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REPORT ON THE HELSINKI COMMISSION
VISIT TO
ARMENIA, AZERBAIJAN,
TAJIKISTAN, UZBEKISTAN, KAZAKHSTAN,
AND UKRAINE

(CODEL DeCONCINI)

APRIL 10-18, 1992

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CONTENTS

OVERVIEW	1
OVERVIEW: ARMENIA AND AZERBAIJAN	5
Armenia	7
Azerbaijan	11
Conclusions	17
OVERVIEW: CENTRAL ASIA	19
Tajikistan	21
Uzbekistan	27
Kazakhstan	33
Conclusions	39
UKRAINE	41
Conclusions	49

OVERVIEW

THE CONTEXT

This Helsinki Commission delegation was the first to visit the "former Soviet Union" since its breakup in December 1991. It was also the first Commission delegation visit to any of the former republics in their new status as independent countries, and the first ever to Ukraine, Azerbaijan, Tajikistan, Uzbekistan, and Kazakhstan.

Of particular significance was the fact that all the former republics are now full-fledged members of the Conference on Security and Cooperation in Europe (CSCE), having been admitted during the meeting of the CSCE Council of Ministers in Prague in late January 1992. Their entry into the CSCE means that all the governments of these newly independent countries have obligated themselves to implement Helsinki commitments, providing a standard by which their progress towards democratization, observance of human rights and free market economic systems can be measured. Moreover, since at least two of these countries -- Armenia and Azerbaijan -- are, essentially, engaged in hostilities, if not actually a state of war, the CSCE's mechanisms for conflict mediation and resolution can be brought into play: a test both for the republics, and the CSCE, especially in the aftermath of the Yugoslavia crisis. The fact that the delegation's visit took place during the CSCE Follow-up Meeting in Helsinki (March-June 1992) offered an appropriate backdrop to this Commission fact-finding mission.

This mission had particular resonance in the Central Asian republics, which have long been neglected in the West. In fact, there had been much debate among CSCE participating States as to whether these republics should be admitted to the Conference on Security and Cooperation in *Europe*, as they were manifestly not in Europe geographically, or, in many ways, culturally. Nevertheless, the CSCE's Council of Ministers was persuaded by the argument that the best way to bring Western democratic and free market ideas to the region was to include them in the process.

The visit to Armenia and Azerbaijan was motivated by obvious considerations: the increasingly bloody and alarming conflict between them over Nagorno-Karabakh. From an ethnic dispute that threatened to complicate Mikhail Gorbachev's reform program, the conflict has ballooned, with the dissolution of the USSR, into a larger regional conflict with international significance that threatens to involve neighboring states, one of which -- Turkey -- is a NATO member.

From the CSCE perspective, this conflict brings to the fore the inherent contradiction between two equally valid principles of the CSCE: the right of peoples to self-determination, on the one hand; and territorial integrity, with only peaceful change of borders, on the other. Yugoslavia in 1991 had already presented the CSCE with the

difficult problem of reconciling these principles; Armenia and Azerbaijan are offering the latest challenge. There is reason to believe -- or fear -- that this issue will resurface elsewhere on the territory of the former USSR, and the unhappy experience of these two Transcaucasian countries may prove an object lesson that has applicability to other situations.

Reflecting the concern of the CSCE member States about the situation, and in an attempt to resolve the crisis, a decision was taken at the March 1992 opening of the Helsinki Follow-up Meeting to organize a "Conference on Nagorno-Karabakh" which will meet soon in Minsk under CSCE auspices.

Ukraine, meanwhile, is embroiled in its own disputes as it develops its institutions as a newly independent country and CSCE state. Unlike its quarrel with Russia over division of the USSR's assets, especially the disposition of the Black Sea fleet, some issues have direct relevance to the CSCE. The Crimea, for example, may hold a referendum on its future status (remaining within Ukraine, autonomy, joining Russia, or opting for independence), which reflects the emphasis placed in the CSCE on democratic expression and fair balloting practices. Another area of critical importance is military security and arms control: the disposition of Ukraine's nuclear arsenal and compliance with the CFE (Conventional Forces in Europe) agreement, when Kiev has not yet reached agreement with Moscow and other capitals of former republics over a unified military that could implement the agreement. Finally, Ukraine's efforts to build a law-based state and overcome the legacy of 70 years of communism must overcome difficulties of personnel, "old thinking" (a term popular among Moscow's elite a few years ago), and bureaucratic resistance to change.

The United States recognized all the former Soviet republics as independent countries on December 25, 1991, but established diplomatic relations only with Russia, Ukraine, Belarus, Armenia, Kazakhstan and Kyrgyzstan. Establishment of formal diplomatic relations with the others was put off, pending satisfactory assurances of commitment to human rights, democracy, responsible arms control policies, and a free market economic system. This "two-tiered" approach drew criticism, however, for risking the alienation of the "second-tier" states and the potential loss of American influence, especially with the January 1992 decision by the CSCE to admit the former Soviet republics as full members. In February, the Bush administration signalled its intention to establish diplomatic relations with all the former Soviet republics. The result was the speedy opening of U.S. Embassies in the newly independent countries, which was enthusiastically greeted by the leaderships and opposition forces. Effectively, therefore, the United States is the only Western country with fully-functioning Embassies in all the new countries visited by the Helsinki Commission.

