

URGING THE GOV. OF UKRAINE TO ENSURE A DEMOCRATIC,  
TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRES-  
IDENTIAL ELECTION ON OCTOBER 31, 2004; AND URGING  
THE GOV. OF THE REPUBLIC OF BELARUS TO ENSURE A  
DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS  
FOR ITS PARLIAMENTARY ELECTIONS IN THE FALL OF 2004

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MARKUP  
BEFORE THE  
SUBCOMMITTEE ON EUROPE  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON

**H. Con. Res. 415 and H. Res. 652**

—————  
JUNE 17, 2004  
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**URGING THE GOV. OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRESIDENTIAL ELECTION ON OCTOBER 31, 2004; AND URGING THE GOV. OF THE REPUBLIC OF BELARUS TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR ITS PARLIAMENTARY ELECTIONS IN THE FALL OF 2004**

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**THURSDAY, JUNE 17, 2004**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON EUROPE,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to call, at 10:05 a.m. in Room 2255, Rayburn House Office Building, Hon. Douglas Bereuter [Chairman of the Subcommittee] presiding.

Mr. BEREUTER. The Europe Subcommittee will come to order. We are lacking a Member of the Minority, but I am going to proceed with the opening statements to expedite the deliberations today so that we can move to a Full Committee hearing at 10:30 a.m.

I would like to call up first H. Con. Res. 415, Elections in Ukraine. The clerk will read the title.

Ms. HALLOCK. H. Con. Res. 415, Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

[H. Con. Res. 415 follows:]

108TH CONGRESS  
2D SESSION

# H. CON. RES. 415

Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2004

Mr. HYDE (for himself, Mr. SMITH of New Jersey, and Mr. LANTOS) submitted the following concurrent resolution; which was referred to the Committee on International Relations

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## CONCURRENT RESOLUTION

Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security

and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information

upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Ukrainian Government;



Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch; and

Whereas the intimidation and violence during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process: Now, therefore, be it

1       *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That the Congress—

3           (1) acknowledges and welcomes the strong rela-  
4       tationship formed between the United States and  
5       Ukraine since the restoration of Ukraine's independ-  
6       ence in 1991;

7           (2) recognizes that a precondition for the full  
8       integration of Ukraine into the Western community  
9       of nations, including as an equal member in institu-  
10      tions such as the North Atlantic Treaty Organiza-  
11      tion (NATO), is its establishment of a genuinely  
12      democratic political system;

13          (3) expresses its strong and continuing support  
14      for the efforts of the Ukrainian people to establish  
15      a full democracy, the rule of law, and respect for  
16      human rights in Ukraine;

17          (4) urges the Government of Ukraine to guar-  
18      antee freedom of association and assembly, including  
19      the right of candidates, members of political parties,

1 and others to freely assemble, to organize and con-  
2 duct public events, and to exercise these and other  
3 rights free from intimidation or harassment by local  
4 or national officials or others acting at their behest;

5 (5) urges the Government of Ukraine to meet  
6 its Organization for Security and Cooperation in Eu-  
7 rope (OSCE) commitments on democratic elections  
8 and to address issues previously identified by the Of-  
9 fice of Democratic Institutions and Human Rights  
10 (ODIHR) of the OSCE in its final reports on the  
11 2002 parliamentary elections and the 1999 presi-  
12 dential elections, such as illegal interference by pub-  
13 lic authorities in the campaign and a high degree of  
14 bias in the media;

15 (6) urges the Ukrainian authorities to ensure—

16 (A) the full transparency of election proce-  
17 dures before, during, and after the 2004 presi-  
18 dential elections;

19 (B) free access for Ukrainian and inter-  
20 national election observers;

21 (C) multiparty representation on all elec-  
22 tion commissions;

23 (D) unimpeded access by all parties and  
24 candidates to print, radio, television, and Inter-  
25 net media on a non-discriminatory basis;

1 (E) freedom of candidates, members of op-  
2 position parties, and independent media organi-  
3 zations from intimidation or harassment by  
4 government officials at all levels via selective  
5 tax audits and other regulatory procedures, and  
6 in the case of media, license revocations and  
7 libel suits, among other measures;

8 (F) a transparent process for complaint  
9 and appeals through electoral commissions and  
10 within the court system that provides timely  
11 and effective remedies; and

12 (G) vigorous prosecution of any individual  
13 or organization responsible for violations of  
14 election laws or regulations, including the appli-  
15 cation of appropriate administrative or criminal  
16 penalties;

17 (7) further calls upon the Government of  
18 Ukraine to guarantee election monitors from the  
19 ODIHR, other participating States of the OSCE,  
20 Ukrainian political parties, candidates' representa-  
21 tives, nongovernmental organizations, and other pri-  
22 vate institutions and organizations, both foreign and  
23 domestic, unobstructed access to all aspects of the  
24 election process, including unimpeded access to pub-  
25 lic campaign events, candidates, news media, voting,

1 and post-election tabulation of results and pro-  
2 cessing of election challenges and complaints; and  
3 (8) pledges its enduring support and assistance  
4 to the Ukrainian people's establishment of a fully  
5 free and open democratic system, their creation of a  
6 prosperous free market economy, their establishment  
7 of a secure independence and freedom from coercion,  
8 and their country's assumption of its rightful place  
9 as a full and equal member of the Western commu-  
10 nity of democracies.

