

**COMMISSION ON  
SECURITY AND COOPERATION  
IN EUROPE**

234 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6460  
(202) 225-1901  
FAX: (202) 226-4199  
www.csce.gov

July 21, 2004

His Excellency Leonid Kuchma  
President of Ukraine  
Vul. Bankova 11  
Kiev, Ukraine 01220

Dear President Kuchma:

We are writing in response to the declaration of July 3, 2004, which you co-signed, regarding the ongoing work of the Organization for Security and Cooperation in Europe. We agree with the signatories that the OSCE should occupy a key place among European security structures, especially in light of its comprehensive nature and membership. As the OSCE approaches its 30<sup>th</sup> anniversary, it is our hope that all participating States, including Ukraine, will work to advance cooperation within the OSCE framework.

We noted with surprise, however, the statement that the "Organization is failing to implement in an appropriate manner" fundamental OSCE documents. It is important to recognize that responsibility for implementation of OSCE commitments rests with the participating States themselves. Accordingly, we should look to capitals when failures in implementation arise, not Vienna. The OSCE and its institutions serve as resources to assist participating States in meeting their commitments and obligations. The challenge arises when a participating State fails to implement its freely undertaken OSCE commitments and is unwilling to undertake corrective measures with or without these resources.

The OSCE has achieved success far beyond that anticipated by those who signed the Helsinki Accords in 1975. In large measure, this is due to its adaptability over the years. As issues have changed, so have OSCE priorities and institutions, perhaps contributing to perceived "imbalance" of emphasis. We fully support strengthening all aspects of the OSCE process, but not to the detriment of the human dimension.

In fact, since the idea of disequilibrium between OSCE dimensions was raised several years ago, the organization has undertaken a conscious program to fully develop all OSCE institutions. Recently there has been a resurgence of activity on political-military issues, with far-reaching agreements being achieved on export controls of MANPADs, uniform standards for travel documents, and assistance for reduction of ammunition stockpiles. The June 2004 Annual Security Review Conference, where more than a dozen ideas for OSCE cooperation against terrorism were introduced, built on this progress, as did proposals for enhanced border security and local policing.

His Excellency Leonid Kuchma  
July 21, 2004  
Page 2

In like manner, we welcome the attention that has recently been focused on the economic dimension of the OSCE. At the Edinburgh OSCE PA Annual Session, parliamentarians adopted a series of initiatives aimed at strengthening cooperation. Specifically, there was a call for a meeting of Ministers of Justice and Interior to initiate a long-term cooperative strategy against terrorist financing, encouragement for all OSCE states to be admitted to the World Trade Organization, and renewed efforts to combat corruption. Robust implementation of these and other objectives of the Maastricht Economic Strategy and Edinburgh Declaration is the best guarantee for active OSCE engagement on critical economic and environmental issues. We believe it is important to upgrade the status of the OSCE Coordinator for Economic and Environmental Affairs. We hope that you will join us in a thorough "talent hunt" for a strong, innovative official for this position.

Members of the Helsinki Commission have also taken the lead in the global fight against crimes that adversely affect all participating States, such as trafficking in human beings. OSCE leadership in this regard is having an impact elsewhere. Following the OSCE Action Plan against Human Trafficking, NATO countries have just agreed to a unified anti-trafficking policy, which should greatly increase our ability to fight this scourge on the "demand" side. We would welcome your specific, detailed proposals for further actions that could be taken to develop the economic and political-security baskets of the OSCE.

With respect to assertions of a disproportionate monitoring of human rights in countries of the former Soviet Union and Yugoslavia, you should be aware that since January 2003 alone, the Helsinki Commission has addressed human dimension questions in NATO countries on some eighty-five occasions, including in public hearings and statements. The concerns range from policing activities, anti-Semitic acts and religious laws, to internal migration, Roma rights and free media. We have also spoken out on occasions when the United States appeared to be out of compliance with the Helsinki Accords, including in cases of torture, complicity in human trafficking and treatment of prisoners. Election observation is an important OSCE function in all participating States, and the United States welcomes the team that will observe our national elections this November.

As you note, OSCE field activities are currently located in south-eastern and Eastern Europe, the Caucasus and Central Asia. These areas have a poor implementation record on OSCE commitments and have shown only slow progress in democratization, as the Helsinki Commission publication *Democracy and Human Rights Trends in Eurasia and East Europe* documents. The participating States have continued to believe in the need to have an active presence to facilitate improvement. All such activities have been agreed by consensus, so that the basis for their establishment and continuation reflects the interests of every State. Unfortunately, the trends in these areas have not been encouraging and argue for the continued necessity of these field offices.

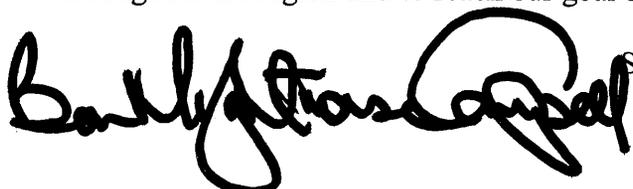
His Excellency Leonid Kuchma  
July 21, 2004  
Page 3

For example, in the case of Ukraine, despite the progress in many areas since independence, there have been significant problems with respect to implementation of human dimension commitments, including in the areas of media freedoms, freedom of association and assembly, corruption, the rule of law and elections. As you well know, international attention is now focused on ensuring free, fair, open and transparent presidential elections in your country. These elections are critically important to the future of Ukraine, yet already we have seen a troubling pre-election environment that calls into question your government's commitment to OSCE principles. We hope that you will welcome the efforts of the OSCE in promoting democracy and human rights in Ukraine, which is consistent with Ukraine's declared policies.

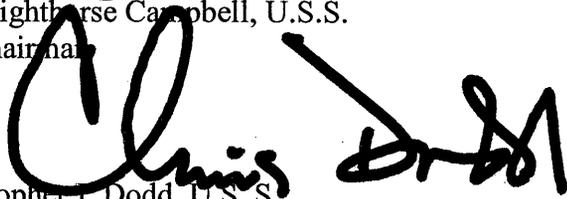
In all of our activities, we have adhered to the principle of the 1991 Moscow Concluding Document which states: "They [the participating States] categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned." It is this collective interest in human welfare that sets the OSCE apart and allows it to help all participating States in the continuous effort to live up to the Helsinki principles.

We look forward to continuing to work with you to improve OSCE compliance throughout the region and to reach our goal of true security and cooperation in Europe.

Sincerely,



Ben Nighthorse Campbell, U.S.S.  
Co-Chairman



Christopher J. Dodd, U.S.S.  
Ranking Member



Christopher H. Smith, M.C.  
Chairman



Benjamin L. Cardin, M.C.  
Ranking Member