OBJECTIVES

In *Armenia and Azerbaijan*, the Commission hoped to:

- discuss Nagorno-Karabakh with Armenian and Azerbaijani leaders, especially the mediation underway by the CSCE and the peace conference agreed to in Helsinki
- examine progress towards democratization, human rights observance and the development of a free market economy
- discuss with leaders their view of the CSCE, in terms of the Helsinki Follow-up Meeting and as a forum for conflict mediation

In *Central Asia*, the delegation's goals were:

- to emphasize the ^{commonality?} communality of values between these countries and the importance placed by CSCE on human rights
- to examine progress towards democratization, human rights observance and a free market economy
- to discuss with leaders their view of the CSCE, especially in terms of the Follow-up Meeting in Helsinki

In *Ukraine*, the delegation's objectives were:

- to discuss with government and parliamentary leaders arms control issues, including nuclear weapons and CFE, as well as Ukraine's relationship with Russia and the Commonwealth of Independent States
- to examine progress towards democratization, human rights observance and a free market economy
- to discuss with leaders their view of the CSCE, especially in terms of the Follow-up Meeting in Helsinki

ARMENIA AND AZERBAIJAN OVERVIEW

More than any other region of the former Soviet Union, Transcaucasia, which includes the former republics of Georgia, Armenia and Azerbaijan, has been wracked by internecine and inter-state conflict. In Georgia, an anti-communist leader, Zviad Gamsakhurdia, came to power in late 1990 and was elected president by a large plurality in May 1991. He was overthrown, however, by opposition forces in armed combat in late 1991 and forced to flee Georgia in January 1992. Armenia and Azerbaijan have been locked in hostilities since 1988 over the largely Armenian-populated enclave of Nagorno-Karabakh in Azerbaijan; Azerbaijan has blockaded Armenia and Nagorno-Karabakh since 1989, while Armenia has blockaded Nakhichevan, an Azerbaijani area separated from the rest of Azerbaijan by Armenia. Azerbaijan has also experienced the shock of a Soviet military assault on Baku in January 1990 to crush the opposition Popular Front, the resignation of a communist president under popular pressure in March 1992, and an ongoing power struggle between the entrenched Communist Party apparatus and the Popular Front. All three countries have at the same time endured economic deterioration and plunging living standards, as have all the other former Soviet republics.

Many commentators, both in the West and the former USSR, have tended to describe Transcaucasia as a incurable "hot spot" of chronic instability, populated by fiery-tempered southerners uninterested in Western-style democratic politics and not susceptible to the usual methods of conflict resolution. Such prejudices notwithstanding, the political lexicon of all three countries has been pro-democracy for several years, even when the Communist Party ruled. With the Party out of power in Georgia and Armenia, and seemingly on the ropes in Azerbaijan, these verbal commitments have taken on more significance, especially since all three have now joined the CSCE. As members, they have committed themselves to observe Helsinki strictures and provisions on human rights, democratization, and a free market economic system. As full fledged participants in the CSCE process, they also can make use of established and developing mechanisms for conflict resolution and mediation.

Though new members of the CSCE, Armenia and Azerbaijan have already left their own imprint on this multi-lateral forum, impelling it to explore new avenues and take on new functions. Admittedly, the impulse is deeply regrettable: the seemingly intractable Nagorno-Karabakh conflict, which has thus far been unresponsive to other forms of international pressure or to the standard tools in the CSCE repertoire of pressuring states to implement their commitments and settle their disputes through political means. Nevertheless, the March 1992 decision by the CSCE Council of Ministers to arrange a peace conference on Nagorno-Karabakh is an unprecedented step in the history of the CSCE. Equally unprecedented are the plans currently underway to proposals to create and deploy in the region a CSCE force of observers to monitor a ceasefire in Nagorno-Karabakh.

Against this background, the Helsinki Commission delegation's trip to Armenia and Azerbaijan was both a fact-finding mission and an attempt to convey to countries that have joined the CSCE the imperative of peacefully settling their disputes and observing their human rights commitments. The Nagorno-Karabakh crisis has preoccupied politicians in both Armenia and Azerbaijan (some of whom, their opponents claim, have exploited the crisis for their own political ends). The result has been failure to implement, or to carry through, many political and economic reforms urgently needed in newly independent states struggling to overcome the legacy of centuries of Russian domination and 70 years of Soviet misrule and "divide and conquer" politics. The delegation hoped to familiarize itself with progress made to date on these reforms, and to focus the attention of government and opposition leaders on these critical "domestic" issues.

ARMENIA
April 11-12, 1992

THE CONTEXT

The delegation arrived in Yerevan just as international attention was concentrating on the issue that has dominated Armenian politics for four years: the Nagorno-Karabakh crisis. Since 1988, Armenians in Nagorno-Karabakh have been trying either to unite with Armenia, or more recently, gain recognition as an independent entity. The conflict's intensity rose substantially in late 1991 and early 1992, with both sides obtaining and making use of heavier and more lethal weapons, such as missiles and armored personnel carriers. The number of casualties and hostages has risen correspondingly.

