the time for reform and democracy to begin to take hold.

The events of the last month demonstrate that the people of Ukraine hunger for good leadership. Days of peaceful demonstrations, coupled with a willingness to compromise show good faith on the part of the public there. Only the old guard Communists stand in the way. It is worth noting that only reluctantly, grudgingly & under duress that the old guard Communists finally agreed to another election.

Mr. Chairman, there simply isn't any doubt who won this election: the democratically elected, reform-minded candidate. As a point of personal pride, Mr. Chairman, I want to point out that I was ahead of the curve on this. On September 15, 2004, I introduced the Constantine Menges Ukraine Democracy and Fair Elections Act of 2004 in anticipating the very thing I feared might unfold. My bill was designed "to encourage the promotion of democracy, free, fair, and transparent elections, and respect for human rights and the rule of law in Ukraine." Unfortunately, I didn't have any cosponsors. Now we all know what happened.

Mr. Chairman, I thank you for calling attention to this matter.

PREPARED STATEMENT OF MICHAEL SAWKIW, JR., PRESIDENT, UKRAINIAN CONGRESS COMMITTEE OF AMERICA

Mr. Chairman and members of the House of Representatives International Relations Committee, thank you for the opportunity to provide testimony to this esteemed committee on issues regarding the recent developments in Ukraine. The Ukrainian Congress Committee of America (UCCA), the representative organization of the Ukrainian American community would like to express its gratitude, on behalf of our community, to the House International Relations Committee (HIRC) for your previous vocal support of Ukraine and assistance in its democracy-building process. The UCCA has worked with you over the years and has accumulated significant experience in terms of election observing and coordinating the efforts of our International Election Observer (IEO) delegations. This year alone, the two UCCA International Election Observer Delegations consisted of over 250 persons. The UCCA has been registered with the Central Elections Committee since 1994 and has implemented civic education programs as well as coordinated IEO delegations for every election in Ukraine since 1992.

The UCCA also expresses the Ukrainian American community's support of the American and Ukrainian troops on the ground in Iraq. We hope for the speedy resolution of this conflict with the least casualties and we pray for the safe return of our soldiers.

CURRENT SITUATION IN UKRAINE

On October 31, 2004, 75% of the voting population in Ukraine came to the polls to cast their vote and elect a new president. After 90 days of campaigning, marred with irregularities and violations of electoral legislation, the voting process was also plagued with widespread violations. International election observers from Organization for Security and Cooperation in Europe (OSCE), and other organizations, including the Ukrainian Congress Committee of America (UCCA), found that these elections failed to meet a number of international standards; however, they did not go as far as declaring the election fraudulent and invalid.

The second round of the elections, which took place on November 21, despite the hopes of the international community and Ukraine's civic community, was marred by an even larger number of violations, which were committed unabashedly. The international community was outraged by the manner in which the runoff was conducted and the Ukrainian people took to the streets to protest the hijacked election and insist on their right to elect leadership in free and fair manner. The people of Ukraine have demonstrated for the past 15 days. Over a million Ukrainian citizens in Kyiv alone continue to demand that their voice be heard and their will be respected. To date, the opposition and its followers have exercised a great deal of restraint and have not provoked any violent incidents. That, however, has not been the case on the side of the incumbents. A demonstration in support of *Our Ukraine's* leader Viktor Yushchenko in Luhansk was attacked by a group of people armed with baseball bats and other weapons. Many people, including a Canadian journalist, received serious injuries and were hospitalized. Despite these acts of aggression, the opposition leaders and followers continue with their peaceful protests.

The people of Ukraine have clearly indicated during the parliamentary elections in 2002 that their choice lays with Euro-Atlantic integration. Most of the parliamentarians elected then based their platform on this premise as well as further development of democratic governance. However, in the last few years, the current administration has directed its policy toward closer cooperation with Russia and continued to lead Ukraine back into a Russian sphere of influence. The presidential election campaign was built around the concept that the incumbents' candidate, Prime Minister Viktor Yanukovich, favored a move away from Europe and toward Russia, while the opposition candidate, Viktor Yushchenko, was regarded as a pro-Western candidate. In reality, today Ukraine is much more united and cohesive in terms of the nation's desires.

