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IMPLICATIONS OF THE CRISIS IN UKRAINE

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BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

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IMPLICATIONS OF THE CRISIS IN UKRAINE

WEDNESDAY, JANUARY 15, 2014

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:20 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Robert Menendez (chairman of the committee) presiding.

Present: Senators Menendez, Shaheen, Durbin, Murphy, Corker, Risch, Johnson, and McCain.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This hearing will come to order.

I want to thank our distinguished panelists for being here. Dr. Brzezinski, who will be here shortly, needs no introduction. His reputation as one of the Nation's leading voices on foreign policy goes without saying. Assistant Secretary Nuland and Deputy Assistant Secretary Melia are equally able to give us a broader perspective on the implications of current events in the Ukraine, so, on behalf of the committee, we thank you for being here.

Let me also join Senator McCain in recognizing the former Ukrainian Foreign Minister, Boris Tarasyuk, and the current Ambassador of the Ukraine, Olexander Motsyk, who are both here today. We welcome you to the committee.

We are also joined by members of the Ukrainian Congress Committee of America, including President Tamara Olexy, chairman of the board, Stefan Kaczaraj, executive vice president, Andrew Futey, and board members, Roksolana Lozynskyj and Michael Sawkiw. So, we welcome all of you, and we appreciate that many of you are actually from the great State of New Jersey, and are contributing dramatically to our State.

I am going to entertain Senator McCain's request at this time, and, without objection, the statement will be entered into the record.

[EDITOR'S NOTE.—Senator McCain's prepared statement can be found in the "Additional Material Submitted for the Record" section of this hearing.]

The CHAIRMAN. For 20 years, Ukrainians have labored to reestablish their nation and create a prosperous economy. In 2013, it seemed that the conclusion of association agreements with the European Union would have a profoundly positive effect on their national development; but, somewhat unexpectedly, on Thursday,

November 21, Ukraine's President, Viktor Yanukovych, announced that Ukraine would not sign those agreements, and people took to the streets. That decision was preceded by coercive actions by the Russian Government: Ukrainian exports to Russia were halted by Russian authorities, its energy lifeline from Russia was publicly threatened by Russian Ministers, and even EU member states were subjected to intimidation by Moscow for being sponsors of Ukraine's affiliation with the European Union.

Since then, the world has watched as Presidents Yanukovych and Putin negotiated a deal that will bring Ukraine once again within Russia's political and economic orbit, suggesting Russia's determination to exert control over Ukraine.

We are here today to get a better understanding of the events leading up to President Yanukovych's decision to break with the EU, the decision's implication for the future of Ukraine, for the region, and, in my perspective, for the world.

Let me say that, earlier this month, I met with members of New Jersey's Ukrainian diaspora, and they asked me to bring attention to the thousands of protestors in the Maidan who want a voice in the future of their country and respect for their human rights and dignity, and I would like to assure them today that this committee is not deaf to those brave people whose capacity for hope and appetite for freedom has compelled them to take to the streets. The world is, indeed, watching. And how those who have been in the Maidan, and who leave it, are treated will also be watched by this committee and the world.

With that, let me turn to Senator Corker for his remarks.

OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

Senator CORKER. Thank you, Mr. Chairman.

I typically do not read formal remarks, but I am going to do that today.

I would like to welcome the witnesses from this administration, as well as Dr. Brzezinski. I am glad that the chairman has called this hearing. I think that the importance of Ukraine is not entirely appreciated.

With the exception of Russia and France, Ukraine is the largest country in Europe, with a population of 46 million people and vast unrealized potential. And, while Ukraine is critically important in its own right, what is often missed is that positive change in Ukraine would help stimulate positive change in Russia. In my view, what has transpired in Ukraine is one of the most recent examples where United States leadership, at the right moment, could have been decisive.

I recognize that the history of this is complex and there are mitigating factors and forces involved that, even in the best of times, we have little influence over. We should acknowledge that the Europeans did not want us deeply involved, fearing United States involvement would risk provoking Russia and framing the decision as part of a geopolitical struggle.

The Ukrainian Government, for its part, seemed to be playing each side against each other, asking for unrealistic terms from the IMF that ignored the country's need for reform. Ukraine's leader-

ship failed to meet the EU's condition for an association agreement and, instead, opted for a $15 billion loan and a natural gas discount from Russia. This decision to place the interest of Ukraine's political elites above the country's well-being has been rejected by the majority of Ukrainians, which is substantiated by the massive protests held since November.

But, none of this accounts for why United States policy toward Ukraine was weak when it needed to be decisive and forceful. Critics have accused the administration of bumbling or incompetence as the reason for the absence of assertiveness and leadership on our part. But, I do not think that that is the case. A lack of U.S. leadership appears to be intentional, an example of troubling recent tendencies of the administration's policies in places where our interests are being challenged.

Apparently overly concerned with offending Russia, the administration seems to have somehow made the calculation initially that a passive response might yield more than assertive U.S. leadership. I think that it is important to ask now, with Russia gaining at our expense in Syria, in Iran, on missile defense, Edward Snowden, and now Ukraine, whether that was the right approach. When President Yanukovych saw that we did not come out clearly and forcefully when Russia all but boycotted Ukrainian goods and threatened them, he probably reached the same conclusion that many of our friends in tough neighborhoods have made: we are not the partner that they can count on in tough times.

Perhaps even more troubling is the fact that our risk-averse policy precluded the very real opportunity to seek change in Russia through Ukraine by not making Ukraine a concession to the Kremlin, but by making Ukraine an example. The repercussions in Russia of a free and prosperous Ukraine integrated with Europe could be enormous. This might not be in Putin's personal interest, but is certainly in the interest of the Russian people.

Fortunately, I think that the administration has now begun to assert our interests and those of the Ukrainian people, but, like in other places, they got there only in reaction to events well after they begin to play out unfavorably.

Ukraine is not a zero-sum game between Russia and the West. The popular sentiment in Ukraine is in favor of moving toward Europe, and I hope that that effort will ultimately prevail, but we have to determine how to best aid and hasten that move.

Thank you, and I look forward to your testimony on the topic. I appreciate all of our witnesses being here.

And, Ms. Nuland, I think that you have asserted effort there recently, which I much appreciate.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Our first panel today is the Assistant Secretary of European and Eurasian Affairs, Victoria Nuland, and the Deputy Assistant Secretary of State, the Bureau of Democracy, Human Rights, and Labor, Mr. Thomas Melia. We appreciate your appearance. Your full statements will be included in the record. We would ask you to summarize it in about 5 minutes or so, so that we can enter into a dialogue with you.

And, with that, Madam Secretary, you will be up first.

STATEMENT OF HON. VICTORIA NULAND, ASSISTANT SECRETARY FOR EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador NULAND. Thank you, Chairman Menendez, Ranking Member Corker, distinguished members of the Senate Foreign Relations Committee. It is my honor to appear before you today to discuss the situation in Ukraine and our response to it.

These are, indeed, challenging times for the people of Ukraine and for people everywhere who care about democracy, economic prosperity, rule of law, and a European future for that country.

First, let me express our gratitude to this committee and to the U.S. Senate for your leadership on Ukraine and for the superb working relationship between the executive and legislative branches of government on this issue. Senate Resolution 319, introduced in December and adopted on January 7, sent a strong bipartisan message of concern and support to the Ukrainian people at a key moment.

I also want to thank and commend Senators McCain and Murphy for bringing that bipartisan support directly to the people of Ukraine on a key weekend in December and engaging with President Yanukovych, his government, the opposition, the business community, and civil society in support of a peaceful, democratic way out of the crisis. The people of Ukraine saw America stand with them at a critical moment, when they could have felt very alone.

The world has watched as the peaceful protest of hundreds of thousands of Ukrainians on the Maidan, in Kiev, and tens of thousands in cities across Ukraine. I am often asked why they come out, week after week, young and old, and from every economic sector of Ukraine, despite the frigid weather. I can only tell you what Ukrainians tell us. They say that what began as a protest against the government's decision to pause on the route to the association agreement and a deep and comprehensive free trade agreement with the European Union quickly deepened and broadened into something very much more in the ensuing weeks as events snowballed. These events included the violent action by security forces against Maidan protesters on November 30, the lack of government accountability that followed that, the second attempt to use security forces to shut down the Maidan in the wee hours of December 11, an evening that EU High Representative Cathy Ashton and I were both in Ukraine, and, finally, the Ukrainian Government's decision to accept $15 billion in Russian bailout money. The Ukrainians tell us that, over those weeks, the movement that started as a demand for a European future grew into a protest for basic human dignity and justice, for clean and accountable government, and economic and political independence of Ukraine.

So, why does the United States have an interest in how this turns out? Our chairman and ranking member have spoken to that. It is because countries that live freely and independently and respect the rule of law are more stable and they make better partners for the United States. The same principles and values that Ukrainians are fighting for are the cornerstone of all free democracies, and America supports these values in every country on the planet.

The EuroMaidan protestors—students, workers, pensioners, priests, entrepreneurs, business moguls, and pop stars—are all calling for the same basic rights that we hold dear here in the United States. They want to live in a country where their government truly represents the wishes of the people and where they can safely exercise their rights without fear of oppression.

Just this past weekend, tens of thousands of protestors returned to the Maidan, and they also returned to the streets and squares across Kiev to make their demands and to protest the latest assaults on human dignity, including the beatings of opposition leader and former Interior Minister, Yuriy Lutsenko, and journalist, Tetyana Chornoval, as well as dozens of other acts of intimidation and criminality and efforts to stifle the media and political activity across the country.

Like the vast majority of Ukrainians, the United States and our partners in the European Union want to see the current standoff resolved politically, democratically, and, above all, peacefully. This last point applies to the government and to protestors, alike. We condemn the actions of rioters outside the Kiev court building on January 10. However, the use of violence and acts of repression carried out by government security forces and their surrogates have compelled us to make clear, publicly and privately, to the Government of Ukraine that we will consider a broad range of tools at our disposal if those in positions of authority in Ukraine employ or encourage violence against their own citizens.

We have also pressed all key stakeholders—President Yanukovych, his government, the opposition, business representatives, religious leaders, and civil society—to engage in a good-faith dialogue to get Ukraine back on the path to economic health, justice, and a European future.

When I last met with President Yanukovych, which was on December 11, he asserted that he still wanted those things for his people, and Foreign Minister Kaczaraj reassured me of the same thing in a phone call on Monday. If those assertions are true, we call on the Ukrainian Government to make them credible through concrete actions to restore government accountability, rule of law, and engagement with Europe and the IMF.

In this connection, we commend the European Union for leaving the door open for Ukraine and the International Monetary Fund for its willingness to work with Ukraine when the government decides that it is actually willing to roll up its sleeves and address the serious structural and macroeconomic problems that have plagued that country for years.

The IMF is offering a proven, if arduous, long-term-diet plan back to good health for Ukraine. Like any tough health regime, it will require work and sacrifice, but the rewards are great. When Ukraine's leaders are ready to invest in that kind of a program, the United States and our EU partners will help them sustain that commitment. We urge them to restart IMF consultations now.

Looking forward, the United States will also work hard to support free and fair Presidential elections in 2015, and a fair electoral process leading up to the elections. The rerun of parliamentary elections in December was not up to international standards. We call on the Government of Ukraine to fully investigate all regular-

ities there, and we call on all Ukrainians to help guard their democracy against encroachments on media freedom, political intimidation, efforts to rig, corrupt, or undercut the electoral structures and processes.

U.S. preelectoral assistance in Ukraine will likely include programs to support citizen oversight of the electoral environment and the conduct of the elections, independent media coverage, and informed citizen awareness and participation. We will also focus on supporting the integrity of the process and not support any specific candidates or parties. Like the rest of our policy toward Ukraine, this will be carefully coordinated with the EU.

In addition to election-related programming, the State Department and USAID are reviewing how best to support Ukrainian civil society and the media, and to further strengthen rule of law. Given the threats currently facing many nongovernmental organizations who participated in the EuroMaidan, we are looking at ways we can support those who feel that they may be in personal danger, as well. And we will work with the EU to support their efforts to disseminate reliable information on what European integration really means to the Ukrainian public, especially in the East, and to counter false narratives and fear-mongering.

As we have said repeatedly over the last few months—and, Senator Corker, I was pleased to hear you say this—Ukraine's European integration is not a zero-sum calculation. We encourage Ukraine to continue to develop normal and strong sovereign relations with all of its neighbors. There is also, unfortunately, a good deal of disinformation in Russia about the potential effect that the EU's Eastern Partnership could have on its economy and arrangements with neighbors, so we encourage the EU also to redouble its efforts to counter those false narratives within Russia and actively make its case that a more prosperous, more European Ukraine will lift the whole neighborhood, both economically and in terms of democratic stability.

Ukrainians have struggled for 20 years, as you said, Mr. Chairman, to protect and strengthen their sovereignty, their democracy, and their economy. The events of the last 6 months demonstrate that Ukrainians want and deserve better. I am proud to work with this committee to support those aspirations.

Thank you.

[The prepared statement of Ambassador Nuland follows:]

PREPARED STATEMENT OF HON. VICTORIA NULAND

Thank you, Chairman Menendez, Ranking Member Corker, and distinguished members of the Senate Foreign Relations Committee. It is my honor to appear before you today to discuss the situation in Ukraine and our response to it. These are challenging times for the people of Ukraine and for people everywhere who care about democracy, economic prosperity, rule of law and a European future for that country.

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sis. The people of Ukraine saw America stand up with them at a critical moment when they could have felt very alone.