The danger that this conflict might spread in geographic scope and involve neighboring states has brought about a heightened international effort to mediate the crisis. Individual countries, such as Iran, Turkey, and France have attempted to arbitrate, as have Russia and Kazakhstan, as well as international multilateral organizations. The leading role in this latter campaign has fallen to the CSCE, which both Armenia and Azerbaijan joined in January 1992. In March, they agreed at the Follow-up Meeting in Helsinki to participate in a peace conference on Nagorno-Karabakh to be held in Minsk under CSCE auspices. The delegation hoped to get the views of both sides on progress in arranging the conference.

At the same time, Nagorno-Karabakh has dominated Armeniaⁿ politics to the detriment of other urgent policy initiatives. These include rebuilding after the disastrous December 1988 earthquake and coping with hundreds of thousands of homeless people and refugees, continuing the privatization program which has already distributed about 70 percent of land, and dealing with an energy crisis caused by Azerbaijan's blockade. The United States granted Armenia Most Favored Nation (MFN) trade status soon before the delegation's arrival in Yerevan, but landlocked and resource-poor Armenia's economic problems remain daunting.

President Levon Ter-Petrossyan, who rose to power and prominence as a leader of the "Karabakh Committee," remains the dominant political figure in Armenia. His Armenian Pan-National Movement, an umbrella organization, has the majority in parliament. Opposition parties have reproached him, however, for failing to recognize the independence of Nagorno-Karabakh and for his reluctance to create a national army, as well as a tendency to accrue power.

THE VISIT

Following a late-afternoon arrival on April 11 in Yerevan -- where the delegation was met by Armenian Foreign Ministry officials and U.S. Charge Thomas Price -- delegation members conferred first with opposition spokesmen. The delegation then met with President Levon Ter-Petrosyan, and that evening attended a state dinner hosted by Chairman of the Parliament Babgen Araksian and Foreign Minister Raffi Hovannisian. The next morning, some opposition activists returned to continue their conversation with Senators over breakfast, after which the delegation visited the Cathedral at Etchmiadzin and met with Catholicos Vazken I before departing for Baku.

MEETINGS

Opposition

The delegation's first meeting in Yerevan was with representatives of three opposition parties: the *Dashnaks*, the *Ramkavars* and the *Union for National Self-Determination (UNSD)*. Much of the discussion naturally focused on Nagorno-Karabakh. Spokesmen of the UNSD argued that the conflict could best be solved without Russian involvement, as Russian -- Tsarist or Communist -- great power ambitions in the Caucasus make Moscow an interested player rather than a neutral arbitrator. When a *Ramkavar* member agreed that Russia is an interested party and claimed that Russia is aiding Azerbaijan militarily, the previous speaker contended instead that Russia aids the weaker party in the conflict -- now Armenia, now Azerbaijan -- in order to prolong the hostilities. The *Dashnaks* said that Armenia's government is now paying more attention to Nagorno-Karabakh and offering more aid, although the *Dashnaks* still were critical of Armenian government policy. Nevertheless, they said they hope to avoid confrontation in order to avert instability in Armenia.

As for the situation of opposition parties in Armenia, the UNSD spokesmen claimed that their access to the media had been cut -- a charge seconded by other opposition activists -- and that opposition meetings are sometimes attacked. They also asserted that the government controls everything. The opposition also accused President Levon Ter-Petrosyan of concentrating power, to the detriment of the legislative branch and the achievement of a satisfactory separation of powers in Armenia. The *Dashnak* spokesmen charged that Ter-Petrosyan's tendency to accumulate power had slowed progress on a new constitution, as he opposed convening a constitutional convention for fear of losing some of his prerogatives.

President Levon Ter-Petrosyan

The delegation then met with Armenian President Levon Ter-Petrosyan, who offered his view of the situation in Nagorno-Karabakh. He said that a military solution is

impossible and a political solution to the crisis must be found. Meanwhile, however, the sole guarantee for Karabakh's Armenians is their own self-defense, and Ter-Petrosyan said the fighting would continue until such guarantees are in place. He said that international guarantees of a ceasefire are critical, possibly through the CSCE or the UN. For now, said Ter-Petrosyan, the CSCE must coordinate the international mediation effort.

Turning to the Minsk peace conference on Nagorno-Karabakh, agreed to in March by Armenia and Azerbaijan at the CSCE Follow-up Meeting in Helsinki, Ter-Petrosyan said he expected it would convene shortly. The conference's key goals would be to arrange a ceasefire under international observers and to create security guarantees for Nagorno-Karabakh's Armenians, which, Ter-Petrosyan said, could only consist of peacekeeping forces on Nagorno-Karabakh's borders. He acknowledged that the CSCE has no mechanism for peacekeeping forces, and that the UN had rejected any active, direct involvement in the Nagorno-Karabakh crisis. Ter-Petrosyan suggested that perhaps the Commonwealth of Independent States (CIS) would have to fulfil this function temporarily, although it, too, has no mechanism for peacekeeping. Ter-Petrosyan said such a CIS mechanism might be developed under pressure from the CSCE and UN. He added that international pressure on Azerbaijan, especially from Iran, was crucial in obtaining Azerbaijan's agreement to the deployment of peacekeeping forces.

Afterwards, continued Ter-Petrosyan, negotiations could begin. He said agreement had been reached with Azerbaijan on Nagorno-Karabakh's Armenians participating on equal terms,* and that the U.S. State Department and Turkey concurred.