Several of eastern regions initiated talks about possible cessation from Ukraine. Fortunately, the news report that the Donetsk region governor spoke on November 30 to end such speculations and pointed out that the discussion were only about possibly re-organizing Ukraine into a federation. "There was not, are not, and will not be any discussion about cessation from Ukraine," stated Gov. Blyzniuk. This instance demonstrates that the images of the East/West divide in Ukraine are an oversimplification. The people of Ukraine are united in their desire to live in a free and democratic state. Demonstrations in support of the opposition are taking place

in all Eastern and Southern regions of Ukraine, as well as demonstrations in support of the incumbents. The conflict runs deeper: it is the conflict between a return to totalitarianism and movement toward democracy. It is completely unfair to portray Ukraine as divided in any major sort of way because it is simply not true. This will become obvious to anyone who is following the news closely and watches the events in Ukraine. While the issue of the Russian language remains important, most Ukrainians favor integration into Euro-Atlantic structures, while maintaining cooperation with the Russian Federation on terms of equal partnership and independence.

As of this writing (December 6, 2004), an agreement in the Ukrainian Parliament between contending sides to carry out timely Election Law reform and changes to the Central Election Commission needed to prevent fraud, intimidation and falsification in the new run-off second round election ordered by the Supreme Court to be held by December 26, 2004 has broken down. Although efforts to restart negotiations are under way, if a new Election Law and Central Election Commission are not approved in the next few days there will not be enough time to make the necessary changes to assure a genuinely democratic election process for the December 26th run-off. There will be a very serious threat of yet another denial of a free and fair election that expresses the will of the Ukrainian people because of fraud, falsification and intimidation.

VIOLATIONS

The first and second rounds of the Ukrainian Presidential Election on October 31, 2004 and November 21, 2004 were characterized by all credible international observers from Europe, the United States, Canada and other countries as failing to meet a number of OSCE commitments and accepted worldwide standards for democratic elections. The Ukrainian Supreme Court has reviewed and accepted incontrovertible and massive evidence of election fraud, falsification and intimidation in the second round of the Election. On December 3rd, the Court ruled the run-off election of November 21 invalid and ordered a new run-off election with the same candidates on December 26, 2004.

The November 22, 2004 report of the International Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights (Statement of Preliminary Findings and Conclusions attached) documents in detail a vast array of violations of the Ukrainian Election Law and procedural requirements by existing Ukrainian Government authorities, state-controlled media and enterprises, the Central Election Commission and Territorial and Polling Station Commissions. Selected examples include:

- Approximately 5% of voters were newly added to voter lists on election day through processes that precluded verification of voter registration, identity and eligibility;
- An extraordinary number of voters using unaccountable “absentee voting certificates” were bussed to various polling stations in organized groups escorted by police to vote in polling stations where unauthorized persons, including police, were found by observers to be intervening in the polling process;
- Documented large-scale instances of employees of state enterprises or state institutions (ranging from emergency responders to university students) being placed under duress to acquire and hand over to their superiors “absentee voter certificates” immediately prior to the election. As a result, these citizens were prevented from voting because the acquisition of a certificate automatically excludes the voter from voting in the polling station where originally registered. Observers reported that these certificates were collected in the workplace on an organized basis, surrendered in blanks to superiors and subsequently used on Election Day for bussed-voting by others.
- Failure to account for the number of “absentee voter certificates” issued and used facilitated large-scale multiple voting, destroying the integrity of voting results.
- Threats of violence and acts of violence occurred at polling stations. Intimidation of voters and international observers occurred.

NOTE: Please find attached a sampling of reports from the Ukrainian Congress Committee of America's International Election Observers from the first and second round of the Ukrainian presidential elections. Their reports explain of the harrowing experience in numerous polling stations throughout Ukraine. The UCCA submits their testimonies for the record to ensure that additional International Election Ob-

servers understand the critical nature and vital aspect of an observer's role in monitoring the electoral process in Ukraine.