The whole world has watched the peaceful protest of hundreds of thousands of Ukrainians on the Maidan in Kiev and tens of thousands in other cities across Ukraine. I am often asked why they come out week after week, young and old, and from every economic sector of Ukraine, despite the frigid weather. I can only tell you what Ukrainians tell us. They say that what began as a protest against the government's decision to "pause" on the route to an Association Agreement and Deep and Comprehensive Free Trade Agreement with the European Union deepened and broadened into something much more in the ensuing weeks as events snowballed. These included: the violent attempt by security forces to clear the Maidan of protestors on November 30 and the lack of government accountability that followed; the second attempt to use security forces to shut down the Maidan in the wee hours of December 11; and finally the Ukrainian Government's decision to accept $15 billion in Russian bailout money. Ukrainians tell us that over those weeks the movement that started as a demand for a European future grew into a protest for basic human dignity and justice, clean and accountable government, and economic and political independence of Ukraine.

Why does the United States have an interest in how this turns out? Because these same principles and values are the cornerstone of all free democracies, and America supports them in every country on the planet. Countries that live freely and independently and respect the rule of law are more stable and make better partners for the United States. The EuroMaidan protestors—students, workers, pensioners, priests, entrepreneurs, business moguls and popstars—are all calling for the same basic rights we hold dear here in the United States. They want to live in a country where their government truly represents the wishes of the people and where they can safely exercise their rights without the fear of oppression.

Just this past weekend tens of thousands returned to the Maidan in Kiev, hundreds joined them in other cities like Kharkiv, and some 500 cars participated in a "protest drive" called AutoMaidan. They returned to the squares and streets of Ukraine to make their demands, and to protest the latest assaults on human dignity, including the beatings of opposition leader and former Interior Minister, Yuriy Lutsenko, and journalist, Tetyana Chornovol, as well as dozens of other acts of intimidation and criminality, and efforts to stifle the media and political activity across the country.

Like the vast majority of Ukrainians, the United States and our partners in the European Union want to see the current standoff resolved politically, democratically and above all, peacefully. This last point applies to the government and protestors alike, and we condemn the actions of rioters outside a Kiev court building on January 10. However, the use of violence and acts of repression carried out by government security forces and their surrogates have compelled us to make clear publicly and privately to the Government of Ukraine that we will consider a broad range of tools at our disposal if those in positions of authority in Ukraine employ or encourage violence against their own citizens. We have also pressed all key stakeholders—President Yanukovych, his government, the opposition, business representatives, religious leaders, and civil society—to engage in a good-faith dialogue to get Ukraine back on the path to economic health, justice, and a European future. When I last met with President Yanukovych on December 11, he asserted that he still wanted all those things for his people. If that assertion is still true, we call on him to make it credible through concrete actions to restore government accountability, rule of law and engagement with Europe and the IMF.

In this connection, we commend the European Union for leaving the door open for Ukraine, and the International Monetary Fund for its willingness to work with Ukraine when the government is willing to roll up its sleeves and address the serious structural and macroeconomic problems that have plagued the country for years. The IMF is offering a proven, if arduous, long-term diet plan back to good economic health. Like any tough health regime, it requires work and sacrifice but the rewards are great. When Ukraine's leaders are ready to invest in that kind of program, the United States and our EU partners will help them sustain the commitment. We urge them to restart consultations now.

Looking forward, the United States will work hard to support a free and fair Presidential election in 2015. The rerun of parliamentary elections held on December 15 was not conducted according to international standards, especially with respect to alleged misconduct during the election campaign. We call on the Government of Ukraine to thoroughly investigate all reported violations, and to prosecute those responsible for them. We also call on all Ukrainians to help guard their democracy against encroachments on media freedom, political intimidation or efforts to rig, corrupt, or undercut electoral structures and processes.

U.S. preelection assistance to Ukraine likely will include programs to support citizen oversight of the campaign environment and the conduct of the elections, independent media coverage and informed civic awareness and participation. The United States will focus on supporting the integrity of the process, and not support any specific candidates or parties. Like the rest of our policy toward Ukraine, our assistance will be carefully coordinated with the EU.

In addition to election-related programming, the State Department and USAID are reviewing how best to support Ukrainian civil society and media and to further strengthen the rule of law. Given the threats currently facing many nongovernmental organizations who participated in the EuroMaidan, we are looking at ways we can support those who feel they may be in danger. We will also work with the EU to support their efforts to disseminate reliable information on what European integration really means to the Ukrainian public, especially in the East, and to counter false narratives and fear-mongering.

As I have said repeatedly over the past few months, Ukraine's European integration is not a zero-sum calculation. We encourage Ukraine to continue to develop normal and strong, sovereign relations with all neighbors. There is also, unfortunately a good deal of disinformation in Russia about the potential effect that the EU's Eastern Partnership could have on its economy and arrangements with neighbors. We have encouraged the EU to redouble its efforts to counter false narratives in Russia and actively make its case that a more prosperous, European Ukraine will lift the whole neighborhood, both economically and in terms of democratic stability.

Ukrainians have struggled for 20 years to protect and strengthen their sovereignty, their democracy and their economy. The events of the last 6 months demonstrate that Ukrainians want and deserve better. I am proud to work with this committee to support their aspirations.

The CHAIRMAN. Thank you.

Secretary Melia.

STATEMENT OF THOMAS MELIA, DEPUTY ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. MELIA. Thank you, Chairman Menendez, Senator Corker, and other Senators, for inviting me to testify on the situation in Ukraine.

Over the last few weeks and months, your forthright statements, Mr. Chairman, forthright and principled statements, and those of so many others on this committee and in the Congress, have sent important messages about the interests and the focus of the United States and the American people to assist Ukraine at this critical moment.

It is also an honor to appear beside Ambassador Nuland, who, you may know, is revered across the State Department, and especially in my Bureau for Democracy and Human Rights, for her leadership on issues of democracy and human rights.

Working with her Bureau, our Embassy in Kiev, the Department of Justice, and the U.S. Agency for International Development, our Bureau has, over the last 3 years, maintained direct and frequent engagement with the Government of Ukraine, and intensely with Ukrainian civil society, on democracy and rule-of-law issues. These dialogues, often under the umbrella of the U.S.-Ukraine Strategic Partnership Commission, have provided a regular high-level forum for serious, honest exchanges about the government's reform efforts, which have waxed and waned during the tenure of Viktor Yanukovych as President, and for frank conversations about problem areas, such as corruption, democratic backsliding, and other setbacks.

We have utilized this forum to push back in the year 2010, on harassment of journalists in civil society in the first months of the

Yanukovych administration, raising these issues directly with Cabinet members, including the head of the Internal Security Service in Ukraine. And the harassment waned for a while.

Within this working group, we have held frank discussions about the increase in the harassment of journalists in civil society which surfaced again this year. As it did in 2010, the efforts by the government to repress civil society and independent journalism have galvanized civic activism across Ukraine. They have formed coalitions, called the Stop Censorship Movement and the New Citizen Campaign, which mobilized and informed citizens about their basic rights under Ukraine's laws and constitution. Nonpartisan civil society remains a significant, powerful force for democratic reform in Ukraine.

Unfortunately, the negative trend in the treatment of journalists, in particular, has seen a resurgence in the past few months. According to the Institute of Mass Information, respected Ukrainian media watchdog, there are more than 100 attacks and cases of intimidation against journalists in 2013, most half of them occurring in December, alone. In addition, IMI recorded 120 cases of obstruction of journalist professional activities, 51 cases of censorship, 44 cases of economic and political pressure, and five arrests and detentions.

While the protests on the Maidan and across the country may have lost some of their numbers, they have lost none of their intensity. The embers that sparked the protests in late November are still burning and will not be easily extinguished. The tens of thousands of people who turned out again this past weekend in Kiev and other cities across Ukraine, now in the third month of these protests, testify to this. And, thanks to the support of this committee and the Congress, we have invested over $5 billion to assist Ukraine in these and other goals to ensure a secure, prosperous, and democratic Ukraine.

Since 2009 alone, when President Obama took office, the U.S. Government has provided more than $184 million in assistance to Ukraine in programs under the rubric of governing justly and democratically, those programs which focus on professional development programs for judges, Members of Parliament, legal advocates, civil society, and democratic political parties, elections, and independent media. Most of this is managed—and I would say managed well—by our colleagues at the U.S. Agency for International Development, led by Paige Alexander and her colleagues at the mission in Ukraine, but it also includes programs from the State Department, our Bureau, Department of Justice, and elsewhere across the U.S. Government. This level of assistance underscores both our commitment to Ukraine and our intention to continue engaging both with the government and the people of Ukraine. Our approach to Ukraine complements that of our EU partners and what they sought in their association agreement: a Ukraine that is more responsive to its citizens, that offers its people opportunities that a growing free-market economy would provide based on the rule of law.

Looking forward, we will continue to work with our colleagues elsewhere in the State Department, AID, and across the govern-

ment, to support dialogue with the government, support for civil society, and especially independent media.

We know there are senior officials in the Ukrainian Government today, as well as in the business community, just like in the opposition and in the civil society community, who believe in a democratic and European future for their country. They continue to work hard to move their country and their President in the right direction. We will continue to try to provide targeted, effective support to Ukraine's democrats in and out of the government. This committee's continuing support and attention remains absolutely essential. Again, we appreciate your support for last week's resolution, the Murphy resolution. I think that sent a very powerful message. And this hearing today underscores that, as well.

Thank you. I look forward to your questions.

[The prepared statement of Mr. Melia follows:]

PREPARED STATEMENT OF THOMAS O. MELIA

Thank you, Chairman Menendez, Ranking Member Corker, and distinguished members of the Senate Foreign Relations Committee for inviting me to testify on the situation in Ukraine. We very much appreciate the attention you are according to a country at the center of Europe and a valued partner for the United States.

Last week the Senate unanimously passed Senator Murphy's Senate Resolution 319, which came out of this committee: Expressing support for the Ukrainian people in light of President Yanukovych's decision not to sign an Association Agreement with the European Union.

I am pleased to provide additional context from my Bureau, the Bureau of Democracy, Human Rights and Labor which, in partnership with the Bureau of European and Eurasian Affairs, our Embassy in Kiev, the Department of Justice and with the U.S. Agency for International Development (USAID), has been in direct and frequent engagement during the past 3 years with the Government of Ukraine and Ukrainian civil society in bilateral dialogues on democracy and rule of law issues.

As my colleague Assistant Secretary Nuland noted these are indeed challenging times for the people of Ukraine and for people everywhere who care about the future of Ukraine. Many of us continue to monitor the ongoing developments in the center of Kiev on the "EuroMaidan" and in other cities across Ukraine that have come to symbolize a fundamental struggle for economic opportunity, political freedom, and personal expression.

While the protests may have lost some of their intensity I believe the embers that sparked the protests in late November are still burning and will not be easily extinguished. The tens of thousands of people who turned out again this past weekend in Kiev and other cities across Ukraine are testimony to this.

Senators McCain and Murphy have shared their experiences in the days after they returned from their December 15 visit to Kiev, which they described as "unforgettable and moving," standing on the stage overlooking the Maidan and addressing a crowd estimated at 500,000—some of whom shouted cheers of "Thank you, USA!"

The United States stands with the Ukrainian people in solidarity in their struggle for fundamental human rights and a more accountable government. To that end, we call on the government to intensify its investigations and to bring to justice those responsible for inciting incidents of violence, particularly on November 30 and December 11. Violence and intimidation have no place in a democratic state. We urge the Government of Ukraine to ensure that those who have led or participated in peaceful protests are not subjected to prosecution or other forms of political repression.

At the same time, we will continue to engage with the Government of Ukraine. Ukraine remains an important partner for the United States. Our overall approach to Ukraine complements what our EU partners are also seeking in their Association Agreement—a Ukraine that is more responsive to its people and that offers its people the opportunities that a growing, free market economy based on the rule of law provides.

The U.S.-Ukraine Charter on Strategic Partnership signed in 2008 demonstrates the broad range of our relations, from economic and defense reform, to energy, to strengthening democracy, the rule of law, and human rights. The fact that the

Charter has endured—even after changes in administrations in both our governments since 2008—is testimony to the enduring nature of our partnership.

Since Ukraine's independence in 1991, the United States has supported Ukrainians as they developed democratic skills and institutions, strengthened the rule of law, and promoted civic participation and good governance, all of which are preconditions for Ukraine to achieve its European aspirations. We have invested over $5 billion to assist Ukraine in these and other goals that will ensure a secure, prosperous, and democratic Ukraine. Of that amount well over $815 million was for democracy and exchange programs. Much of this is being implemented through a range of technical assistance programs and working with nongovernmental actors in Ukraine.

Since 2009 when President Obama took office, the U.S. Government has provided over $184 million in Governing Justly and Democratically (GJD) assistance to Ukraine. This includes democracy programs managed by USAID and the State Department, and exchange programs managed by the State Department and the Open World Leadership Center.

A key element of the Strategic Partnership's Charter to strengthen Ukraine's democracy is the Political Dialogue/Rule of Law Working Group, which brings together American and Ukrainian officials to exchange ideas about best practices, the Ukrainian Government's reform efforts, and about problems areas, such as corruption, which has stunted Ukraine's economic and social development. Inclusive in its approach, the Working Group—which I cochair together with a senior Ukrainian counterpart—welcomes input from civil society and nongovernmental representatives from both countries. To date we have met formally six times in Kiev and Washington since 2009. Our last meeting was in October in Kiev, and the next meeting is planned for this March in Washington.

Within the working group, we held frank discussions about the increase in harassment of journalists and civil society that has taken place in recent years. This harassment galvanized civil society. Together they formed new coalitions to stand up and push back, such as the "Stop Censorship!" movement and the "New Citizen" campaign, which sought to mobilize and inform citizens about the problems and their basic rights under the Ukraine's laws and constitution.

Unfortunately, the negative trend in the treatment of journalists has continued, and the Government of Ukraine has failed to consistently respect the rights of freedom of speech and press provided by the constitution and by law. Ukraine's ratings for media freedom by international groups, such as Freedom House and Reporters without Borders, have declined for 3 years in a row.