With respect to the constitution, Ter-Petrosyan said the opposition tries to manipulate this issue. Two drafts of a new constitution have been completed, he said, one based on a presidential system, the other on a parliamentary system. But events were moving so quickly, he continued, that if any constitution was adopted, it would have to be changed on a monthly basis. So Armenia was taking a more practical route: creating a constitution by passing separate blocs of laws. Those on the president, parliament and property had already been passed and others were in preparation. Ter-Petrosyan stressed his desire to pass a constitution that would be permanent.

Co-Chairman DeConcini asked about recent statements by Russian Vice-President Rutskoi about nuclear weapons remaining in the Caucasus. Ter-Petrosyan said he had been astounded by the assertion and that there were none in Armenia.

* Azerbaijan has staunchly rejected the notion of Nagorno-Karabakh's Armenians participating in the conference on equal terms, insisting that they constitute part of the Azerbaijani delegation. Ter-Petrosyan's assertion may have been his interpretation of the language agreed to by Azerbaijan and Armenia in Helsinki, but there is as yet little evidence that Baku shares his view.

Finally, asked by Co-Chairman DeConcini what message he could bring to the delegation's next stop, Baku, President Ter-Petrosyan replied: "Peace."

State Dinner

That evening, the delegation attended a state dinner hosted by Chairman of the Parliament Babgen Araktsian and Armenian Foreign Minister Raffi Hovannisian. Minister Hovannisian in his toast noted his long history of contacts with the Helsinki Commission (he was formerly associated with the Armenian Assembly, a Non-Governmental Organization which maintains frequent contact with the Commission), and looked forward to the development of close relations between Armenia and the United States.

The next morning, the delegation arranged to meet again with opposition spokesmen over breakfast, though only representatives of the *Union for Self-Determination* appeared. They explained in greater detail the status of the constitutional convention, stressing that 115 deputies of Armenia's parliament (which has 259 members) had already signed a petition calling for a constitutional convention, but that Ter-Petrosyan was blocking any forward movement on this front.

Catholicos Vazken I

The delegation then traveled to Etchmiadzin, the seat of the Armenian Apostolic Church, where Catholicos Vazken I greeted delegation members. He thanked the United States for its friendship towards Armenia, which he said he had personally experienced during his visits to the United States, and voiced the hope that the United States would help resolve the conflict in Nagorno-Karabakh.

AZERBAIJAN
April 12-13, 1992

THE CONTEXT

The delegation arrived in Baku at a time of severe governmental disorganization. Relations between the communist government and the Popular Front opposition had been tense since late 1989. At that time, the Front seemed about to take control and only an invasion by Soviet troops in January 1990 -- under the pretext of protecting Armenians in Baku after pogroms broke out in the city -- kept the communists in power. A state of emergency was introduced and Party apparatchik Ayaz Mutalibov was installed in power. In early 1992, he was forced to make concessions, creating a 50-person National Council with 25 Front members as the standing legislature, instead of the communist-controlled Supreme Soviet elected in October 1990.

Coloring this jockeying for power and the entire political and socio-economic state of affairs in Azerbaijan is, of course, the conflict in Nagorno-Karabakh. In mid-February, Azeri forces suffered particularly severe reversals, with hundreds (some claims were as high as thousands) killed in Khojaly. As the hostilities intensified in 1992, Mutalibov resigned in early March, under pressure from the Popular Front and crowds protesting his handling of the conflict. Yagub Mamedov became Acting President, as well as the Acting Chairman of the Parliament. Meanwhile, negotiations between the communist-controlled government and the Front over power-sharing arrangements stalled, with the government refusing to concede key ministerial posts which the Front had demanded.

By the time the delegation arrived in Baku, the focal point of Azerbaijani politics had become the presidential election scheduled for June 7, in which Acting President Mamedov will run against Popular Front leaders. Many observers believe that little can be accomplished in Azerbaijan's domestic or foreign policy until after the election.

THE VISIT

Upon arriving in Baku on April 12, the delegation was met by Azerbaijani Foreign Ministry officials and U.S. Charge Robert Finn. The delegation first visited the headquarters of Azerbaijan's Popular Front for talks with its leadership, then stopped at the U.S. Embassy (located in a hotel) to hear complaints by local residents of human rights violations. Delegation members then visited the memorial to Azeris killed in the January 1990 Soviet invasion of Baku, in which some 200 people were killed, and then traveled to the Defense Ministry for talks with the Minister of Defense. That evening, the delegation attended a state dinner hosted by members of Azerbaijan's National Council. The next morning, Senators DeConcini, Jeffords, and Akaka had a briefing with Thomas Goltz, an American residing in Baku, before meeting with Acting President Mamedov.

MEETINGS

Popular Front

The delegation's first meeting was with the leadership of the Azerbaijani Popular Front, including its chairman, Abulfaz Elchibey, and Isa Gamberov. The latter is also chairman of the Foreign Affairs Committee of Azerbaijan's legislature, an indication of the progress the Popular Front has made in power sharing.