The election campaign was marred by many widespread violations and shortfalls, the bulk of which was the poor quality of voter lists. Thousands of voters were denied their constitutional right to vote because their names were either missing from the voter lists or were misspelled. In many instances, the voter lists included names of deceased persons, which indicates that the incumbent forces intended to use them in order to falsify the results. In at least one case in the Rivne region, the Prosecutor General's office opened a criminal investigation based on reports that the authorities deliberately refused to include people's names in the voter lists. Many citizens were forced to turn to the court system to defend their right to cast a vote; however, in many cases they reported that this process was made to be deliberately drawn out and complicated.

Another widely observed violation involved the absentee ballots. Many persons traveled from Eastern regions of Ukraine with several "absentee voter certificates", which allowed them voters to cast their ballots at several polling stations. As an example, residents of the Ivano-Frankivsk region reported that an unannounced "ghost" train arrived to their town from Luhansk. The announcer at the railway station did not indicate the place of departure of this train, simply announcing it as a "tourist" train. When asked about the mission of their trip, the young men, who were the majority of the passengers, stated that they came to "ensure elections." The passengers were seen voting with detachment certificates at many polling stations in the city and the region.

The involvement of the Russian Federation's political elite in the election process in Ukraine is most disturbing. The open endorsement of Mr. Yanukovich by President Vladimir Putin and large sums of financial resources invested by the Kremlin into the election campaign are cause for concern. The international democratic community should not tolerate Russia's open interference in the internal affairs of an independent state. As evident by many scholars and political observers, the situation in Ukraine is contradictory to the policies that President Putin wishes to instill in that country. In an op-ed in *The Washington Post* from December 4, 2004, "The real struggle in Ukraine is not about geo-political orientation; it is about democracy . . . The orange-bedecked protestors camping in the snows of Kiev [Kyiv, op. cit.] do so because they want their freedoms, not because they hate Russia or love the United States. Putin, who insists on portraying the conflict in anachronistic east-West terms, does so because he seeks to install in Ukraine an authoritarian political system like the one he is constructing in Moscow."

Enumerating the violations would be an endless task. On behalf of the Ukrainian Congress Committee of America, we expressed our deep concern with the way the first round of elections was conducted and urged the government of Ukraine to ensure that the voting process during the second round would be free and fair, allowing all citizens of Ukraine, at home and throughout the world, to choose a president who will enjoy the nation's trust and build Ukraine's domestic and foreign policies according to the desires and for the benefit of its citizens.

Unfortunately, after the negative reaction of the international community and the Ukrainian citizenry to the first round of elections, the incumbent government deemed it possible to continue playing unfairly. The people of Ukraine, due to the active work of Ukraine's civic community, did not sheepishly step aside and allow the government to violate their rights. The country ended up in a serious political crisis, which can be blamed solely on the incumbent government, who continued to disregard the rights of its citizens. We in the Ukrainian American community, are extremely glad to see the change in the Ukrainian nation, which has come together in the last several days since November 21, rose up and proved to the world that it is a truly democratic nation, which will demand their rights to be protected.

A NATION EMBOLDENED

The record high voter turnout in the presidential elections indicates that the Ukrainian electorate is becoming more active in their participation in the political process of their country. The protests of Ukrainian journalists, their open challenge of the government's attempts at censorship and refusal to succumb to pressure also send an encouraging message. These signs of a developing civic community, which is becoming increasingly effective in its functions, the political consciousness of the public, and the lack of fear of retribution for public expression of an opinion point to realization that the Ukrainian nation reached a turning point in its history. The fear of repressions ingrained into previous generations by the Soviet government is no longer a factor in public thinking. The people of Ukraine insist on running their own lives and demand that their government be accountable to its citizens. This is

the most important change that took place in the nation's attitude toward the political process and political participation, which signals that democracy is now imbedded at the grassroots level in Ukraine. It will continue to develop and strengthen and with assistance from Western democracies Ukraine will undoubtedly become a full-fledged democracy based in a market economy.

The second round of the presidential election clearly proved that the current government of Ukraine is not ready to give up its authoritarian methods of governing and will continue trying to coerce the citizenry into obeying their arbitrary decisions. This attempt resulted in the single largest and most forceful display of unity and devotion to democracy among the Ukrainian people. They, in our opinion, deserve full credit for the peaceful and orderly manner their protest is being conducted. They deserve strong and unequivocal support of the democratic international community. More attention and support is necessary for the democratic processes currently underway in Ukraine. Without such support, the Russian government will actively promote their efforts to establish a puppet regime in Ukraine.