Interference with and pressure on media outlets by the government has increased, including the government's tolerance of increased levels of violence toward journalists. Both media owners and journalists at times yield to government pressure and intimidation by practicing self-censorship. There is also an emerging pattern of targeted intimidation and violence against journalists and activists brave enough to speak out.

According to the Institute of Mass Information (IMI), a respected Ukrainian media watchdog, there were more than 100 attacks and cases of intimidation against journalists in 2013—nearly half of these occurred in December. In addition, IMI recorded 120 cases of obstruction of journalists' professional activities, 51 cases of censorship, 44 cases of economic and political pressure, and 5 arrests and detentions. The U.S Government will continue to speak out frankly and forcefully against violence, intimidation, and repression whenever and wherever it occurs, as we have in recent weeks with regard to the appalling and brutal beating of Tatiana Chornovol on Christmas Day.

In our working group, we also continued to raise our concerns about politically motivated prosecutions, including that of former Prime Minister Yulia Tymoshenko. We urged the government to allow Mrs. Tymoshenko to obtain the medical treatment she requires outside the country, to end all politically motivated prosecutions, and to undertake comprehensive justice sector reform to ensure such selective justice does not recur.

Other issues of concern discussed were election standards and recent local and national elections. In October 2010, local elections did not meet the standards for openness and fairness due to numerous procedural and organizational irregularities, including incidents where authorities pressured election observers and candidates. The 2012 parliamentary elections did not meet international standards for fairness or transparency, and were assessed as a step backward compared with other recent national elections in the country. Repeat elections in December in five disputed single-mandate districts from the 2012 elections were no better.

Looking forward, we will continue to work in concert with the Bureau of European and Eurasian Affairs, our Embassy in Kiev, and with USAID to support free and

fair Presidential elections in 2015—not only on Election Day but in the many months ahead.

We believe the frank and open conversations of the Working Group have strengthened our efforts, cooperation, and engagement with the Government of Ukraine on several important bilateral issues. For example, our engagement helped to press the Government of Ukraine in key areas, such as adoption of the new Criminal Procedure Code, which came into force in November 2012. The Embassy did much to facilitate deliberations to enable its adoption. Among other reforms, the code introduced adversarial criminal proceedings, alternatives to pre-trial detention and improved due process guarantees.

Two other recent reforms were new laws on Public Associations and Access to Public Information. Both of these laws benefit civil society in that they simplify registration procedures for NGOs, expand their ability to engage in a broader range of activities, including limited fundraising, and create a mandate for more transparent and accountable government by requiring authorities to provide government information upon request.

In addition, during 2103 Ukraine's Parliament passed 18 separate pieces of reform legislation as part of its preparations to sign the Association Agreement and Deep and Comprehensive Trade Agreement with the European Union.

These developments have, to a notable degree, been shaped and influenced by Ukrainian civil society, including think tanks, university centers, NGOs, and advocacy groups, which provided expertise on important policymaking initiatives outside of government.

Civil society has played a very visible and vital role in our bilateral working group dialogues. In connection with the formal meetings, civil society representatives convened independent parallel democracy and rule of law sessions, in which we, together with Government of Ukraine officials, took part. Some of the outcomes and analysis from these events helped inform our discussion during the formal dialogues.

As a result, we have facilitated and fostered direct contact between civil society and Ukrainian Government officials—in Kiev and Washington—to the level that civil society representatives now participate in the dialogues as observers, which, in the context of similar bilateral dialogues that we have with other governments, is an unusual demonstration of transparency and inclusiveness. We hope and expect that this practice will continue.

Dialogue and passage of good laws are only the first steps; the challenge comes in the implementation. And this is where we will continue to work with the government and civil society. Through our dialogues we have had honest, substantive, and thoughtful discussions about the challenges, problems and opportunities confronting Ukraine and affecting our bilateral partnership.

It is clear that we have not shied away from clearly and frankly expressing our concerns about the current setbacks to the rule of law and democratic development, increasing corruption, and other democratic backsliding.

Still, we know today that there are senior officials in the Ukrainian Government, in the business community, as well as in the opposition, civil society and religious community who believe in a democratic and European future for their country. They continue to work hard to move their country and their President in the right direction.

We urge the government and the President to listen to these voices, to the Ukrainian people, to the EuroMaidan, and work toward building a more democratic, and prosperous Ukraine.

We who care deeply about Ukraine remain engaged and stand with the people of Ukraine because they deserve much better government performance and accountability. We will continue to support the aspirations of all Ukrainian citizens for a more democratic future, in which the rule of law and respect for human rights prevail. During these past 2 months we have witnessed a renewed energy and optimism. People of all ages, of all classes, of all walks of life, and from all parts of the country are taking ownership of their future and coming out to demand a European future with great courage.

On New Year's Eve, an estimated 200,000 Ukrainians gathered on the EuroMaidan to sing their national anthem—"Ukraine Has Not Yet Perished"—and welcome 2014, a new year of hope and transition to a more democratic country. One cannot help but to be moved and inspired after viewing the video images and photos of that night posted on the Internet.

In that spirit, we continue to hold out the prospect of a closer and mutually beneficial partnership. We can be better friends and partners with a more democratic Ukraine than we can with a less democratic Ukraine.

And beyond our bilateral engagement, we will also continue to work with the European Union and within the Organization for Security and Cooperation in Europe to press for respect for human rights and democratic principles in Ukraine.

The vision of a Europe whole, free and at peace remains as compelling today as it did when it was first articulated some two decades ago. The United States seeks to work with the Ukrainian people and government to ensure a free, prosperous, and stable Ukraine anchored in the European future that its citizens desire.

This committee's support and attention remains absolutely essential in Ukraine's continued democratic development. Again, we appreciate the committee's efforts on last week's resolution, this hearing, and your continued focus on Ukraine.

Thank you. I look forward to answering your questions.

The CHAIRMAN. Thank you both.

Let me start off with an observation from our next witness after this panel. Dr. Brzezinski has said that Russia cannot be a democracy if it is an empire, and that it cannot be an empire if it lacks control of the Ukraine. Is that a view that you share?

Ambassador NULAND. One would hope that the Russian Federation is not seeking to be an empire, that, according to its own constitution, it is seeking to be a democracy. The point that we have made repeatedly to Russia, and that I certainly made on my trip to Russia between two trips to Ukraine in December, was that a Ukraine that is economically stable and prosperous should be no threat to Russia; that this is not a zero-sum game that we are playing here; and that, in fact, the same benefits that the EU was offering to Ukraine, benefits of association and economic integration, are also available to a Russia that wants to take the same market-opening and democratic reform steps that Ukraine has already taken, 18 pieces of legislation having already been completed.

The CHAIRMAN. Well, I appreciate that, but clearly the Russians' view, in the greater scheme of things, even in the disparaging way in which they talk about the Ukraine as "Little Russia," shows that, in fact, their aspirations are very concrete, as is witnessed, not by their words, but by their actions. And I am wondering why the United States and the West failed to enforce certain restrictions, particularly against economic coercion, that were part of the Trilateral Agreement of 1984. I do not get the sense that we have a very aggressive response to what the Russians have been doing, and continue to do, in this regard. And as I hear your language—I do not disagree with anything you are saying—but, as I hear your language, it almost seems to be a language that does not recognize the incredible coercive measures that are being taken against the Ukraine by the Russian Federation.

So, why did we and the rest of the West not get more engaged when those measures were taking place and say, "These are violations of that Trilateral Agreement and other agreements that have been had"?

Ambassador NULAND. We have made clear, consistently, both publicly and privately, that the coercive actions of of Russia, not only against Ukraine, but also against Moldova and Georgia, are violations of many undertakings that they have made, including Helsinki Principles and, in some cases, WTO obligations. And we will continue to be absolutely clear about that.

More importantly, what we have been doing is trying to work with Ukraine to get it on a path of increasing economic independence and self-sustainment. Ukraine is vulnerable to pressure from

the outside, because it has not done what it needs to do in terms of taking reform steps in its economy——

The CHAIRMAN. I do not mean to interrupt you, Madam Secretary. I am all for creating a more prosperous, stable, and economically viable Ukraine, but in the interim, while we are seeking that goal, Ukraine is very susceptible to being pounded on by the Russian Federation in the manner in which it has been. And, while we may register protests, it seems to me, for example, that if there are WTO violations, we should not be registering protests, but actually following WTO violations and pursuing those to be ultimately achieved, in that setting as well as others.

You mentioned in your opening statement that the Department remains open to a wide range of possible reactions, depending upon how the Yanukovych government continues to act, particularly with regards to the protestors. Now, I believe that supporting sanctions and visa restrictions are among the options that should be seriously considered if, in fact, we continue to see violence used against individuals who peacefully demonstrate in their country to express their opposition to the government's views and who want their human dignity. Are those elements of options that the State Department is willing to consider?

Ambassador NULAND. Mr. Chairman, all tools of government are on the table, including those.

The CHAIRMAN. I would like to hear from you, Mr. Secretary—I appreciate what you said, but what more can be done to assist and support journalists and civil society actors? As the Yanukovych family takes over TV channels and newspapers, and intimidation of independent journalists increases, what support are we directly providing, or can we provide, to the free media in the Ukraine? Are the Ukrainian services of Voice of America, Radio Free Europe, Radio Liberty, providing the appropriate information and direction in a country that increasingly seems to have its government clamping down on what is a free media?

Mr. MELIA. It is an important and appropriate question, Mr. Chairman.

We have—the U.S. Government, writ large—provided, over a number of years, financial assistance that enables the professionalization of journalism in Ukraine. Media in Ukraine faces many of the same economic survival challenges that media outlets do across the world today. In addition, there is political pressure on advertisers to stay away from media outlets that are critical of the government, and that creates a new dimension of difficulty for them.

So, our programs have supported online media outlets, the kinds of media watchdog organizations that I quoted earlier. The Institute for Mass Information is a beneficiary of some U.S. Government assistance. And, as I do when I travel to Ukraine, and others do, we make a point of visiting those outlets, doing our interviews with them, as well as with others, showing that we know who they are and we respect their independence. So, there is a variety of things that we can do, politically——

The CHAIRMAN. Do you speak to VOA, Radio Free Europe——

Mr. MELIA. Yes, these are very valuable. They continue to provide important voices of honest reporting that is accessed by the Ukrainian people. It is very important to continue those services.

The CHAIRMAN. Are we intending to send any election monitors, or to give resources to entities that have long been established as election monitors in countries?

Mr. MELIA. OPORA, which is the network of domestic election monitors in Ukraine that has been supported, trained by the National Democratic Institute since the mid-1990s, has been very active on the ground around the recent elections. They provide important honest reporting. It complements the work of the OSCE's Office of Democratic Initiatives and Human Rights, which has also monitored these processes, and gives us a huge wealth of information that enables us to comment in an informed way about the election processes.

As you recall around the parliamentary elections a year and a half ago, we said that the elections represented a step backward from the quality of the election that brought Viktor Yanukovych to office in 2010. And that was based on the findings of the ODIHR mission that was there and of the domestic monitors led by OPORA. They continue to be very brave, very active, very honest watchdogs, and we continue to support them financially and politically.

The CHAIRMAN. Well, let me just say, before I turn to Senator Corker, that if the Yanukovych government continues to act against its citizens as we have seen thus far, then I am not sure that we will wait for the State Department to look at sanctions and visa revocations against those committing such acts. The committee, and certainly the Chair, is going to entertain legislation that will do exactly that.

Senator Corker.

Senator CORKER. Thank you, Mr. Chairman.

And again, thank you both as witnesses.

I think that many of us, after watching the administration throw itself in Russia's arms during the Syrian conflict, have watched, with big question marks, relative to what we are actually willing to do to end up with a foreign policy that may be a counter to where Russia is.

Last summer, when Russia placed these economic extortions—put those in place in Ukraine on exports—do you think that, had the United States stood more fully beside Ukraine, they might have, maybe, had greater strength and been more willing to go ahead and side with the association agreement, versus taking the steps that they took?

Ambassador NULAND. Senator, I think there were many reasons why President Yanukovych decided to take a pause after spending 6 months advertising and encouraging his people to want to go to Europe. One of the main concerns that we had throughout the fall, as we watched the preparations, or lack thereof, by the government for the Vilnius summit, was the vulnerability of the Ukrainian economy, not only, and not even primarily, because of the pressure some of the big companies came under from their northern neighbor, but because of years of financial mismanagement of the economy and lack of willingness to really, as I said, roll up sleeves with

the IMF and fix some of the fundamental problems. So, the degree to which Russia had the ability to bring Ukraine under economic pressure was very much a symptom of the fact that Ukraine was so economically fragile. We worked very intensively with the Ukrainian Government throughout the summer and fall to try to get them back into a dialogue with the IMF. I was involved with that. Secretary Kerry was involved with that. They did make some initial efforts, but they were nowhere near the kinds of intensive consultations that the IMF would have needed, to be supportive. And we began ringing the alarm bell increasingly loudly, throughout October and November, that, without more economic stability, in the event that Ukraine signed, the pressure could, in fact, be very, very dangerous for Ukraine, which was, at that point, within weeks of financial default.

So, our position all the way through was that IMF reform and the EU Association Agreement needed to go hand in hand.

Senator CORKER. Yes.

Ambassador NULAND. But, unfortunately, that did not prevail in Ukrainian thinking.

Senator CORKER. So, look, I appreciate the effort that you, personally, have put forth, and I know you have placed a lot of emphasis on this, especially in the last several months. But, why did we not criticize Russia openly and strongly when they put forth this economic coercion they put forth? Why did we not do that? It just does not seem like the place the United States would typically be when a country basically extorts another country, a country that we are trying to work with, a country that is so important to shaping that part of the world. Why did not we speak out strongly when that occurred?