As in Yerevan, much of the discussion centered on the crisis in Nagorno-Karabakh. Elchibey began by voicing the hope that the United States could help resolve the dispute. He said the first priority was a ceasefire along the Armenian-Azerbaijani border (as opposed to the fighting in Nagorno-Karabakh itself); such a ceasefire, he said, would be relatively easy to arrange, as the respective governments control the military forces located there. In Nagorno-Karabakh, however, Elchibey stated that the fighters do not obey the governments in Baku or Yerevan. He added that the CIS/Russian troops stationed in Nagorno-Karabakh take part in military operations and said they "must be isolated." He welcomed international mediation and CSCE efforts to arrange a peace conference, and denied that the Popular Front wants a military solution to the conflict.

Elchibey affirmed his adherence to CSCE principles; but he stressed that territorial integrity -- a basic CSCE principle -- must be observed, and aggression by one member state against another must be condemned. Asked by Co-Chairman DeConcini about Azerbaijan's blockade of Armenia and Nagorno-Karabakh, Elchibey said he favored lifting the blockade for food and medicine, but that the Azeri people could not understand lifting a blockade on fuel that could then be used in Armenian military campaigns. He added that the Nagorno-Karabakh conflict had helped certain politicians, specifically former Azerbaijani President Mutalibov and Armenian President Levon Ter-Petrossyan, to rise to the top, and that the Russians were also playing a major role in prolonging the conflict.

Elchibey noted the widespread view in Azerbaijan that the United States is pro-Armenian because Azeris are Muslims. If Washington wants to change that perception, he said, the United States must be involved in Azerbaijan. He warmly welcomed the opening of a U.S. Embassy in Baku.

Leyla Yunusova, an original founder of the Popular Front and now chairman of the Independent Social Democratic Party, asserted -- as had an opposition spokesman in Yerevan -- that Russia aids the weaker party in the conflict, now Armenia, now Azerbaijan, in order to extend the hostilities. She contended that Russia could not be a neutral mediator in the dispute.

Discussing Azerbaijan's June 7 presidential election, Elchibey invited the Helsinki Commission to send observers and asked that as many international observers as possible

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monitor the proceedings. He added that the Nagorno-Karabakh conflict could be resolved much easier if democratic governments were in power both in Yerevan and Baku.

Responding to a question from Senator Jeffords, a Popular Front economic specialist lamented the absence of any laws on privatization and Azerbaijan's reliance on the ruble. He asked for Western experts to examine the Front's plans for economic reform, after which credits might be extended for the purchase of modern equipment and technology. Front spokesmen also said that if the present Azerbaijani government guarantees democratic elections, the United States could provide aid, but that Washington should also strive to have closer contact with the private sector in Azerbaijan.

Senator Akaka asked about the human rights situation in Azerbaijan and if there are any political prisoners. The Popular Front representatives said there are no political prisoners, but Front leaders are pressured and the independent press -- apart from *Azadlyk*, the Front's newspaper -- faces severe difficulties in publishing. A critical problem for Azerbaijan, said the Front spokesmen, is dealing with some 300,000 refugees. In conclusion, Elchibey asked the delegation for help from the United States and Western Europe in moving Azerbaijan towards democracy.

U.S. Embassy

The delegation then met in the U.S. Embassy (located in the Intourist Hotel) with several local people who complained of human rights violations, harassment and terrorization because of their ethnic identity. One was a Russian, another had an Armenian relative who lived in Baku and was abducted, and a third was an Azeri married to an Armenian. Co-Chairman DeConcini promised to raise their cases and complaints with Azerbaijani officials.

Defense Minister Gaziev

At the next meeting, with Azerbaijan's Defense Minister Rahim Gaziev, the delegation raised the case of the Armenian who had been abducted, reportedly by the military. The Minister promised to investigate the case presented and to release the individual in question if he had not killed any innocent Azeris.

Gaziev, an original founder of the Popular Front, stated that Azerbaijan is building a democratic state in which members of all nationalities would be treated equally. He said that Azerbaijan would create a national army, though it would not have been forced to do so if not for what he called the war with Armenia. Preferably, said Gaziev, Azerbaijan would be neutral, like Switzerland. The army's purpose would be exclusively defensive, to protect the country from external aggression, and would not be used against Azerbaijan's people.

Gaziev said that neither side could win the conflict in Nagorno-Karabakh by military means. He asked the delegation to inform President Bush and the U.S. Congress that Azerbaijan has no territorial claims against any other state. But Russia, said Gaziev, has been deeply involved in the hostilities, as Moscow does not want to lose control of the Caucasus. He noted that Russian President Boris Yeltsin had taken control of all CIS troops in the Caucasus, and that such troops act as they please, without any coordination with Azerbaijani authorities.

Co-Chairman DeConcini asked Gaziev whether -- as Russian Vice-President Rutskoi had intimated -- there are nuclear weapons in the Caucasus. Gaziev replied that there are none as far as he knows, but he acknowledged that Russia might have such weapons in Azerbaijan about which he was unaware. He noted that CIS/Russian troops, whose number he estimated at 60,000, control 11 percent of Azerbaijan's territory. Gaziev asked for U.S. aid in getting Azerbaijan and Armenia to negotiate without Russian involvement.

Acting President Mamedov

President Mamedov, who is concurrently Acting Chairman of Azerbaijan's parliament, stated that international observers will be invited to monitor the June 7 presidential election -- in which he is a candidate -- and invited the Helsinki Commission to send observers. He promised that election commissions would include representatives of various political parties and that candidates would have equal access to the mass media. After the presidential elections, Mamedov said, new parliamentary and local elections would also take place.