○

Mr. BEREUTER. Without objection, the resolution will be considered as read and open for amendment at any point.

I would like to begin with an opening statement and, of course, hear from Ms. Davis if she has any remarks. Then we will take a pause with respect to this resolution until the Ranking Minority Member or pro tempore arrives.

I want to first of all applaud Chairman Hyde for introducing this important and timely resolution. It has been delayed, frankly, at my request only until I had an opportunity to visit Ukraine in a recent trip as President of the NATO parliamentary Assembly.

As the Ukrainians choose a new President this fall, they are going to have a historic opportunity to more fully orient their nation towards the West and to work towards membership in Euro-Atlantic institutions.

With its resources and economic potential, Ukraine should pursue a path toward becoming a more stable, independent and democratic nation. Such a path would be seen by many in Europe and North America as an important element in the stability of Europe and the only way to become a future candidate for the European Union.

Similarly, by committing itself to democratic principles, many feel Ukraine could play a positive role as a neighbor to NATO and eventually a member as well. In fact, they have said we desire to become a member, although certainly that is not an official request at this point.

The development of Ukrainian democracy has been slow and difficult over the past 13 years. By any measure, however, no issue will be more important to Ukraine's future standing with the West than the strength of its democracy.

Because of the importance of relations between Ukraine and the West, I and a delegation of other Members of Congress visited Kiev a few weeks ago. In meetings with Ukrainian government and parliamentary officials, the delegation emphasized that the door to the West is open to Ukraine. The next several months will be a crucial test to whether the Ukrainian people and their government are willing to make the effort to walk through that door.

To that end, the upcoming presidential election in October is of the greatest importance. Based on problems in past elections in Ukraine, concerns have already been raised in the international community about whether this election will be open and fair.

I believe it is important that Ukraine's leaders understand that the presidential election will be regraded as a litmus test of Ukraine's commitment to democracy. In our meetings in Kiev, we stressed the importance of a fair and transparent election in the fall. The Ukrainian leadership has committed itself, on paper, to an electoral process which is free and fair and one which respects Ukraine's international obligations.

We were told by President Kuchma, Prime Minister Yanukovich, Foreign Minister Gryshchenko and Speaker of the Parliament Lytvyn that every effort will be made to meet that commitment for a good election. Of course, we all hope the international community will hold them to their word.

Finally, H. Con. Res. 415 notes the importance of the presidential elections to the success of Ukraine's transition to democ-

racy. The resolution addresses the report of government harassment of those who support opposition candidates and of threats of violence against opposition leaders and actual violence to their families. It speaks to allegations of harassment of independent media in Ukraine and about allegations of possible outright election fraud.

A recent mayoral election in Mukacheve last month suggested that some are not prepared to allow the will of the people to prevail as it should in a mature democracy. The resolution stresses how important it will be for President Kuchma and other senior officials to take active steps to ensure that the kind of foul play seen in that election does not become the norm during the presidential election.

We remain committed to assisting Ukrainian efforts to build a stable, democratic and prosperous Ukraine. We hope that the elections in October will prove that Ukraine too shares these same goals. I, of course, urge the adoption of this resolution.

Ms. Davis, do you have any comments you would make?

[Non-verbal response.]

Mr. BEREUTER. All right. Thank you.

I would now ask unanimous consent to pause in our deliberations on H. Con. Res. 415 and to return to it in a few minutes. Is there objection?

[No response.]

Mr. BEREUTER. Hearing none, then that will be the order.

I would like to have the clerk, pursuant to notice, call up Resolution H. Res. 652 for purposes of markup.

Ms. HALLOCK. H. Res. 652, Urging the Government of the Republic of Belarus to ensure—

[H. Res. 652 follows:]

108TH CONGRESS  
2D SESSION

# H. RES. 652

Urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. BEREUTER (for himself and Mr. WEXLER) submitted the following resolution; which was referred to the Committee on International Relations

---

## RESOLUTION

Urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004.