RECOMMENDATIONS

The next weeks are extremely important for Ukraine. The outcome of this confrontation will have a decisive impact on Ukraine's further development. With assistance of the democratic world, Ukraine will be able to overcome its Soviet legacy and close that chapter of its history without resorting to violence. The Ukrainian Congress Committee of America recommends that the House International Relations Committee:

- *Continues to actively pursue cooperation with Ukraine*
For many years, Ukraine has been one of chief recipients of US foreign assistance. Despite the many problems with its distribution, this assistance is paying off and the civic community in Ukraine is now a strong base for further democratic development. By pursuing a close relationship with Ukraine and continuing to be vocal with both praises and rebukes, the United States will ensure that Ukraine remains a friendly and cooperative partner, strategically situated in the center of Europe and on the crossroads between East and West, as well as Europe and Asia. Such outcomes comply with the US strategic interests in the region.
- *Take an active stand on the Ukrainian situation*
It is also important that the United States takes a strong and defined position in terms of supporting the Ukrainian nation. Maintaining relations with the Russian Federation should not compromise the support of the Ukrainian people, who are struggling to overcome the Soviet legacy and install a truly open and free democracy in Ukraine. While President Putin pursues his neo-imperial agenda in Ukraine, the United States cannot remain silent for fear of compromising relations with Russia.
- *Fund International Elections Observers*
Providing assistance to ensure free and fair election on the day of the vote is also essential. It is important for the Ukrainian people to see that foreign governments, in particular the United States, not only provide declaratory statements encouraging free and fair elections, but actively participate in the elections as observers. An official U.S. delegation of International Election Observers will serve that purpose and facilitate a better relationship between the United States and Ukraine. We respectfully urge you to recommend such action to your colleagues and organize an official delegation of International Election Observers for December 26, 2004.

CONCLUSION

Ukraine has reached a decisive stage in its transitional development. The international community, interested in ensuring peace and furthering the tenets of democracy in the region, has provided significant assistance in helping Ukraine overcome its Soviet legacy and integrate into European and Euro-Atlantic structures; however, we urge the members of the House International Relations Committee to continue their involvement in Ukraine now to ensure a free, fair, transparent, and democratic process for the run-off elections on December 26, 2004. As stated in an op-ed in *The Chicago Tribune* on December 3, 2004, "In Eastern Europe's exhilarating progression to democracy, this moment [current situation in Ukraine] will take its place alongside Lech Walesa vaulting the shipyard fence 24 years ago in Gdansk, Poland, the former Czechoslovakia's velvet revolution, which brought the Soviet Union to its knees 15 years ago, and Georgia's rose revolution, which

rebuffed Russian influence last year.” Let not the United States stand idle in the Ukrainian nation’s desire to achieve true democracy!

RESPONSES FROM THE HONORABLE JOHN F. TEFFT, DEPUTY ASSISTANT SECRETARY, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE DAN BURTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Question:

What are the details of the third round of Ukraine’s Presidential elections? Who will be allowed to run?

Response:

The re-vote in the Ukrainian presidential election took place on December 26. Technically, the December 26 balloting did not represent a “third round,” but a re-voting of the flawed second round of November 21. The Ukrainian Supreme Court ordered the re-vote of the second round in its December 3 decision overturning the November 24 announcement by the Central Election Commission (CEC) that Prime Minister Viktor Yanukovich had won the second-round vote. The Supreme Court ordered the CEC to conduct the second round again in accordance with the timetable outlined in the presidential election law, i.e., on December 26.

Given that the December 26 election was a re-vote of the second round, only the two candidates who ran in the second round, Prime Minister Yanukovich and opposition leader Viktor Yushchenko, participated on December 26. The conduct of the voting was governed by the law on presidential elections, which was amended by the Verkhovna Rada (Supreme Parliament) in order to minimize opportunities for widespread fraud that had plagued the earlier second round. The new provisions limited absentee ballots to 0.5 percent of total voters; required that passports be stamped upon receipt of absentee ballots; and restricted use of mobile ballot boxes to invalids unable to leave their homes. The Constitutional Court’s December 25 decision to invalidate last-named provision of the amended election law created some confusion. We believe that the remaining amendments to the law, coupled with a strong domestic and international election-observer presence, helped reduce the incidents of fraud in the December 26 re-vote.