Responding to Co-Chairman DeConcini's questions (based on conversations held the previous day in the U.S. Embassy), Mamedov said he had not heard any complaints about ethnically-based human rights violations. He promised that all citizens of Azerbaijan, regardless of nationality, have equal rights and that the authorities would act against anyone who violated the law. Mamedov contended that some 20,000 Armenians still live in Baku, whereas no Azeris remained in Armenia and thousands of refugees are homeless. Reminded by U.S. Charge Robert Finn that they had discussed two weeks before complaints that Armenians are not being allowed to leave Azerbaijan, Mamedov said that anyone is free to leave. In turn, he asked the delegation for assistance in coping with Azeri refugees from Khojaly, where a massacre took place in February 1992.

Mamedov then answered a question about five Armenians sentenced to death for murdering an Azeri journalist. He said that while they had been duly convicted in a court, the sentences had not yet been carried out and that he had received many appeals from international organizations, but that the prisoners had not themselves asked the president [i.e., Mamedov] for clemency. Co-Chairman DeConcini pointed out that Azerbaijan had agreed to comply with the former USSR's two-years suspension of the death penalty. Mamedov, apparently unaware that such was the case, said that Azerbaijan, as a sovereign

state, had the right to implement the death penalty. But he added that Azerbaijan would take into account the pleas for clemency from international organizations.

On Nagorno-Karabakh, Mamedov argued that Russia's role was negative, that Russia was arming Armenians and had signed a military treaty with Armenia. "The Russians," he said, "could solve this problem in one day if they wanted." Mamedov said he often spoke to Armenian President Ter-Petrosyan and that Azerbaijan and Armenia could best resolve the conflict themselves. He pointed out that the conflict is taking place exclusively on Azerbaijani territory, and that he had proposed to Armenia an agreement on not attacking each other's territory, but the Armenians -- aided by Russians -- now feel stronger than the Azeris and are disinclined to negotiate. Mamedov said if arms supplies from outside stopped, there would be no war, pointing out that Azerbaijan has no arms industry. He asked the delegation to help move Armenia to the negotiating table.

Mamedov also told the delegation of rumors that Armenian fighters were planning a major offensive against Shusha, the last Azeri stronghold in Nagorno-Karabakh, on April 24 (the anniversary of Ottoman massacres of Armenians in 1915). He added that Armenians would also behead Azeri hostages the same day. Asked for proof, Mamedov said he would provide evidence to the U.S. Embassy in Baku.

Finally, Mamedov said Azerbaijan would welcome U.S. aid in developing its oil industry, especially upgrading technology. He stressed Azerbaijan's desire for economic cooperation with the United States in other fields as well.

CONCLUSIONS

The delegation left Armenia and Azerbaijan with the impression that both countries are anxious to settle, if not resolve, the Nagorno-Karabakh crisis and get on with the task of state building, developing their economies and entering the international community. A military victory for either side currently appears to be unreachable, and government leaders and opposition spokesmen in both countries profess commitment to a political solution. Both sides also requested U.S. assistance in arranging negotiations.

But negotiations, when successful, generally lead to a compromise; given the level of popular emotion on this issue in Armenia and Azerbaijan, as well as Nagorno-Karabakh after four years of low-intensity warfare, it remains to be seen whether a mutually acceptable compromise can be found, especially when the basic demands of the contending sides -- whether or not Nagorno-Karabakh remains a part of Azerbaijan -- are in such stark contradiction. The mediators at the CSCE peace conference in Minsk have their work cut out for them. Perhaps war-weariness in Armenia and Azerbaijan will simplify their task.

The delegation was struck by the insistence in Azerbaijan and by opposition activists in Armenia that Russian forces in the region are not only impeding the search for a solution but are actively prolonging the conflict. Whether or not one credits theories of Moscow's imperial ambition to maintain control of Transcaucasia, the presence of heavily armed CIS soldiers in Nagorno-Karabakh helps both sides continue fighting. Their weapons wind up in the hands of both Armenians and Azeris, who reportedly employ and pay them to plan and engage in hostilities. The removal of these forces -- who have, indeed, aided both sides at different times -- would facilitate a ceasefire.

Delegation members were pleased to hear from both government leaders and opposition spokesmen consistent pledges of commitment to democracy. Though Azerbaijan's communist apparatus is hanging on, the Popular Front has clearly made headway and seems poised to come to power. International observation of the June 7 presidential election and the subsequent parliamentary elections would help greatly in consolidating democratic gains in Azerbaijan.

Armenia and Azerbaijan need technical assistance to develop their economies and institutions of democracy, and both requested such assistance. The United States, through its programs of aid, exchanges and training, should promote their political democratization and economic development. Considering the long-established and widely ramified ties between Armenia and Western countries, a permanent and more visible American presence is especially important in Azerbaijan, which has lacked such contact and which suspects the United States of anti-Muslim prejudices. A cultural exchange program, stressing democratic traditions and practices, would be particularly useful.

Finally, the delegation left convinced that Armenia and Azerbaijan must take a more active part in CSCE. Though both countries sent high-level representatives to the opening of the CSCE Follow-up Meeting in Helsinki, they left soon afterwards and neither country subsequently had any official presence at the meeting. Their active and consistent participation must be encouraged, even if it means locating future CSCE meetings in cities more affordable than those in Western Europe. Another avenue of assistance could be training programs in the United States for diplomats from Armenia and Azerbaijan (and other former Soviet republics), which have few trained diplomats and fewer facilities to train them.