Ambassador NULAND. Senator, we certainly did. Secretary Kerry did. I did. I testified before the European Subcommittee, in November, and spoke out quite forcefully with regard to what Russia was up to. We also spoke to them privately throughout this period.

Again, there were a lot of vulnerabilities on the Ukrainian side, as well, but nobody condoned what Russia was up to. And we do not, today.

Senator CORKER. I will just have to say that the administration has a big megaphone, and it was not used in this case.

Let me just say along those same lines, I think many of us are really disappointed that the administration did not come forth with a list—the Magnitsky List—that we all expected to be out by the end of this year. Can you tell us what is happening, between us and our relationship with Russia, where we continue to turn our head, and we do not do those things that are in law that Congress has put forth? What is keeping the administration from going ahead and naming people—we are hearing names on the list that are supposed to come out, and somehow they are tied to this and they are tied to other things. What is it that is keeping the administration from doing those things that, under law, it is supposed to do, relative to Russia?

Ambassador NULAND. Well, Senator, as you know, we submitted our Magnitsky report in the middle of December, as we were required to do. We are continuing to look at names that could be

added to the list, and we will continue that process in the weeks ahead.

Senator CORKER. Well, I think history is on our side, and I think that, eventually, Ukraine will associate itself with the West. But, I will just have to say, as an observer, as somebody who has been fairly deeply involved in foreign policy over the last 7 years, what has happened between us and Russia ever since August seems to have affected our ability to weigh in on issues that are clearly in our national interest and clearly in the West's national interest. And I know that, again, you certainly have put forth tremendous effort, over especially the last several months, regarding this issue. But, Ukraine is an incredibly important country. It is a country that, if we can cause them to more fully associate with the West, could well be the thing that helps shape the way policies are inside Russia, itself. It is an incredibly important country.

And, while I appreciate your efforts, and I certainly appreciate Senator McCain and Murphy being there at an incredibly important time, I do not think that our country has put forth policies, nor stood up in a way that it should in recent times, at a moment in time where there was a possibility of something happening right now that could have been incredibly beneficial to the people of Ukraine, beneficial to us, as a nation, and beneficial overall to Western values.

But, I thank you for your efforts and I look forward to continuing this dialogue.

The CHAIRMAN. Thank you.

Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

Thank you both for being here this afternoon.

I wonder if one of you could speak to the opposition that has been demonstrating, and if they have a coordinated strategy for what they want to accomplish, short of the association agreement, and are they seeking to win power in the elections? What is their real interest, here, and how successful do you think they can be?

Ambassador NULAND. I would say that the events of November and December have certainly been unifying for the opposition, both in terms of its obligations, as it sees it, to the Ukrainian people and to try to meet their aspirations, but also in terms of their ability to work together. In the conversations that we have had with them, they are focused on presenting a united slate for the 2015 elections, they are focused on protecting the electoral environment and the free media environment between now and then, which, as I said, is an area of quite a bit of concern as we see a slow and steady effort to poison the democratic body politic across Ukraine. So, they are very much focused on that and trying to ensure that they expose efforts to intimidate NGOs or journalists or activists or any of those things, or otherwise dismantle the structures of a free electoral environment.

They are also focused very much on the economy, because they know that if the current government does not take the hard steps to engage with the IMF and heal the systemic and structural problems in the Ukrainian economy, that anybody who wins the elections will inherit that problem. So, they are focused very much on trying to understand Ukraine's problems, trying to understand

what this very nontransparent deal with Russia may do, over the medium and longer term, to Ukraine's choices so that they can present an alternative to the Ukrainian people.

Mr. MELIA. Can I add one point to that, Senator——

Senator SHAHEEN. Sure.

Mr. MELIA [continuing]. To broaden it beyond the political opposition, the parties who are seeking to win a majority and control of the government?

Most of the people that came out in the Maidan after the announcement on the European integration was announced did not come out with partisan motives. In fact, most of them are not associated with one or another political party. They were people that were angry and frustrated that what they thought was a trajectory in fits and starts toward European integration being upended abruptly by their President. So, they came out to express their unhappiness with that. And the people who initially organized it—there was not a master plan, because they did not anticipate the announcement. But, over the weeks, it has become more and more organized, more and more kinds of groups have come out and participated, including political parties. But, most of the people that came out in those demonstrations were not party-oriented. And I think that speaks to a broader longing in the Ukrainian people for modernization, for fundamental freedoms, for European integration. And whether the alternative political parties on the scene will guarantee that or provide that, I think, remains for those parties to demonstrate. And they have not done—you know, they are working on that, but it is not a done deal yet.

So, I think when we think about opposition to the government, we need to think about it more broadly than in partisan political terms.

Senator SHAHEEN. I do not disagree with that. I am just thinking about where they go from here, in terms of those demonstrations, because just demonstrating, as you point out, is not going to solve the problem. We have got to figure out what happens next and what more can we do, in the United States, to help move to the next stage of how to address the situation there.

Mr. MELIA. Well, let me speak up a bit for Ukrainian sovereignty, because that is ultimately what this is about. And it is partially in response to Senator Corker's earlier comments that I would say we need to keep in mind that this is about respecting Ukrainian sovereignty, letting Ukrainians work this out, to the extent they can. We do not want this to be a tug-of-war with Russia over Ukraine. We are trying to demonstrate a different opportunity. It is not just East or West, us or them. This is about a completely different model. We are not going to bludgeon or pressure the Ukrainians into associating with us. The Russians may want to do that. It is not in our interests to do that.

We have an open door to the West, we provide all kinds of long-term opportunities for them, and the Ukrainian Government can either choose to be bullied by one of its neighbors or they can choose to go through the open door to the West. That is the choice that has been presented to the Ukrainian people. There is a short-term response to pressure that we have seen the President of Ukraine do. There is a longer term decision to be made by the

Ukrainian people, through their political process, which we hope will play out over the next year and beyond, in which these kinds of things can be debated and discussed publicly, and people will make their decision for who they want to govern them, based on the policy choices they present.

We cannot insist that they do what we want. That is not the approach that we are offering them. We are offering them a chance to be a sovereign, independent country that makes its own decisions.

Senator SHAHEEN. Well, and certainly I appreciate that. What I am really asking is, What more can we do to help ensure that they have that opportunity? Because that is the real challenge.

Let me ask a different question, because I do not want this panel to end without asking about Yulia Tymoshenko and what her status is and whether we think there is any chance that she is going to be released before the elections in 2015—and again, what more we and the European community and the Ukrainian people might do to help ensure that that happens.

Ambassador NULAND. Senator, we raise Mrs. Tymoshenko's status in every meeting with every Ukrainian that we have. I have personally spoken to President Yanukovych about it in both of the long and intense meetings I have had with him.

We are continuing to encourage the Ukrainian Government to release her to Germany for the medical treatment that she so desperately needs. We have also made the link that this would send a very strong signal to the world about their commitment to a European path and to meet those final requirements of the EU; and it would probably have a positive economic impact, as well, on the Ukrainian economy. But, to date, the President has not seen fit to take those steps.

Senator SHAHEEN. Thank you.

Mr. MELIA. And I should mention that I have visited Mrs. Tymoshenko in her hospital prison in Kharkiv, in the eastern part of Ukraine, and both our recent Ambassadors, both Ambassador Tefft and Ambassador Pyatt, have also been out there to demonstrate our—at a very serious way—our concern for her situation. And, along with our European colleagues, who have the lead on the EU association agreement, obviously, this has been a central part of that discussion. This has been very central to our engagement and the Europeans' engagement with the Government of Ukraine.

Senator SHAHEEN. Thank you.

The CHAIRMAN. Before I call on Senator McCain, let me just say, I do not think you meant this—or maybe you did. I agree that we all respect Ukrainian sovereignty. We are not seeking a tug of war with Russia. But, there is a difference between an open door, as you described it, full of opportunity for the Ukrainian people, that the United States and the West presents, and the economic coercion and intimidation that the Russians pursue. And pushing back on the economic coercion and intimidation, in my mind, is not a tug of war, it is creating the space for Ukrainians to decide their own future.

Senator McCain.

Senator MCCAIN. Well, thank you, Mr. Chairman. I want to associate myself with what you just said.

Mr. Melia, this is not a high school student-body election, this is a country that wants to be European. They do not want to be Russian. That is what this is all about.

That is what EU means to them. And the Russians have used energy, they have even cut off chocolate, they have bullied, they have supported the corruption, which is rampant in Ukraine. My colleagues may not know that the son of the President of Ukraine was a dentist, is now a billionaire, lives in a $100 million home.

So, what this is all about, sir, is not about the Ukrainian people decide for themselves, this is about whether we will stand up for the Ukrainian people, who have been brutalized in demonstrations. The incarceration—I am glad you went to see Yulia Tymoshenko. But, the fact is, she should not be in prison. That is fact. And so, I am somewhat taken aback by your, "Well, it is sort of up to the Ukrainian people." We want to be assisting, morally, the Ukrainian people for seeking what we want everybody on this earth to have. And so, it is not just up to the Ukrainian people. They cry out for our assistance and our moral support in a struggle which is totally unfair, which has been characterized by brutal crackdowns of demonstrators, and, recently, some leaders that I met with are now hospitalized. So, you are either incredibly naive or you are misleading the committee, one of the two.

Secretary Nuland, I want to thank you for what you did. Senator Murphy and I had an incredible experience there. The people of Ukraine appreciated, very much, your moral support that you provided them. And I was very proud to have you as our Nation's representative, providing the moral support to the people who were demonstrating in freezing cold weather, incredibly difficult conditions.

So, I guess my first question is, to you, Secretary Nuland, Is not it true that the Russians have bullied, they have used energy, they have used embargoes on certain products, including chocolate, and they have—that Mr. Putin really, really believes that Russia without Ukraine is an Eastern power, and, with Ukraine, is a Western power? And there is a lot at stake here, and it is in United States national security interests. And maybe—as Senator Corker pointed out—maybe we ought to be standing up to the Russians and supporting these people, including a list, if it is necessary, of sanctions, in the case of further violence inflicted on the demonstrators. Would you agree with that?

Ambassador NULAND. Certainly, we have been absolutely clear and we would agree with Senate Resolution 319 that the Ukrainian people and their right to peaceful assembly must be protected at all costs. And we have been very, very clear with the government, not only at my level, but at the Secretary of State's level, Secretary of Defense's level, and other people who have been in contact, that any further serious efforts by the government to repress their own people will be met with, with a firm response by the United States.

Senator MCCAIN. And would sanctions be one of the considerations?

Ambassador NULAND. As I said, Senator, that and other tools are on the table; yes.

May I just make a point about the choice that Ukrainians have to make? I think we are all making the same point, which is, it is

in United States interest to help the people of Ukraine preserve the opportunity to have a choice for a European future. And that is what we have to do, particularly as we head toward these elections. That is about speaking out against further violence, that is about supporting a free, fair media environment, a free, fair electoral environment, so that they can actually judge this government and its behavior at the ballot box——

Senator MCCAIN. So, it is not a tug of war. It is standing up for the principles of the—we want every free people throughout the world to be able to determine their own future without having demonstrators beaten up, without embargoes, without the energy card being played to cut off energy in the middle of the winter, as happened in the past. And this is all about Mr. Putin's desire to restore the old near abroad, the old Russian empire. And he has done the same thing in Moldova, Latvia, Estonia, Lithuania, and all around the periphery of Russia. And it is part—as Senator Corker pointed out, it is part of the very aggressive behavior that Vladimir Putin displays, and we reward his Secretary, Mr. Lavrov, with funny little gag gifts. I do not get it.

I would like to, again, recognize Boris Tarasyuk and also the Ukrainian Ambassador, Ambassador Motsyk, who is here also.

Again, I would like to ask you, Secretary Nuland, Do you think that there is a path now for Yanukovych to allow a free and fair election? And what do you make of the decision of the upper court that says that Vitali Klitschko is ineligible for running for President in 2015?

Ambassador NULAND. Again, Senator, I think when you ask how we can help, how the EU can help, it is to focus our attention on ensuring that the electoral environment is free and fair. That is going to be a very, very difficult task, given these moves that we are already seeing to intimidate journalists and to constrict the free media environment, to manipulate local electoral councils, these kinds of things. So, the assistance that we are putting into Ukraine—and we are increasing it in the areas of free media and electoral support—will all be in the direction of trying to prevent efforts to pervert the electoral environment before 2015.

With regard to the current ongoing court situation for Mr. Klitschko, this is a very familiar playbook in this part of the world, to try to use the courts to manipulate the slate of opposition candidates, et cetera. We are watching this case extremely closely. We had observers in the court today from our Embassy in Kiev.

Senator MCCAIN. Thank you.

Mr. Chairman, again, I want to say that we thank you for what you did in Ukraine. The people were very grateful. And I was very proud to join Senator Murphy on what was, for me, a truly unforgettable experience. We thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCain.

Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman.

Good to see both of you here.

I thank Senator McCain for allowing me to join him on what was really an amazing visit to see hundreds of thousands of people on that square, also knowing that those numbers were in the tens of thousands before the crackdown, and it was in the face of that

brutal activity from the administration that people poured out into the streets in record numbers and, although the numbers have diminished, are still pretty substantial in the past few weeks.

I want to just echo the comments of Senator McCain. I do not think Yanukovych can win a free and fair election, no matter what choices, what tacking to the left and to the right and to the East and to the West he may do, if it is truly an open election. And, obviously, our most important task here, if we want to truly support the Ukrainian people, is to do everything within our power to track these individuals, once they leave the Maidan, once they go back home, to make sure that they are not quietly spirited away, imprisoned, intimidated so that they do not participate in the 2015 elections.