Question:

How many observers do you believe would be adequate to ensure the third round of the Ukrainian Presidential election is free from fraud and/or manipulation?

Response:

We believe that the domestic and international election monitors who observed the October 31 first round and November 21 second round of voting in the Ukrainian presidential election did an excellent job in uncovering and to some extent deterring fraud and abuse. We regard their missions as a resounding success.

An increase in the numbers of observers and monitored polling stations for the December 26 re-vote of the second round helped to deter and uncover fraud and abuse. For this reason, the United States supported the call by the Organization for Security and Cooperation in Europe (OSCE) to increase the number of observers from 650 slated for the earlier votes to over 1,000 observers for the re-vote, of whom approximately 100 were part of the U.S. contingent. The U.S. also funded 75 of the OSCE observers from the Visegrad Four (Poland, Hungary, Czech Republic, and Slovakia) countries under a special arrangement, as well as the reconstitution of the 1,000-person foreign NGO observer mission mounted by the European Network of Election Monitoring Organizations (ENEMO) with the support of Freedom House and the National Democratic Institute (NDI). Additionally, we continued to support the work of the Ukrainian NGO Committee of Voters of Ukraine (CVU), which fielded 10,000 domestic observers and conduct quick-count parallel vote tabulations.

Question:

Media reports and commentary on Ukraine have cited that the Russian government and its clandestine operations funneled money into the Yanukovich campaign. Can you confirm that fact? And if so, could you provide the Committee the names of some of the entities in Ukraine and Russia that are receiving these funds and how they are being spent?

Response:

Given the shared history and geography between Russia and Ukraine, it is understandable that the Russian leadership has taken a strong interest in the Ukrainian

election. Unfortunately, that interest translated into heavy involvement on behalf of one candidate. We have seen the reports of Russian financial backing of the Yanukovich campaign, and it is clear that some Russian resources went to this purpose. We have no reliable indication of the amount of funding. We are aware that a "Russia Club" was opened in Kiev before the election and that Russian campaign advisors to Mr. Yanukovich with ties to the Kremlin used the Russia Club as their headquarters. It is also the case that the Russian state media, which is particularly influential in eastern Ukraine, overwhelmingly supported Prime Minister Yanukovich and carried derogatory reports on opposition leader Yushchenko.

We have consistently stressed to Moscow that our aim is to cooperate, not to compete, in Ukraine and throughout the region. We do not see the region in "zero-sum" terms or as "spheres of influence." We believe that a democratic and prosperous Ukraine is in the best interests of Ukraine, the U.S., Russia, and the region.

Question:

Media reports and commentary on Ukraine have cited that the United States government and its clandestine operations funneled money into the Yushchenko campaign. Can you confirm that fact? And if so, could you provide the Committee the names of some of the entities in the United States and Ukraine that are receiving these funds and how they are being spent?

Response:

These allegations are without substance. We have said repeatedly that the United States does not favor a particular candidate in the race. Our focus has been entirely on the electoral process. We have always been prepared to work with any candidate who was elected in a free and fair process. What we support is the right of Ukraine's people to have an electoral process and outcome that reflects their views. As Deputy Secretary Armitage said in a recent interview, "our candidate is the Ukrainian people."

Our election-related assistance went to support election monitors, voter education, training election commissions, exit polling and other non-partisan activities promoting a free and fair process. It is part of a broad effort to promote free media, rule of law, local government reform, civil society development, and transparent political processes. The outcome that our programs prescribe and promote is a democratic process that reflects the will of the people. We have not and do not endorse a particular candidate or party. Political party training funded by the U.S. Government is open to all parties on an equal basis. Pro-government as well as opposition politicians have taken part.

The U.S., the EU, the Council of Europe, the OSCE, and numerous individual nations, international organizations, and NGOs have supported developing democratic electoral processes, political parties, and civil societies—all elements of a democratic society—in Ukraine. The total FREEDOM Support Act budget for democracy assistance to Ukraine was approximately \$58 million in the last two years, including contributions to the OSCE, and excluding academic exchanges. We spent \$14.5 million on election-related activities in Ukraine through the November 21 vote. For the rerun vote the U.S. will provide more than \$3 million in FY-04 FSA and other funds, most of which will be used for election monitors.