CENTRAL ASIA OVERVIEW

Central Asia comprises five former republics of the USSR: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Inhabiting the region are 49 million people of nearly 100 differing nationalities on lands in the southernmost part of the former Soviet Union, bordering Iran, Afghanistan and China. Most of the people in Central Asia (70 percent) speak languages in the Turkic language group, related to the language of Turkey. The Tajiks' language, however, is Iranian and related to languages spoken in Afghanistan and Iran. The ethnic origin of the indigenous people in Central Asia lay in Mongolia, Siberia and as far east as China. The vast majority are Sunni Muslims. Russians make up the population of from 8-20 percent of each of the Central Asian states.

Central Asia is the poorest and most backward region of the former USSR, and the one most often overlooked by foreign visitors. Treated as Moscow's colonies, the Central Asian republics suffered the results of hypercentralized Soviet rule and economic planning. Now the local leaderships, accustomed to Moscow making the decisions and providing subsidies, must fend for themselves. They now must develop legitimacy through their own political institutions, build their economies, address environmental catastrophe and a health care crisis and forge relationships with the rest of the world.

Throughout Central Asia, with the exception of Kyrgyzstan, the leadership is composed of former high ranking Communist Party figures. The Party was disbanded after the August coup attempt, but in name only, and the re-named version continues to function much as before. The press remains tightly controlled and many basic human rights such as freedom of speech and assembly are still curtailed. All of the Central Asian leaders, however, have stated their interest in building pluralist democratic structures, and all have made a commitment to sign the Helsinki Final Act and the 1991 CSCE "Charter of Paris". While it remains to be seen how far and how quickly the process of democratization will develop, all of the leaders understand that political life as they knew it under the Soviet system will have to change.

Since the period of *glasnost*, opposition groups have been active in all the Central Asian states, to varying degrees and under varying degrees of government harassment. Most of these groups are dominated by urban intellectuals who, though extremely committed, have little or no political or administrative experience. They are increasingly assertive, however, and hope to gain a share of power to promote the political and economic modernization necessary to prevent one form of totalitarianism being replaced by another.

Though the Central Asian people are virtually all Sunni Muslims, their religious traditions vary from region to region. As a result of *glasnost*, there is burgeoning interest

in Islam in all the Central Asian states, largely as a response to 70 years of religious repression which denied them an essential element of their culture and identity. Though there is concern about the potential for the rise of Islamic fundamentalism, the Sunni traditions are not necessarily conducive to the kind of politicized Islam as it has appeared in Shiia Iran. However, the economic poverty, environmental degradation and poor health conditions, as well as the continued authoritarian practices of the former communist regimes, could result in circumstances whereby Islamic extremism appears as the only alternative. Democratization and economic development are seen by all, especially the opposition groups, as crucial.

Neighboring countries are demonstrating great interest in the emerging Central Asian states, notably Turkey, Iran and Saudi Arabia. All have established relations with the new states, promoting economic and cultural cooperation. The influence of Turkey is based largely on linguistic affinity and the stated desire of many of the current Central Asian leaders to follow the Turkish model of secular economic development. Iran is a bordering state and hopes to gain leverage, though the Sunni traditions of the Central Asian people have facilitated the Saudi presence there. All of these elements are compounded by the existence of large numbers of Uzbeks and Tajiks in neighboring Afghanistan, and almost one million Kazakhs in northwestern China. It remains to be seen how these factors will come into play now that the Central Asian republics are independent states for the first time in their history.

U.S. goals in Central Asia are primarily to prevent instability and the rise of Islamic fundamentalist states. Washington, though belatedly, has established diplomatic relations with all the Central Asian countries, and has now opened Embassies and maintains an active presence in each of the capitals. Central Asians are relatively well disposed to the United States for its decades of opposition to Soviet communism, and Washington would probably have a reserve of good will to rely on if it chooses to pursue more active engagement as the basis of its Central Asian policy.

TAJIKISTAN

April 13-14, 1992

THE CONTEXT

Tajikistan is the southernmost former Soviet republic, bordering Afghanistan and China, and the Tajik language is similar to the Farsi of Iran. Tajikistan is one of the poorest of the new states and its current government is the only one that unabashedly retains its communist label. Tajiks are Sunni Muslims.

Tajikistan's conservative leaders were very suspicious of Gorbachev, glasnost and perestroika and implemented reforms only with great reluctance. Opposition groups have been active in Tajikistan for several years, though their activities have been proscribed and even banned by the Tajik authorities. In the turmoil following the attempted coup in August 1991, hardline communist Rakhman Nabiev re-entered the political arena after the communist dominated Supreme Soviet elected him president. After popular pressure he called a presidential election and was elected in November 1991 in a vote that opposition groups claim was fraudulent.