Yanukovych is wrong to believe that there are no strings attached to this deal with Russia. He looks at the price that he was going to have to pay to do a deal with the EU and the IMF, and he just thought that it was too high, given the already difficult electoral prospects he faces in 2015. And he perceives that there is a lower price for him, in the short run, to do the deal with Russia. And, of course, that is not true, ultimately, though Russia may not impose strings at the outset, will all of a sudden start to meddle, on a weekly and daily basis, in the affairs of the Ukraine once they get their financial mitts into the country.

But, it strikes me that, at some points during this process, both the EU and the IMF have acted as if there was not a choice for the Ukraine to make, that they were sort of used to doing deals—in the IMF, for instance; in the EU, to an extent—were used to doing bailout packages and financial packages with countries in the EU that did not have a choice. And, you know, Yanukovych greeted Senator McCain and I with about an hour-and-a-half lecture on all of the abuse that Ukraine has taken from the EU, and most of his litany was without merit.

But, my question is this. Is there more that can be done, on behalf of the EU and the IMF, to try to work with the Ukraine in the coming months to answer some of the concerns which they may have that are legitimate, recognizing that this is not a zero-sum game, that they do have an alternative, and that alternative will continue to get sweeter and sweeter as the conditions get tougher and tougher from the IMF and the EU? And what can the United States do to work with the IMF and the EU to try to help answer some of the legitimate concerns that may come from Ukraine?

Ambassador NULAND. Well, thank you, Senator. And again, thanks to both of you for your leadership on that vital weekend. I really do believe that having both of you present in a bipartisan way on the square that weekend may have prevented violence.

First, to your point about the Russian bailout, if I may. You know, nobody knows what the terms really are, because they were not made transparent to the public, and certainly not to the Ukrainian public. And I would, as we do with the Ukrainians, draw your attention to the fact that one of the terms is that it will be renegotiated every 3 months, which, again, means that, at every 3-month period, Ukraine could conceivably face default again, unless it goes down the tougher-medicine-but-better-reward track of the IMF.

I think if, in fact, we have a Ukrainian Government that is willing to come back into a serious conversation with the EU and the IMF, what we need is a phased roadmap of restoring Ukraine to economic health, as the EU also works on how the IMF deal and the EU's DCFTA might mesh together to ensure that Ukraine has other options than its extreme dependence on the Russian market. And that is what the EU is offering, but it requires some tough steps, and this government has not been willing to take them.

Senator MURPHY. For all of the attention as to what did not happen at the Eastern Partnership summit, something did happen, which was that Georgia and Moldova, under very similar pressure, decided that they were going to move forward with their association with the EU. There is going to be a process, here, where the Ukraine looks to see what happens in Georgia and Moldova, Ukrainian citizens look to see what happens to the economies of Georgia and Moldova. And the look back will go the other way, as well; people in Georgia and Moldova are going to watch to see what happens in the Ukraine, having made a different decision.

What can the United States do, what can the international community do, to stand with Georgia and Moldova to make sure that they are a shining example of what good can occur, both politically, from a human rights perspective, from an economic perspective, when you make the choice to join with the EU?

Ambassador NULAND. Well, as you said, Senator, if all goes well for Moldova and Georgia, they will be able to sign both agreements, perhaps as early as next year, and, certainly in the case of Moldova and maybe even in the case of Georgia, be enjoying visa-free travel and DCFTA rights with the EU before the end of 2014. That will completely transform the economic opportunity for those countries, when people across the country can trade freely. And it will also, we believe, have an impact on thinking in the separatist area of Transnistria, in the occupied areas of Abkhazia and South Ossetia, as they understand that their governments are offering a path, an opportunity to work with Europe; whereas that they had not had before. So, it is an extremely positive development.

We are working with Moldova to try to diversify their economic base. Even as the EU opens markets, we are working to open U.S. markets, working on reverse trade, delegation support from the Commerce Department. We are also working on energy independence for Moldova. Secretary Kerry, as you know, made a stop in Moldova to give them a boost. Similarly, with Georgia we are very focused on efforts to destabilize minority areas and other parts of Georgia, which is part of the pressure playbook. I was in Georgia, about a month ago, to encourage the government and the opposition, now that they have had good elections, to come together around a strong economic program, and to take full advantage and speed up their integration with the EU, including doing what they need to do to get visa-free as soon as possible.

Senator MURPHY. Thank you.

Mr. Chairman, just one last comment, which is that we are incredibly well-served by you, Secretary Nuland, but also by our Ambassador there. Ambassador Pyatt, under very difficult circumstances, has acquitted himself very well, and it is, frankly, an advertisement for the importance of this committee moving very

quickly and expeditiously on nominations, because we were able to get him nominated, put in place before the summer break, which gave him enough time to develop relationships that have come in very handy in the middle of a crisis. And so, I would commend the chairman for the way in which he has moved nominations. In this case, it really made a difference.

The CHAIRMAN. Thank you.

One last question, Madam Secretary. Analysts have asserted that Russia is trying to obtain control over critical infrastructure—Ukrainian infrastructure, that is. Do we have any information or idea of whether the Russians have acquired control over critical Ukrainian infrastructure as a result of the Putin-Yanukovych deal?

Ambassador NULAND. Senator, as you know, this has been part of the 20-year struggle of Ukraine for sovereignty, efforts to resist outside purchase of key critical infrastructure. Frankly, we do not have the details on this Ukraine-Russia deal. The Ukrainian Government tells us that they have not made those kinds of concessions, but we are not in a position to independently verify that.

The CHAIRMAN. Well, I thank you both for your testimony and your service. I can see that your time as the State Department's spokesperson has honed the conciseness of some of your responses. And so, we will look forward to engaging with you in other parts of your portfolio.

And, with that, you are both excused from the committee's hearing and we will bring up our second panelist, who needs, really—

[Pause.]

The CHAIRMAN. Let me say, as I said at the outset, Dr. Brzezinski needs no introduction, certainly not to this committee. Suffice it to say that he sees the world as a grand chessboard, as reflected in the title of one of his many books. He is, in my view, one of the world's most insightful foreign policy analysts. He brings to the table a clear-eyed geopolitical view. And, as they say in chess, he sees the whole board.

We appreciate your willingness to share your insights and your expertise with the committee. Your full statement will be included in the record, Dr. Brzezinski, and we invite you now to share your thoughts.

STATEMENT OF DR. ZBIGNIEW K. BRZEZINSKI, FORMER U.S. NATIONAL SECURITY ADVISOR, COUNSELOR AND TRUSTEE, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC

Dr. BRZEZINSKI. Thank you very much, Mr. Chairman, Senators. I am most impressed by the work you have been doing on this issue. I have listened to the earlier part of this testimony here, and it seems to me that all of you appreciate the historic, as well as the strategic, importance of the issue that we are discussing.

My own general message is simple. A democratic, sovereign, and European Ukraine is what the Ukrainian people want and deserve. Such a Ukraine will encourage Russia to become an important post-imperial partner of the West as a whole. And that is a very important strategic point. Hence, support for Ukrainian aspirations is not political warfare against Russia, but is, in fact, favoring

Russia's long-term interests. And we have to keep that in mind, that larger framework.

A Eurasian Union, such as the one that Putin aspires to create, held together by pressure and motivated by nostalgia, is not a long-term solution for Russia's own socioeconomic and geopolitical dilemmas. Hence, sooner or later, the current authoritarianism driven by imperial ambitions in Russia will fail, not only because Ukraine is hesitant and opposed; Kazakhstan or Uzbekistan are not eager to become, again, camouflaged colonies.

With that in mind, let me make just a few general suggestions. And, conceivably, some of them may be redundant, because I do not have access to all that is going or is being discussed within the administration.

First, my suggestion is that we should encourage all EU Parliaments to pass resolutions hailing the courage and determination of this new, younger Ukrainian generation which has shown itself to be so devoted to its new sovereignty, and we should express our strong support for it. And this should be done by other democratic assemblies as part of the historical record. It is important for the Ukrainian people to feel that they are not alone.

We should also deplore all forms of blackmail, bribery, or pressure designed to limit Ukrainian sovereignty. Our admiration for the heroes of the Maidan should be clearly emphasized, and they should be conscious of our identification with them. And I know that some members of this committee have been in Kiev during the most dramatic moments.

Ukrainian national patriotism is a recently reborn phenomenon, but it is fervent and it is authentic. Putin likes to say that Ukrainians are really Russians, but he overlooks one very simple fact: Today's Ukraine harkens back directly to Kiev's Russia. That is to say, to Kiev of 1,000 years ago in which the Kingdom of Rus, which is the Ruthenians, today called Ukrainians, was an authentic European entity. It is little known that the then-ruling King of France proposed that the princess, the daughter of the King of Ukraine, become his wife, and she traveled eventually to Paris and became the Queen of France. It is the Ukrainians who are the really authentic sources of Ruthenian, as well as Russian, identity. Ruthenians being the older word for Ukrainians.

Secondly, we should encourage the emergence in Ukraine of a visible and standing committee for national unity and independence, with politically and effective, defined leadership that can engage, if the opportunity arises, in an ongoing dialogue with President Yanukovych regarding Ukraine's long-term future. We know for a fact that some oligarchs who support Yanukovych would be interested in a dialogue with the opposition. Not all of the oligarchs are devoted to the idea of Ukraine being essentially a subprovince of a larger empire, and they have their own interests in promoting Ukrainian independence and closer ties with the West.

In brief, we should not strive to polarize the situation in Ukraine, but we should promote the opportunity for a serious dialogue with a political entity that authoritatively speaks for the will of the politically awakened Ukrainian nation, and encourage them also to prepare, perhaps, for the free elections in 2015, though it is not at all certain, at this stage, that they, indeed, will be free.

Third, the United States should use its influence, as I hope it is using it, in IMF, in the World Bank, in the various G8 or G20 assemblies, to explore what could be done to help Ukraine expand its relationship with the EU while remaining Russia's good neighbor even under the currently contrived arrangements—not as a satellite; but, nonetheless, the EU should encourage whatever additional arrangements are feasible. And we should be exploring ways, if there are any, by which the WTO could help to expose economic intimidation, which is not in keeping with its rules, and communicate its sense of concern to the party responsible for generating it. Perhaps there could be some steps taken to facilitate preferential access for Ukrainians seeking to study and work in Europe.

Fourth, we should keep in mind that the longer run issue is, What will Russia become as China increases its influence in the former Soviet Central Asia? We should keep reminding the Russian people and their leaders that we respect Russia's European identity and culture, and that Russia's true destiny is also to be a major European state in a larger democratic West. We should make it clear that we seek neither Russia's isolation nor fragmentation, but Russia's evolution to what is a genuine democracy.

One way or another, that day will come. Putin stands in the way today with his nostalgic dream of a new empire called the Eurasian Union. But, the fact is that such a prospect is not realistic. None of the would-be members of the Eurasian Union truly desire to limit their sovereignty, to cede it to Russia, to participate in the creation of a new union which revokes memories of the recently disappeared union, not to mention the older-still Russian empire.

In brief—and I conclude on this—we need a constructive, open-ended, long-term policy for Ukraine, as well as a long-term option for Russia that may follow.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Brzezinski follows:]

PREPARED STATEMENT OF DR. ZBIGNIEW BRZEZINSKI

Mr. Chairman, Senators. My own general message is simple: a democratic, sovereign and European Ukraine is what the Ukrainian people want and deserve. Such a Ukraine will encourage Russia to become an important post-imperial partner of the West as a whole. And that's a very important strategic point. Hence, support for Ukrainian aspirations is not political warfare against Russia but is, in fact, favoring Russia's long-term interests. And we have to keep that in mind, that larger framework.

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With that in mind, let me make just a few general suggestions. And conceivably, some of them may be redundant because I do not have access to all that is going or is being discussed within the administration.

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Secondly, we should encourage the emergence in Ukraine of a visible standing committee for national unity and independence, with politically and effectively defined leadership that can engage, if the opportunity arises, in an ongoing dialogue with President Yanukovych regarding Ukraine's long-term future. We know for a fact that some oligarchs who support Yanukovych would be interested in a dialogue with the opposition. Not all of the oligarchs are devoted to the idea of Ukraine being essentially a subprovince of a larger empire, and they have their own interests in promoting Ukrainian independence and closer ties with the West.

In brief, we should not strive to polarize the situation in Ukraine, but we should promote the opportunity for a serious dialogue with the political entity that authoritatively speaks for the will of the politically awakened Ukrainian nation, and we should encourage them also to prepare perhaps for the free elections in 2015, though it is not at all certain at this stage that such elections indeed will be free.

Third, the United States should use its influence, as I hope it is using it, in the IMF, in the World Bank, and in the various G8 or G20 assemblies to explore what could be done to help Ukraine expand its relationship with the EU while remaining Russia's good neighbor, even under the currently contrived arrangements, though not as a satellite.

And we should be exploring ways, if there are any, by which the WTO could help to expose economic intimidation, which is not in keeping with its rules, and communicate its sense of concern to the party responsible for generating it. Perhaps there could also be some steps taken to facilitate preferential access for Ukrainians seeking to study and work in Europe.

Fourth, we should keep in mind that the longer run issue is what will Russia become as China increases its influence in the former Soviet Central Asia.

We should keep reminding the Russian people and their leaders that we respect Russia's European identity and culture and that Russia's true destiny is also to be a major European state in the larger democratic West. We should make it clear that we seek neither Russia's isolation nor fragmentation, but Russia's evolution towards a genuine democracy.

One way or another, that day will come. Putin stands in the way today with his nostalgic dream of a new empire called the Eurasian Union. But the fact is that such a prospect is not realistic. None of the would-be members of the Eurasian Union truly desire to limit their sovereignty, to cede it to Russia, or to participate in the creation of a new union which evokes memories of the recently disappeared union, not to mention the older-still Russian Empire.

In brief, and I'll conclude on this: we need a constructive, open-ended, long-term policy for Ukraine as well as a long-term option for Russia that may follow.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you very much, Dr. Brzezinski, for those insights.