Question:

What role can the United States play in regard to furthering Ukraine's accession into trans-Atlantic organizations such as the World Trade Organization, the North Atlantic Treaty Organization, and the European Union?

Response:

The United States strongly supports Ukraine's aspirations to draw closer to European and Euro-Atlantic institutions, provided that Ukraine continues to demonstrate its commitment to democracy and human rights.

Both Prime Minister Yanukovich and opposition leader Yushchenko, as well as President Kuchma, Rada Speaker Lytvyn, and many other Ukrainian politicians, have identified WTO accession in 2005 as a priority. The United States strongly supports Ukraine's WTO accession. We see WTO membership as a way to bring Ukraine more fully into the world trading system, advance its integration into Europe, and stimulate further economic growth. Ukraine is close to completing many of the requirements for accession. Its progress toward membership will depend on reforms that the Government of Ukraine needs to undertake. Key areas of concern include weak intellectual property rights (IPR), barriers to foreign agricultural products, and cumbersome Value Added Tax (VAT) policies. The U.S. funds a WTO advisor program, as well as a short-term USAID program to aid Ukraine's efforts to bring its economic rules and regulations into conformity with WTO standards.

The United States also strongly supports Ukraine's aspirations to draw closer to NATO. At the NATO summit in 1997, NATO and Ukraine concluded a Charter on a Distinctive Partnership, defining a special relationship between the Alliance and Ukraine. Consultations take place within the NATO-Ukraine Commission. Conclusion of a NATO-Ukraine Action Plan in 2002 charted the way forward for Ukraine to strengthen further its relations with NATO. A major obstacle to Ukraine's NATO aspirations, however, has been Ukraine's record on political reform, including democracy and human rights and, in particular, the conduct of this year's presidential election. The fact that the December 26 election brought Ukraine significantly closer to meeting international standards is an important step in demonstrating that Ukraine is moving to adopt the shared democratic values that are the foundation of the Euro-Atlantic community. Ukraine needs to move quickly to strengthen and institutionalize its democratic achievements, as well as to continue to institute economic and military reforms.

On the question of Ukraine's accession to the European Union, the United States is not a member of the EU and thus we have no vote on whether Ukraine should be allowed to become a member. As we have said, we support Ukraine's aspirations to move closer to European institutions. We would note the central role that Polish President Kwasniewski, Lithuanian President Adamkus, EU high Representative Solana, and other EU leaders played in mediating a settlement of the election crisis in Ukraine. These efforts by the EU underscore the importance that the EU places on Ukraine. Like NATO, the EU is a community of shared democratic, human rights, and free-market values. Thus, recent events, in which the Ukrainian people affirmed their commitment to democracy, should help Ukraine move closer to the EU.

Question:

What is the future of the Single Economic Sphere amongst Russia, Ukraine, Belarus, and Kazakhstan if either Yanukovich or Yushchenko wins the election?

Response:

We would expect that Prime Minister Yanukovich and opposition leader Yushchenko would pursue quite different policies with regard to the Single Economic Space (SES). Yanukovich as Prime Minister actively pursued closer ties with Russia in general and the SES in particular, and we would expect that he would continue to do so if he were elected president. There are differences, however, in the way even pro-SES Ukrainian leaders view the SES and the way it is viewed by Moscow. The Russians have a more expansive view of the SES as a Customs Union, common external tariff regime, a vehicle for coordinated WTO accession, and eventual monetary union. The Ukrainian leadership under President Kuchma and Prime Minister Yanukovich had a more restricted view of the SES as only a genuine free-trade area with Russia. We would expect that this tension between views would continue under a Yanukovich presidency.

Opposition leader Yushchenko, by contrast, has said that as president he would emphasize movement toward Western institutions, such as the EU. We would expect Yushchenko to make positive statements about cooperation with the SES, and to avoid any actions that would deliberately and blatantly antagonize Russia. However, as Yushchenko can be expected to work to preserve and enhance Ukraine's economic independence, he would likely do little substantively to integrate Ukraine into SES structures.