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 parliamentary elections in the Republic of Belarus and of a genuinely democratic political system are prerequisites for that country's integration into the Western community of nations;

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election in the fall of 2004 of Belarus's next parliament will provide an unambiguous test of the extent of the Belarusian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas previous parliamentary elections in Belarus have not fully met international standards;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote free from intimidation, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections,



multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas control and manipulation of the media by national and local officials and others acting at their behest could raise grave concerns regarding the commitment of the Belarusian authorities to free and fair elections;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign could call into question the fairness of the upcoming elections; and

Whereas the arrest or intimidation of opposition political parties and candidates such as the leader of the United Civic Party and others involved with the opposition including those associated with the Coalition Five Plus represents a deliberate assault on the democratic process: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2               (1) looks forward to the development of cordial  
3       relations between the United States and the Republic of Belarus;

4               (2) emphasizes that a precondition for the integration of Belarus into the Western community of  
5       nations is its establishment of a genuinely democratic political system;

1           (3) expresses its strong and continuing support  
2 for the efforts of the Belarusian people to establish  
3 a full democracy, the rule of law, and respect for  
4 human rights in Belarus;

5           (4) urges the Government of Belarus to guar-  
6 antee freedom of association and assembly, including  
7 the right of candidates, members of political parties,  
8 and others to freely assemble, to organize and con-  
9 duct public events, and to exercise these and other  
10 rights free from intimidation or harassment by local  
11 or national officials or others acting at their behest;

12           (5) urges the Government of Belarus to meet  
13 its Organization for Security and Cooperation in Eu-  
14 rope (OSCE) commitments on democratic elections;

15           (6) urges the Belarusian authorities to  
16 ensure—

17           (A) the full transparency of election proce-  
18 dures before, during, and after the 2004 par-  
19 liamentary elections;

20           (B) free access for Belarusian and inter-  
21 national election observers;

22           (C) multiparty representation on all elec-  
23 tion commissions;

1 (D) unimpeded access by all parties and  
2 candidates to print, radio, television, and Inter-  
3 net media on a non-discriminatory basis;

4 (E) freedom of candidates, members of op-  
5 position parties, and independent media organi-  
6 zations from intimidation or harassment by  
7 government officials at all levels via selective  
8 tax audits and other regulatory procedures, and  
9 in the case of media, license revocations and  
10 libel suits, among other measures;

11 (F) a transparent process for complaint  
12 and appeals through electoral commissions and  
13 within the court system that provides timely  
14 and effective remedies; and

15 (G) vigorous prosecution of any individual  
16 or organization responsible for violations of  
17 election laws or regulations, including the appli-  
18 cation of appropriate administrative or criminal  
19 penalties;

20 (7) further calls upon the Government of  
21 Belarus to guarantee election monitors from the Of-  
22 fice of Democratic Institutions and Human Rights  
23 (ODIHR), other participating States of the OSCE,  
24 Belarusian political parties, candidates' representa-  
25 tives, nongovernmental organizations, and other pri-

1 vate institutions and organizations, both foreign and  
2 domestic, unobstructed access to all aspects of the  
3 election process, including unimpeded access to pub-  
4 lic campaign events, candidates, news media, voting,  
5 and post-election tabulation of results and pro-  
6 cessing of election challenges and complaints;

7 (8) encourages the international community, in-  
8 cluding the Council of Europe, the OSCE, and the  
9 OSCE Parliamentary Assembly, to continue their ef-  
10 forts to support democracy in Belarus and urges  
11 countries such as Lithuania and other Baltic coun-  
12 tries and Nordic countries to continue to provide as-  
13 sistance to nongovernmental organizations and other  
14 Belarusian organizations involved in promoting de-  
15 mocracy and fair elections in Belarus; and

16 (9) pledges its support to the Belarusian peo-  
17 ple, their commitment to a fully free and open demo-  
18 cratic system, their creation of a prosperous free  
19 market economy, and their country's assumption of  
20 its rightful place as a full and equal member of the  
21 Western community of democracies.

○

Mr. BEREUTER. Without objection, the resolution will be considered as read and open for amendment at any point.

I would now recognize myself for an opening statement again to expedite the activities of the Subcommittee.

I rise in support of H. Res. 652, of course, regarding the parliamentary elections in Belarus. Thirteen years after the fall of communism, Belarus remains one of the few nations in Europe where the transition to democracy has not taken sufficient root.

The current political leadership continues to rule in an authoritarian manner, and its government continues to crack down in those individuals and organizations who are trying to help build support for democracy and democratic institutions.

This fall, Belarus will hold parliamentary elections. H. Res. 652 calls on the government of Belarus to ensure that those elections are democratic, transparent and fair.

Unlike the situation in Ukraine, the government of Belarus has thus far not given any indication that it is committed to free and fair elections. In fact, according to the United Nations Report on Human Rights, President Lukashenko continues his attacks on democratic institutions.