Let me ask you, in your book you suggest that Russia cannot be a democracy if it is an empire, and it cannot be fully an empire if it lacks control of the Ukraine. Is that a view that you think is driving Moscow's behavior toward Ukraine now?

Dr. BRZEZINSKI. Yes, I think; certainly the present leadership feels convinced that, without Ukraine, the recreation of some form of supernational union—or, call it, simply, an empire—is not possible. This is why it is such a strategic stake for Putin.

What he underestimates, however, in my view, are the consequences of 20 years of independence, these consequences we saw so dramatically and so admirable on the Maidan, where that younger generation of Ukrainians who have grown up in an independent state stood up and said, "No matter how cold or how difficult or how dangerous, we stand for independence, because we treasure our independence." What is less visible but is also true, that that kind of sentiment pervades increasingly the elites in such signifi-

cant entities as Kazakhstan and Uzbekistan, but also in the other smaller former Soviet states.

To put it simply and in very human terms, who does not prefer to be a President of his own country, or a general in his own army, or a foreign minister in his own government, or an ambassador in Washington representing his sovereignty rather than to be officials of an entity in which they are subordinate? This is a normal human reaction. Nationalism is a deeply contagious social force, and, once awakened, it is almost impossible to sweep it back into the box.

And what we are now seeing in Ukraine is a long-delayed awakening. But, it was coming. One could see it during the 20th century. One could see it during the days of the Gulag and the Holomodor, the starving to death of millions of Ukrainians by deliberate decisions in Moscow. But, now it is a pervasing reality, and particularly among the younger Ukrainians. They feel themselves to be Ukrainians. And this is why Putin betrays such an abysmal historical ignorance when he says, as he did just a few weeks ago, that Ukraine and Russia are just but one nation. And, of course, the Russians are the older brother in that nation, according to him.

The CHAIRMAN. And the flip side of that—and I share your views—but, the flip side of that, so we understand the totality of the importance of this, is that—could we ever see or perceive a democratization of Russia if they were—be able to achieve their goals of having Ukraine join with them in this sphere?

Dr. BRZEZINSKI. Well, I have no doubt that if Ukraine is suborned and subordinated, it marks a turning point and Russia becomes, in effect, an empire. My own personal view is that, first of all, I do not think that is going to happen, in total, even if there is retrogression today. And, secondly—and obviously this is speculative and is a question of judgment—my gut feeling is that Putin's nostalgia for the past, which drives this aspiration for a supernational union, is simply divorced from political and socioeconomic realities. Russia today is no longer an imperially motivated entity mindlessly seeking imperial status the way, let us say, the Nazis did in order to compensate for their defeat in the first World War. It is no longer driven by an ideology which demands supernationality as the basis for superpower status.

There is a nationalist element in Russia to which he is appealing that is retrogressive, but there is also a new manifestation in Russia which is gradually becoming, in my view, more significant: the emergence of an increasingly internationally connected, internationally educated, in many cases, middle class, particularly in the major cities of Russia—Moscow, Saint Petersburg, others—a middle class which increasingly identifies itself with more common Western values, including democracy, freedom of travel, freedom to read what one wishes, freedom to say what one desires, and freedom, eventually, to express one's political preferences. That is a new reality, and it is becoming stronger.

So, my gut feeling—and I have been a student of Soviet and Russian affairs now almost all of my life—is that this quest for a supernational union is directly linked to the longevity of the President of Russia. And if he fades from the scene, for one reason or

another, politically or physically, I think there is going to be an accelerated turn toward a redefinition of Russia's place in the world, for two reasons: one, which I have already mentioned—namely, the impulse of a middle class that sees itself part of the West and is increasingly educated in the West, in addition to traveling to it; and secondly, the extraordinary significant rise in the power and significance of China, and particularly now, increasingly so in Central Asia. The Russians are building, kilometer by kilometer, new roads spanning the former Russian Central Asia—roads, railroads, investments, increasingly matching and outstripping the Russians, investment in the real estate and in the natural resources of these newly independent states.

Now, these states are ambivalent, because they are fearful of the Chinese, they are so huge and powerful. But, at the same time, they know that they create leverage which gives them room for self-assertion.

I know the Presidents of the two most important Central Asian countries—Kazakhstan, extraordinarily rich in natural resources, and Uzbekistan, the center of Islamic self-awareness that is mixed with nationalism. Neither of these two leaders wants to be a satellite. In fact, for that reason, Nazarbayev, who is very careful in maneuvering between China and Russia, proposed to Putin—and Putin was smart enough to accept—that Putin's original name of the Eurasian Union be changed to Eurasian Economic Union, which was an attempt, of course, by Nazarbayev, to limit what that union really means. In other words, do not limit our sovereignty. Now, of course, it does not work that neatly. If you have economic domination, the other one may be adversely affected.

But, my point simply is this. There is some support for arrangements for customs union and so forth, because it can be beneficial two ways, but there is, above all else, in the newly independent states, including Belarus—it does not have a notably good democratic record—there is a commitment in all of them toward self-independence.

The CHAIRMAN. Senator Corker.

Senator CORKER. Thank you, Mr. Chairman.

And, Doctor, it is always impressive to listen to you and to get your insights on issues that are happening throughout the world; and certainly, in this part of the world, you are quite an expert. So, I thank you for your comments.

And I know you listed a number of steps that should be taken to reinforce the Ukrainian people, and you have talked about the values that they share with the West, the values that middle-income people in Russia share with the West, and just the natural alliance that should be there.

Many of us have watched the administration since August, and watch as we deal with Russia in ways that we do, and understand that the Russian people, in many ways, should be oriented toward us, and that there are issues of commonality that we should be pursuing. At the same time, as we watch what is happening, we also, it seems, see a deference to Russia, in so many cases, beginning with Syria stepping into their arms.

And I know you were just talking about how we need to fertilize and we need to encourage the Ukrainian people to continue to

move ahead. We hope there are going to be free elections. I know the standard there is for opponents to be arrested and not be available for election, which makes it more difficult. But, what would be your guidance to United States outward comments and policy relative to Ukraine right now, and pushback? And what effect does that actually have, if you will, on the Ukrainian people and in an outcome there?

Dr. BRZEZINSKI. I think we should learn from the experience of Poland's emancipation from Soviet control in the late 1980s, early 1990s. What emerged in Poland was a national movement for independence, somewhat like the Maidan, although Maidan has not institutionalized itself. In Poland, it became institutionalized in a so-called Solidarity Movement with a dramatic leader, who may not have been the most senior leader originally, perhaps not always the most intelligent leader, but the most effective political leader. And it was under his leadership that eventually that movement forced the ruling Communist regime to negotiate, to negotiate an arrangement of accommodation which then was transformed into, eventually, a democracy, a Western-type democracy of Poland today in the EU and in NATO.

Ukraine needs a clear-cut national alternative. I know that there are a number of outstanding Ukrainian leaders who have participated in what has been transpiring, and some with great personal courage and sacrifice. But, the biggest sacrifice that needs to be made is that all of them, but one, have to agree on "a one" that will be increasingly the symbol of an alternative. Because you are dealing with an entrenched regime which can use force and bribery to stay in power, and has Russian support. You need to have a figure that articulates your aspirations, symbolizes you, and becomes a focus of global attention.

The second part of your question pertained to what you described as our deference to the Russians. I would take some exception to the word "deference." I do not think we have really deferred to them. I know what I am about to say is controversial, but, frankly, I think that Russia's interference in Syria, to some extent, made it easier for us to avoid sliding into direct participation in a war which would have been very damaging to our interests and probably would have spread more widely and more quickly than is already the case. So, that is a question of judgment, and we may disagree on that. But, I think, in any case, what it illustrates is something more basic than that.

Our relationship with Russia during the cold war was one of hostility. It was a non-zero-sum game. We win, they lose. They win, we lose. Today, in many parts of the world, the relationship is much more mixed. We do not like what they are doing in Ukraine, but, in the long run, I would like them to become like Ukraine and pursue the same path. There are many things they are doing elsewhere that we do not like, but we may need them, and we do need them in the Middle East. In fact, I think the chances of stabilizing the Middle East, including in the forthcoming conference, are greater if, in the process, we have with us, not only the Europeans, some of whom are very disliked in the Middle East as former colonial powers, but we also have with us the Russians, who, in some cases, are not so disliked, and the Chinese, who are increasingly

being an influence in the Middle East, and they have a growing stake in a stable Middle East. And that kind of a coalition, I think, gives us a greater opportunity to pursue arrangements that mitigate and minimize the danger of conflict spreading out, and certainly reduces the necessity of us being involved in these conflicts directly. Because the fact remains that, if we become involved directly, some people may applaud us, some people may rub their hands with glee that we are getting stuck, but none of them are going to help us. And I do not think the United States is in any position now to duplicate the wars in Iraq or in Afghanistan with a direct military engagement in the Middle East.

So, we do need some accommodations even with the Russians on some issues, just as we disagree with them on other issues—today, for example, regarding what we were discussing.

Senator CORKER. I appreciate your point of view. But, as it relates to Ukraine, it was just outward economic extortion. Obviously that is not something that we, in any way, condone, regardless of the complexities of any situation. And yet, we really did not speak to that. And I think, for some reasons, it is because of the other elements that you just alluded to. I mean, I understand that relationships are complex, and there are many other things that are occurring. And regardless of how you view those when it comes to an issue like Ukraine, where there is no question it was black-and-white extortion, what should the United States do in those cases? Because it appears to me that we did "not much," if you will——

Dr. BRZEZINSKI. I tend to——

Senator CORKER [continuing]. And I——

Dr. BRZEZINSKI [continuing]. Agree with you.

Senator CORKER. What is that?

Dr. BRZEZINSKI. I tend to agree with you on that aspect. This is why I mentioned, for example, in my testimony, that we should take a hard look at WTO rules. There are some countries in the WTO that have behaved that fashion, and we do not need even to name them right now, but we know who we are talking about. We should look at the rules and see what is not acceptable, in terms of formal behavior of WTO members who—to benefit from the fact that such organizations contribute to more fluid trade flows and greater access. And we can have opportunities for limited boycotts, limited bans, and so forth.

I agree with you, it is not either black or white. You can have different combinations. But, we have to have a sense of balance about it. I do not favor, at the same time, a reigniting of the cold war, for example, with Russia, of the kind that we had with the Soviet Union; in part because we do need Russia in some other parts of the world, and in part also because Russia itself is changing.

You heard from me a very sharp criticism of Putin. And I know that he is an authoritarian, and I know that what he wishes to create is not good, and I believe it will not succeed. But, I also know that, today in Moscow, you can read criticisms of the government, you can read newspapers that blast official policies, you can watch skits on television that ridicule the rulers, and so forth. We are dealing with a more complicated Russia today than the Soviet Union of the past.

Senator CORKER. Well, thank you, and I appreciate your service to our country and your continued involvement in helping us think through these complex issues.

Thank you.

The CHAIRMAN. Senator Murphy.

Senator MURPHY. Thank you, Mr. Chairman.

Welcome, Dr. Brzezinski.

You know, for all his faults, Yanukovych is a pretty savvy politician, and he seems to be under the impression that he can somehow manage a short-term transition of economic aid in Russia with an eventual long-term association with the EU, and further seems to be under the belief that he can manage that eventual transition to Europe without severe repercussions from Russia; if he keeps them happy for a period of time, maybe they will not notice if he eventually enters into a roadmap to join Europe.

And when we were there, I tried to translate the phrase "rip the Band-Aid off," which apparently does not translate very well into Ukrainian——

[Laughter.]

Senator MURPHY [continuing]. And my point was, at some point, my impression is that you are going to have to deliver a very tough message to the Russians that you are going to join the EU, and you are going to have to potentially, as long as Putin is there, accept some of the very bad economic behavior, that Senator Corker talks about, coming along with it, unless we can stop it, as the United States and Europe, together.

So, do you think that he is right, that there is a way for, without our intervention, the Ukraine to make the turn to Europe, in an overt way, without raising the ire of Russia in a way that will do great damage to their economy? Or, perhaps, do you think that Senator Corker is right, that, maybe with some intervention from the United States, we might be able to help manage that transition?

Dr. BRZEZINSKI. Well, we certainly should try, and we should certainly encourage the Ukrainians to try, themselves. Because, ultimately, this is not an issue which can be resolved by compulsion or pressure entirely from the outside. We can influence events, but we cannot really dictate them.

My guess is—and I emphasis the word "guess"—is that Yanukovych, in his gut, feels that if he moves toward the West—and part of it is also free elections that he will lose, and that is part of the difficulty. Now, it is not easy, or maybe not even productive, to speculate too publicly about how to manage that, but I will just draw you an analogy, again, to Poland, because it is relevant.

I mentioned that Poland produced a movement that produced a popular leader, that they eventually sat down with a Communist regime which knew that it was losing because the Soviet Union was disintegrating, and they knew they had to somehow accommodate the new reality, and contrived free elections, which were free. And Solidarity won. And then Solidarity agreed to the erstwhile dictator in Poland who imposed on Poland, with Soviet approval, the marshal law, to be the first President. You know what I am hinting at.

In other words, what the Ukrainians have to have is a viable source of political influence, but also political dialogue and some degree of elasticity in dealing with Yanukovych to see that as possible. But, may not be possible. It may not be possible. He may be too fearful. Look how stupidly rigid he is on the Yulia Tymoshenko case. He could have solved it just like that, without even too much fanfare, simply expelling her; not necessarily even just sending her to Germany for medical treatment, but simply saying, "I am getting rid of her." All right, so she would be outside the country. Part of the problem would be solved. Perhaps the West would demand that she then be permitted to return and campaign, but that would be a bit of a stretch. But, he did not have the guts or the imagination to do that, because he is, I think, a little bit frozen in his anxiety that he might lose.

But, I think it is worth a try, but a lot depends also on the maturity and flexibility, organizational skill, and charismatic appeal of the opposition, including its willingness to play the game, depending how it unfolds.

Senator MURPHY. Well——

Dr. BRZEZINSKI. One more sentence.

Senator MURPHY. Yes, yes, sure.

Dr. BRZEZINSKI. On one point, Putin's money is going to run out.

Senator MURPHY. Right.

Dr. BRZEZINSKI. So, this is a lousy economy. It is an economy from which funds are fleeing to the West. The new middle class is enriching itself, but look where it is depositing its money. There could be a crisis, in terms even of what Putin can do for Yanukovych. And he has to be careful not to use force on the Ukrainians. If he uses force on the Ukrainians, he will discover very quickly that he has bitten more than he can chew. These are tough people. They are not going to give up their independence.

Senator MURPHY. I wanted to ask you about the opposition. And I know you will not necessarily want to comment on individual political leaders in the Ukraine, but it struck me that there is—when you are on the Maidan, there is this huge, giant portrait of Tymoshenko; and yet, when you are actually talking to individuals there, there is not a lot of talk of individual political leaders. They are there for a variety of reasons, but most of which, as Tom Melia was mentioning earlier, are not connected to an individual political party. And there seems to be a disconnect between what those in the Maidan, who were there and who have left, want and what the political opposition is able to deliver.

And the worry is, is that if we are really counting on political change in 2015 to ultimately deliver on the potential ultimate salvation of the Ukraine, folks out there may have expectations that the political opposition ultimately cannot make good on.

So, how does—regardless of who ends up being the standard bearer, how does the political opposition try to capitalize on these fairly nonpolitical sentiments that are captured on the Maidan?

Dr. BRZEZINSKI. Well, first of all, by trying to create a broader national dialogue. Now, it may be that Yanukovych—in particular, his Prime Minister, who is very dogmatic—may not want to talk to them. But, there are a lot of other people in Kiev that are not committed to the regime, nor are entirely against it, who can be

talked to. I could give you—but I would not do it now, publicly—the names of some oligarchs who I am sure would engage in discussion with the opposition; in part, because they are uneasy about the way things are shaping up. They resent the fact that this territory is not theirs exclusive, but a Mafia in Moscow has priority rights in what they claim to be their exclusive area. They know that greater opportunities shine in the West. They may be interested in alternative deals. They may also have access and sources of influence on Yanukovych. They may even be able to contrive—I am talking literally from the top of my head right now—some arrangement whereby the election is delayed for a while, but with an understanding of a process that, in the meantime, takes fruit and then leads to a transition, which is exactly what happened in Poland. The elected President that they elected from the previous regime lasted 1 year, and yet went peacefully, in the end.

There are many ways you can skin that cat, but the political leadership in Ukraine has to be manifestly mature, but also symbolic. I am not going to mention names, but they cannot all be running for President against each other.

Senator MURPHY. Yes.

Dr. BRZEZINSKI. One of them has to be, and they have to make a calculation what is likely to be most effective.

And do not forget, this movement is driven by the passions of the younger people, who relish the fact that they are independent. That is a whole new psychological reality. And the leader has to be, in a sense, somehow or other in tune with that mood, has to symbolize it most effectively. And if that manifests itself, that creates a new ball game. And, okay, they can perhaps arrest him, Yanukovych can be under pressure from Putin to arrest him, but it might not work.

And do not forget, Russia is changing, too. I am not sure that everybody in Russia is crazy about trying to create some sort of a union in which there is going to be, internally, more opposition, and China, in the meantime, gains influence.

Senator MURPHY. Thank you.

The CHAIRMAN. Dr. Brzezinski, thank you very much for your very insightful views and for giving us a sense of the entire field, as I like to call it. I grew up sitting in the cheap seats, but it gave you a view of the entire field, and it gave you a sense of what, in fact, is in front of you in terms of choices to be made. So, I think you have done this for the committee extraordinarily well.

There is a reason that I called this hearing as the second hearing of this new session of the Congress, after South Sudan, because I believe in the importance of the Ukraine, in the urgency of protecting the civil society, that Senator Murphy saw for himself when he was there, and in the possibilities of what a sovereign Ukraine free from economic coercion can ultimately achieve. And I think it is in the national interests of the United States, as well as of the Ukrainian people, to be able to try to achieve those goals.

So, we thank you for your testimony. We will continue to monitor the events in the Ukraine, with both the full committee and with our distinguished colleague.

This record will remain open until the close of business tomorrow.

And, with that, this hearing is adjourned.
[Whereupon, at 4:05 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF UKRAINIAN CONGRESS COMMITTEE OF AMERICA

Mr. Chairman and members of the Senate Foreign Relations Committee, thank you, on behalf of the Ukrainian Congress Committee of America, for giving us the opportunity to submit testimony today during this critical hearing entitled "Implications of the Crisis in Ukraine."

The Ukrainian Congress Committee of America (UCCA), the umbrella organization, representing the interests of the over 1 million Americans of Ukrainian descent for close to 75 years, would like to express our community's gratitude to the Senate Foreign Relations Committee for your continued interest in the developments unfolding in Ukraine today, and for your steadfast support for stronger bilateral relations between the United States and Ukraine.

BACKGROUND

The Government of Ukraine's recent decision to reverse its course on the signing of an Association Agreement with the European Union has led to massive pro-democracy rallies throughout the country and widespread condemnation from the Ukrainian American community. Though the catalyst for the nationwide protests has perhaps been the government's reversal of policy regarding Euro-Atlantic integration for Ukraine, the movement's spirit has become one of standing in defense of human rights, the protection of dignity, the eradication of corruption within society and the defense of Ukraine's independence from Russia's imperial ambitions. For the demonstrators, integrating with Europe and into Western institutions means not only assuring their economic well-being and political security but also defining their own and their nation's political identity. Throughout Ukraine, the demonstrators have remained peaceful in their approach and resolve. Numerous acts of government sanctioned violence against the protesters, and subsequent attacks upon civic activists and media outlets, have sparked widespread concern among Ukraine's citizens for their personal safety and human rights.

Acts of savagery, such as the beatings of innocent students on Ukraine's EuroMaidan (central square) on December 1 and December 11 have no place in a civilized, democratic country. While condemnation of the violence has been heard worldwide, targeted violence and intimidation continues. The UCCA condemns any use of force and has repeatedly urged the Government of Ukraine to refrain from further violence against individual activists and the peaceful protesters gathered in Kiev and throughout Ukraine. As citizens of a democracy, Ukrainians have the expressed right to come together and collectively voice and defend their common interests. The UCCA has called upon the Government of Ukraine to respect the rule of law, conform to its international commitments and to uphold democratic principles, one of which is the freedom to assemble.

The UCCA fully supports and grateful to the U.S. Senate for the passage of S. Res. 319. One clause therein emphatically states that: "in the event of further state violence against peaceful protestors, the President and Congress should consider whether to apply targeted sanctions, including visa bans and asset freezes, against individuals responsible for ordering or carrying out the violence." In light of the continued government sponsored violence, the UCCA feels that it is imperative that such sanctions be placed immediately in order to prevent further acts of violence against the protesters and intimidation of media outlets, journalists, and civic leaders.

GEOPOLITICAL IMPLICATIONS

In the context of U.S. geostrategic interests, the current situation in Ukraine cannot be understood without recognizing its potentially far-reaching consequences for the world's security dynamic. The Putinesque neocolonialist policy of expanding a "Russkiy Mir" and the ever increasing, multivectored, political, economic, social, cultural and religious aggression and encroachment directed against Ukrainian sovereignty, can be directly referenced as the cause for Yanukovych's seemingly abrupt about-face regarding the EU's Eastern Partnership. The passionate yet peaceful response by the people of the Maidan to the attempts at recolonization has challenged contemporary notions of the state of European security. Russian behavior toward Ukraine is rightly viewed with alarm by our NATO allies, most particularly

by those in Central Europe. It is understood to be a threat to the stabilizing transnational, trans-Atlantic security framework that first emerged in the years after the Second World War and expanded with the fall of the Soviet Union.

For the United States, Ukraine's inclusion into these structures clearly serves our national interests. The security of the United States lies in the expansion of democracy, not in the appeasement of a failed empire intent on renewal. Furthermore, the United States has provided public and politically binding security guarantees including, but not limited to, the 1994 Trilateral Agreement which elicits, at the very least, Washington's engagement when Ukraine's security is threatened in exchange for Ukraine's commitment to its renunciation of its nuclear weapons and its ascension to NPT as a nonnuclear state. These assurances were and remain critical for Ukraine and they include U.S. support for Ukraine's territorial sovereignty and integrity, the nonuse of force and the freedom from economic coercion. Today, each of these security components is at issue.

RECOMMENDATIONS

The Ukrainian Congress Committee of America calls upon the United States to:

- Enact the appropriate clauses of S. Res. 319 calling for targeted sanctions against Ukrainian Government officials for their corrupt practices;
- Expand the "Magnitsky Act" legislation to include the Yanukovych "clan," their supporting oligarchs and security forces as well as Russian officials who are actively threatening Ukraine;
- Freeze Russia's membership applications to OECD and other international organizations;
- Publicly condemn Russian economic aggression and its consequent violations of the Tripartite Agreement, the CSCE Final Act, WTO agreement and other international treaties and accords as they affect Ukraine's territorial integrity, stability and political independence;
- Facilitate all possible unilateral and multilateral economic assistance to Ukraine under circumstances ensuring its benefit to the Ukrainian people, not to governmental functionaries;
- Maintain U.S. Government spending on democracy programs and continued civil society in Ukraine at 2013 levels;
- Provide immediate emergency supplemental funding to counter the regime's efforts to block the public's access to information.

The crisis in Eastern Europe and Ukraine specifically, will not simply go away. In an increasingly interconnected and economically interdependent world, the United States must take the lead in promoting international norms and consolidating geopolitical stability. It must work to facilitate the transformation of Russia's lingering imperial ambitions into ambitions of democratic statehood. Today, Russia's intellectuals and democrats look toward Ukraine and the EuroMaidan as an inspiration. With American support, a democratic, independent Ukraine can be that keystone of freedom in the region. However, unless Ukraine is safeguarded allowing it to integrate into Europe and its structures as its people wish, trans-Atlantic security is simply an illusion.

CONCLUSION

The UCCA stands in admiration of the hundreds of thousands demonstrating their commitment to the future of their nation. We are humbled by their fortitude and courage and we stand united with all Ukrainians gathered on the EuroMaidans throughout Ukraine who are freely expressing their desire for a democratic, European future!

The Ukrainian Congress Committee of America, urges the United States Senate to continue assisting the people of Ukraine and heed their calls for support of their democratic and EuroAtlantic aspirations during this most critical juncture!

LETTER FROM THE UNITED OPPOSITIONS TO THE SENATE OF THE UNITED STATES

KIEV, INDEPENDENCE SQUARE,
January 12, 2014.

DEAR MEMBERS OF THE SENATE: On behalf of the millions of Ukrainians, who are standing in an over 50 days protest against the authoritarian regime and for their European choice, democracy, fundamental human rights and freedoms, we, the participants of the Rally on January 12, 2014, express our sincere gratitude to our American friends, especially the U.S. Senate for your support.

We highly appreciate the position of principles of the U.S. Senate, reflected in the Resolution of January 7, supporting the Ukrainian people. The Senate fairly condemned the violence against the peaceful demonstrators that happened on November 30, December 1 and December 11, 2013, and clearly warned that in case of further use of force against the protestors, the U.S. should consider whether to apply targeted sanctions against individuals responsible for ordering or carrying out the violence.

On the night of January 10–11 the anti-peoples regime has once again behaved aggressively and used violence against the peaceful demonstrators, injuring at least 11 people in Kiev. Yuriy Lutsenko, former Minister of Interior, well-known activist and the former political prisoner of this regime is severely injured. This very day in Kharkiv bandits directed by local authorities stormed Saint-Dimitriy Cathedral of Ukrainian Autocefalous Orthodox Church where protestors of Kharkiv Maydan found their refuge.

Ukrainian Government moved to direct threats to the Church. So, on January 3 this year, Ministry of Culture warned in written Ukrainian Greek Catholic Church, which was repressed by Stalin's regime in Soviet times, about possible termination of its activity for making divine services at Maydan in December 2013–January 2014.

Ministry of Education and Science is increasing illegal pressure and intimidation of students in order to prevent their participation in protests. Courts are pronouncing unconstitutional verdicts prohibiting citizens to exercise their right on peaceful gatherings.

It is a high time to step from warnings to the targeted sanctions application against Yanukovych, his family and closest surrounding—all those involved in establishment of authoritarian regime in Ukraine, political repressions and selective justice towards Yulia Tymoshenko, Euromaydan activists and other opposition and public leaders.

First of all we urge to introduce sanctions against those who issued and carried out criminal orders to beat up people and intimidate activists, or who criminally remained inactive on their wielded positions instead of defending the civil rights, namely: Viktor Yanukovych, Prime Minister Mykola Azarov, Minister of Interior Vitaliy Zakharchenko, Minister of Culture Leonid Novokhat'ko, Minister of Education and Science Dmytro Tbachnik, Secretary of the National Security and Defense Council Andriy Klyuyev, General Prosecutor Viktor Pshonka, Head of Kharkiv Regional Administration Mykhailo Dobkin, Mayor of Kharkiv City Guennady Kernes, judges and other officials involved in mass violation of human rights in Ukraine.

We urge for application of the U.S. entrance ban, bank accounts freeze, proceedings against laundering of funds acquired through criminal means, arrest of real estate and other property and assets in direct ownership, belonging to family members or dummy firms.

The evil must be punished. The truth should win!