The report says that local elections held in 2003 were neither free nor fair. It adds that the judiciary in Belarus is not independent, and the government has restricted freedom of speech, press and association and introduced several new decrees that further restrict these basic rights.

At our hearing in March on Belarus, I mentioned that Speaker Dennis Hastert and I met with leaders of the Belarus opposition, collectively known as the Coalition Five-Plus, to discuss the elections and their vision for a democratic future for Belarus. This group of political parties has united in a common platform in an attempt to bring democracy and respectability back to the legislature.

Unfortunately, members of the opposition political parties and participants in political demonstrations have been subjected to increased harassment, surveillance of government agents, arrests and physical abuse. For all of these reasons, it is important that the United States Government, including this Congress, continues to emphatically express our strong support for free, fair and transparent elections and more definitive progress towards establishing a functioning democracy in Belarus.

I would also note that in Europe, the situation in Belarus understandably seems to be of equal concern. The OSCE, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe have all expressed their deep concern over Belarus and its forthcoming elections. In fact, I am informed that the Chairman of the Belarus Working Group of the OSCE Parliamentary Assembly, will be in Minsk next week for additional discussions on the elections and will present a resolution of concern on Belarus to the Assembly's next session in Scotland in July.

H. Res. 652 emphasizes that if Belarus is ever to become more integrated into the western community of nations it must work toward the establishment of a genuinely democratic political system in which the freedom of association and assembly are guaranteed, where political candidates from the opposition will be free from po-

litical harassment and intimidation as they campaign for office and in which the media is free to act independently, free from governmental control or intimidation.

Finally, we must have a system in which elections and the electoral process are open, transparent and free. The parliamentary elections this fall in Belarus, as in Ukraine, will be a litmus test for President Lukashenko's commitment to democracy and the direction he intends to take Belarus in the future if he continues in office.

H. Res. 652 rather precisely explains the concerns and recommendations of the United States Congress. This resolution was introduced by Mr. Wexler and myself, and we have additional co-sponsors.

Ms. Davis, do you have any statement?

Ms. DAVIS. No.

Mr. BEREUTER. Thank you very much for your work with the European Parliament.

I might mention parenthetically that Belarus is an unfortunate example when it comes to the NATO Parliamentary Assembly where I serve because it is the only country that has ever been expelled from associate membership after much effort to see whether or not the Parliament could be moved to a situation where it could legitimately be called a parliamentary assembly.

We did the ultimate and expelled them from associate membership status hoping that efforts of the international community and the various organizations will bring them back to the point where they can make some progress.

We will declare a short recess until a Democratic Member of the Subcommittee—Mr. Wexler hopefully, but any Member—arrives, and then we will take it back up.

The Subcommittee stands in recess.

[Recess.]

Mr. BEREUTER. The Chair will entertain a motion that Resolution 652 be reported favorably to the Full Committee. Would the gentlelady care to make such a motion?

Ms. LEE. So moved.

Mr. BEREUTER. Thank you. The question occurs then on the motion to report the resolution H. Res. 652 on democracy in Belarus favorably. All in favor say aye.

[Chorus of ayes.]

Mr. BEREUTER. All opposed say no.

[No response.]

Mr. BEREUTER. The motion is approved, and the bill is reported favorably. The staff is directed to make any technical and conforming amendments.

The Chair now will call up again after a pause Resolution 415. This resolution, of course, is a resolution related to Ukraine introduced by Chairman Hyde, Mr. Smith of New Jersey and Mr. Lantos.

I would welcome an opening statement from the gentlelady if she has one or an extemporaneous one.

Ms. LEE. Once again, let me just say I am glad it is a bipartisan resolution. We are moving democracy forward. We are assisting in

that process, and I think we are working to really establish a framework with our support for these elections.

Mr. BEREUTER. Thank you.

Ms. LEE. Thank you.

Mr. BEREUTER. Just to update you, we are on the resolution on Ukraine. We would be open for any statement the gentleman would like to make at this point.

[No response.]

Mr. BEREUTER. Any statements from the Majority?

[No response.]

Mr. BEREUTER. Thank you then. The Chair would welcome a motion to report favorably H. Con. Res. 415.

Ms. LEE. So moved.

Mr. BEREUTER. Thank you very much. Indeed, the motion is to report the resolution H. Con. Res. 415 favorably. All in favor say aye.

[Chorus of ayes.]

Mr. BEREUTER. All opposed, no.

[No response.]

Mr. BEREUTER. The motion is approved, and the bill is reported favorably. The staff is directed to make any technical and conforming amendments.

I thank the Members for their participation. I believe we have a Full Committee meeting beginning about now with an early markup before we move to a hearing on Egypt.

With no further business, the Subcommittee stands adjourned. Thank you.

[Whereupon, at 10:24 a.m. the Subcommittee was adjourned.]