RESPONSES OF ASSISTANT SECRETARY VICTORIA NULAND AND DEPUTY ASSISTANT SECRETARY THOMAS MELIA TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. There are recent reports of isolated, but disturbing, incidents of anti-Semitism and xenophobia in Ukraine. What, if anything, has the Embassy done to respond to these incidents? What are the lessons learned from years of fighting anti-Semitism in other parts of Europe and in the former Soviet Union that can be applied to Ukraine?

Answer. The Department of State condemns anti-Semitism and xenophobia in Ukraine. We share your concern about recent incidents.

Ambassador Pyatt has personally delivered the message to all of Ukraine's political leaders—those parties in power and in opposition—that political parties must not just refrain, but refute any form of anti-Semitism or endorsement of violence against minorities.

Our Ambassador and other officials at Embassy Kiev have played an active role in raising these incidents bilaterally with Ukrainian Government officials and other political players. They have also engaged with religious leaders and with civil society to promote religious freedom and human rights.

The U.S. Special Envoy to Monitor and Combat Anti-Semitism visited Ukraine in November, meeting with government officials as well as Jewish community leaders. He saw signs of a reviving Jewish community, and open anti-Semitism is limited.

Wherever and whenever minority groups face discrimination and violence, all of us must speak up and speak out. Governments must enact laws and policies that guarantee and promote religious freedom. Government and civil society, including religious leaders across faiths, must work together to promote tolerance and combat anti-Semitism.

We look forward to continuing to work closely with you and other concerned Members of Congress to combat anti-Semitism.

Question. How have we targeted our assistance to Ukraine in recent years? To what extent have we sought to support democratic institutions and civil society, and how do we coordinate our efforts with the European Union?

Answer. In recent years, U.S. assistance programs have focused on encouraging the development of a democratic, prosperous, and secure Ukraine, fully integrated into the Euro-Atlantic community. Major emphases include promoting democracy and human rights, including through support to civil society, independent media, and efforts to reform the justice sector; expanding access to HIV prevention, treatment, and care; securing the Chornobyl accident site; and facilitating energy efficiency and independence.

In FY 2013, the United States provided more than $25 million in governance and democracy assistance. U.S.-funded training teaches nongovernmental organizations about management, financial sustainability, advocacy, and monitoring the public sector. Technical assistance to independent media organizations improves journalists' professionalism and skills. U.S. training and technical advice improves judicial administration; promotes criminal justice reform in line with the improved Criminal Procedure Code; increases the availability of pro bono legal services; and improves the effectiveness of defense advocates, judges, and other actors in the criminal justice sector. We also work to build local governments' capacity to manage and implement budgets; interact with citizens; deliver municipal services; and build and maintain infrastructure.

The United States regularly coordinates our efforts with the EU through consultations in Brussels and Washington and via meetings of diplomats and assistance partners based in Ukraine.

Question. Increasing numbers of international NGOs report problems with registration and tax issues in Ukraine. What action is and/or has the State Department taken to address these concerns?

Answer. International and local NGOs that implement humanitarian assistance programs in Ukraine have been experiencing problems with customs clearance since December 2012 due to the absence of a procedure within the Government of Ukraine for recognizing shipments as humanitarian aid. Until December 2012, this procedure was routinely accomplished through the Humanitarian Assistance Commission (HAC) under the Cabinet of Ministers. However, a Cabinet of Ministers resolution dissolved the HAC in December 2012 and transferred its responsibilities to the Ministry of Social Policy (MSP). The MSP has yet to fully implement a permanent mechanism to coordinate clearance of humanitarian assistance.

Specifically on these issues, the State Department has been in regular contact with representatives from the Joint Jewish Distribution Committee (JDC), which provides humanitarian assistance directly to Holocaust survivors and funds to Jewish community and cultural centers. In years past, the MSP extended tax-exempt status to JDC's annual operating budget within 4–6 weeks of JDC's application. In 2013, JDC did not receive this tax exemption, despite having applied in late November 2012. They have applied again for 2014 and are still awaiting a response.

Officials at our Embassy in Kiev as well as State Department officials in Washington have repeatedly reached out to the Ukrainian Government on behalf of the NGOs facing these issues in Ukraine. Some have only recently managed to receive the necessary approvals to continue providing assistance, such as the American Red Cross.

Question. Ukraine has been pursuing a policy of creating greater energy independence and had invited Chevron and Shell in to drill, to what extent do you believe that will be pursued in the future?

Answer. Chevron signed a production sharing agreement (PSA) with the Government of Ukraine on November 5, 2013. The agreement could lead to a $10 billion investment by Chevron in Ukraine, according to Chevron's public announcement. Chevron is now working on concluding an operating agreement. It has not yet drilled any exploratory wells, but Chevron estimates that the field could produce up to 11 billion cubic meters (bcm) of gas per year. ExxonMobil has not yet signed a PSA for an offshore field in the Black Sea, but that field could produce an estimated 5 bcm per year. ExxonMobil still hopes to conclude the PSA by early this year.

These projects are a major opportunity for Ukraine to develop domestic resources that could significantly supplant imported supplies. In 2012 Ukraine consumed 55 bcm of gas, of which 33 bcm was imported from Russia. Together, these projects could cut Ukraine's dependence on Russia in half. Missing the opportunity to sign the PSA with ExxonMobil, on the other hand, would be an enormous step backward in Ukraine's goal of energy diversification. It would also be a negative signal to other foreign companies thinking of investing in Ukraine.

RESPONSES OF ASSISTANT SECRETARY VICTORIA NULAND TO QUESTIONS SUBMITTED BY SENATOR ROBERT CORKER

Question. How many protesters have been imprisoned since November? On December 20, 2013, the Ukrainian Parliament adopted an amnesty law to have these protesters released; however, Ukraine's Justice Minister has said that this law cannot be implemented until it is harmonized with a number of other laws.

- What is the status of the imprisoned protesters, how many are there, and does the Ukrainian Government intend to fully implement the amnesty law in both letter and spirit?

Answer. Due to the fluidity of the situation in Ukraine, Embassy Kiev reports it is impossible to determine with certainty the number of individuals who have been detained or the number released with charges pending against them. However, the Ukrainian Interior Ministry released a report on January 24 which stated that, since the protests began on November 21, 103 people have been detained, at least temporarily, by the police. Of them, 53 have been informed that they are suspects in ongoing investigations. Twenty-four have been remanded into custody by the courts. The week of January 27, at least six protestors were killed during clashes with the government.

The December amnesty law was amended on January 16, 2014. It was originally understood that the purpose of the law was to release from criminal liability and prosecution all peaceful protesters who were detained following government crackdowns on the Maidan, which occurred on November 30 and December 11. The law was poorly drafted and enforced only in very few cases. The revised law will apparently extend the amnesty to cover crimes committed during 21 November–26 December 2013 by any person for offences such as inflicting bodily injuries, harassment of journalists, making false bomb threats, and exceeding of authority or service powers.

On January 23, President Viktor Yanukovych met directly with the three main opposition leaders for the first time since the protests began. Following those negotiations, both the President and opposition have said the government will move to release all peaceful protestors. On January 24, at least three individuals who had been detained since December 10 were released. Negotiations were continuing as of January 27. The Parliament is scheduled in an extraordinary session on January 28. We will continue to monitor closely over the coming days.

Question. How can the United States and EU prevent further violence in Ukraine?

Answer. We have stated publicly and privately to the Ukrainian Government that it must take immediate steps to de-escalate the situation. These steps should include removing the riot police from the center of Kiev, releasing all peaceful protestors, and holding accountable all officials responsible for ordering violence. Vice President Biden has personally delivered this message to President Viktor Yanukovych during three phone calls over the last week. Assistant Secretary Victoria Nuland also spoke to Foreign Minister Kozhara on January 28 to reiterate that all sides must refrain from violence. She urged the government to win back the trust and confidence of the Ukrainian people. She will be engaging Ukrainian officials again at the Munich Security Conference and plans to visit Kiev on February 6.

The EU and several member states have echoed these statements and are becoming increasingly engaged. Stephan Fuele, the EU Commissioner for Enlargement and European Neighborhood Policy, was appointed to represent the EU and all member states in talks with Ukrainian officials and the opposition. He met with President Yanukovych on January 24. High Representative Catherine Ashton traveled to Kiev the week of January 27 and returned the week of February 3 for similar discussions. Chancellor Angela Merkel spoke to Yanukovych on January 23 to encourage a serious dialogue with opposition leaders. Foreign Minister Kozhara spoke to his counterparts in Poland, Sweden, and Germany on January 27.

On January 23, the opposition called for a truce to allow time for negotiations with the government. To date, that truce has largely held and there has been a sig-

nificant de-escalation in violence. However, our officials at Embassy Kiev will continue to follow events closely.

Question. Moscow has called for the EU to engage in trilateral talks with Russia and Ukraine on the topic of EU-Ukraine relations. Why should Russia be involved in this? Shouldn't the EU and Ukraine define their relations on a bilateral basis?

Answer. The EU has said that it will not engage in trilateral negotiations with Russia and Ukraine, as the question of Ukraine's association with the EU is a bilateral issue. The EU has been clear that the agreement itself has already been negotiated directly with Ukraine over a number of years and any such discussions would not reopen those negotiations.

Question. Ukraine has substantially reduced imports of Russian natural gas over the past 2 years. Will Moscow's recent price cut reverse this trend and thus increase Ukraine's energy dependence on Russia?

Answer. The details of the gas price deal with Russia are not public, so we do not know if Ukraine committed to importing a certain volume of gas in exchange for the discounted price. In addition, the price will be re-negotiated every 3 months, so it remains unclear whether the discount will be permanent. Therefore, at this time it is not possible to predict how much gas Ukraine will import from Russia in the future.

RESPONSE OF HON. VICTORIA NULAND TO QUESTION
SUBMITTED BY SENATOR EDWARD J. MARKEY

Question. I cosponsored Senate Resolution 319, which was adopted by unanimous consent on January 7, to express support for the Ukrainian people after their President's unfortunate decision not to sign an Association Agreement with the European Union. In part, the resolution noted that "in the event of further state violence against peaceful protestors, the President and Congress should consider whether to apply targeted sanctions, including visa bans and asset freezes, against individuals responsible for ordering or carrying out the violence."

- Under what circumstances do you believe such measures would be warranted? What other tools might the United States utilize in order to hold Ukraine's leaders responsible for acts of violence?

Answer. We were appalled by the violence in Ukraine which led to four deaths and many more injuries and by the government's antidemocratic steps, including passage of problematic laws restricting basic freedoms. These antidemocratic steps fueled popular frustration and tensions, and to a significant degree are responsible for current tensions. The U.S. Government has remained active throughout this crisis, reaching out to the opposition and the government at senior levels, and civil society leaders, making clear our interest in a peaceful, negotiated solution to the current standoff, and we are beginning to see positive steps, including the repeal of antidemocratic legislation. We have made clear that we have a variety of options at our disposal, including but not limited to sanctions, if warranted. To underscore our concern, the U.S. Embassy in Kiev has announced that it revoked visas for several Ukrainians involved in the recent violence. We are looking at other available policy tools and assistance mechanisms and consulting with the EU and European governments most closely interested in Ukraine and its future.

RESPONSE OF DEPUTY ASSISTANT SECRETARY THOMAS MELIA TO QUESTION
SUBMITTED BY SENATOR EDWARD J. MARKEY

Question. I continue to be concerned about deteriorating conditions in Ukraine for LGBT individuals. Unfortunately, it has become increasingly common for factions opposed to closer affiliation with the European Union to try to mark the LGBT community as an unwanted "Western" force in Ukrainian society.

- Do you see signs that reactionary groups are using the LGBT community as a scapegoat for Ukraine's problems?
- How can the United States and our European allies promote equal rights for LGBT individuals without at the same time providing fodder for the anti-LGBT propaganda being promulgated in Ukraine?

Answer. We share your concerns and want to assure you that we are well aware of the problems affecting the LGBT community in Ukraine. During the last 2 years we have put in place programs to support local civil society organizations working to advance the human rights of LGBT persons. We have also established strong

partnerships with like-minded European governments to support Ukrainian LGBT human rights defenders and activists on the front lines.

We have seen officials in a number of governments, including Russia and Ukraine, describe LGBT persons and their human rights as "western imports." To them we reiterate the words of former Secretary of State Hillary Clinton: "gay people are born into and belong to every society in the world. They are all ages, all races, all faiths; they are doctors and teachers, farmers and bankers, soldiers and athletes. They are our family, our friends, and our neighbors. Being gay is not a Western invention; it is a human reality." And we remind them that universal human rights—enshrined in the Universal Declaration of Human Rights—belong to everyone, not just to certain people in certain countries.

Through statements, actions and bilateral engagement with the Government of Ukraine—in coordination with our European allies—we have pushed back against the fear, ignorance, and hate that lead to violence against members of the LGBT community. There have been some successes.

On numerous occasions we urged the Government of Ukraine, publicly and privately, to fulfill its commitments to OSCE principles and obligations as a party to the International Covenant on Civil and Political Rights, including protecting the fundamental freedoms of all of its citizens, including freedom of expression. We also advocate for respect for the human rights of members of minority communities.

Last May, under arduous circumstances, LGBT activists hosted Kiev's first Equality Pride March. Our colleagues at Embassy Kiev maintain contact with LGBT activists and provide moral and other support to those who come under threat.

In addition to our individual and bilateral engagement, in 2011 the State Department launched the Global Equality Fund to support projects and programs to advance and protect LGBT persons globally. Since then, the Fund has allocated over $7.5 million to civil society organizations in over 50 countries, including in Europe, to bolster their efforts to increase human rights protections for LGBT persons.

Still, we know that much more needs to be done to ensure the protection of LGBT persons in Ukraine, to separate discussion of their rights from the geopolitics of the region, and to reduce discrimination, social stigma, and violence. We will continue to speak out and to work with the European Union and within the Organization for Security and Cooperation in Europe to press for respect for human rights and democratic principles in Ukraine.

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