The arrival of the delegation in Dushanbe coincided with demonstrations in the city's main square, which had begun over three weeks earlier by a variety of groups united in their opposition to the communist government still in power. There was an air of tension in the city as more people poured into Dushanbe from the countryside in protest. The demonstrators were demanding the resignation of the Chairman of the Supreme Soviet (parliament), followed immediately by new, free elections. The government had up to this point refused their demands and the result was a stubborn stalemate: the demonstrators refused to move, and the government rejected their demands.**

THE VISIT

The delegation arrived on April 13, and was met at the airport by Deputy Foreign Minister Erkin Rahmatulaev, members of the Presidium of the Supreme Soviet, the US Charge, Edward McWilliams, and Embassy personnel. The first meeting was with Safarali Kenjaev, the Chairman of the Supreme Soviet. Also present at that meeting was the Foreign Minister, Lakim Kayumov, and several members of the Supreme Soviet's Committee on Foreign Affairs.

** The Chairman of the Supreme Soviet, Safarali Kenjaev, subsequently resigned on April 22, doing so, he said, "in order to preserve the unity of the nation and prevent bloodshed." The Supreme Soviet also agreed to set a date for ratification of a new constitution.

A reception with opposition leaders scheduled for later that day resulted in the appearance of only one of the ten invited leaders. Though initially fearing a "snub" due to resentment against the United States, the delegation later was informed by opposition leaders that the reception had conflicted with a last minute, extremely important strategy session for the ongoing demonstration at the square. Two key opposition leaders agreed to meet with the delegation the following day.

Supreme Soviet Chairman Kenjaev and Foreign Minister Kayumov hosted a state dinner for the delegation on the evening of April 13.

The delegation had a breakfast meeting the next day with an incipient human rights monitoring group, independent press and Jewish community leaders. Following the breakfast, the Senators met with representatives from the two main opposition parties, the Democratic Party and the Islamic Renaissance Party. Immediately after that meeting, the Senators held a press conference in the main hotel, which was attended by journalists from several local newspapers.

At the invitation of the opposition leaders, the delegation walked down to the demonstration site, where there were approximately 2,000 demonstrators. At the center of the demonstration, Co-Chairman DeConcini had a brief meeting with the leader of the Islamic Renaissance Party, Muhammad Sharif Himmatzoda. The delegation's presence on the square attracted positive attention from the demonstrators, and the interest of several journalists.

Before departing Dushanbe, the delegation had a 70 minute meeting with the President of Tajikistan, Rakhman Nabiev. The Foreign Minister, Deputy Foreign Minister and several members of the Supreme Soviet Presidium saw the delegation off at the airport.

MEETINGS

Safarali Kenjaev, Chairman of the Tajikistan Supreme Soviet, and Foreign Minister Lakim Kayumov

Chairman Kenjaev and Foreign Minister Kayumov were accompanied by three members of the Supreme Soviet's Committee on International Affairs.

The Tajik officials expressed great appreciation for the delegation's visit. Chairman Kenjaev, by way of demonstrating the democratic nature of the current system, gave a lengthy description of the process of electing deputies to the Supreme Soviet and the nature of the relationship between the executive and legislative branches of government. He gave examples of cases where 10-20 candidates ran against one another for a single deputy post. He stated that the Supreme Soviet is in the process of adopting hundreds

of new laws to restructure society, noting that counsel from the United States on these drafts would be very welcome.

Co-Chairman DeConcini welcomed Tajikistan into the CSCE. He raised the issue of a new constitution to be followed by new elections which would allow the participation of all political parties. The Senator emphasized the importance of a constitution that incorporated CSCE principles and the holding of new elections that would be fully representative of Tajik society.

Kenjaev took pains to demonstrate that the electoral system as it now exists is democratic. He explained that the Supreme Soviet would be considering soon the draft of a new constitution, and after its adoption--at some unspecified time in the future--there would be new elections. He stressed that no action would be taken as a reaction to unlawful demonstrations or "demands from the masses."

Senator Jeffords explained to Chairman Kenjaev that in considering aid for his country, the U.S. Congress will look at two primary criteria: the process of democratization, including free elections; and the human rights record. Senator Akaka seconded this by encouraging the Tajik government to implement CSCE principles as soon as possible. Kenjaev responded that a recent CSCE rapporteur mission had not noted any major human rights violations in Tajikistan, and maintained that the current Supreme Soviet was elected freely. He declared defensively that he was "ready to talk to anyone who denies the freely elected nature of our elections." Senator Jeffords replied that nevertheless, the perception remained that the last parliamentary elections were not free, and that new ones should be called as soon as possible.

Foreign Minister Kayumov stated that Tajikistan was making its first steps toward democracy, and that it was necessary to be realistic. Both positive steps as well as mistakes would be made. The Tajik government acknowledged the principles of the Helsinki Final Act, he said, and is committed to them.

President Rakhman Nabiev

President Nabiev opened the meeting by noting the historic significance of the delegation's visit. He described the tense situation in Dushanbe from his perspective, explaining that he had attempted many times to negotiate with opposition groups and voicing obvious displeasure over the intractability of the demonstrators. He said that he had met the day before with several of the demonstration's leaders, including Kazi Kolon Turajonzoda (the country's religious leader) and Muhammad Sharif Himmatzoda (leader of the Islamic Renaissance Party), and suggested a plan for a new constitution, after which elections could be called. However, the demonstrators refused to drop their demands for immediate elections.

The President explained that he was "uncomfortable" about many of the slogans on display at the demonstration. The opposition leaders demanded at the meeting the day before a presidential decree that participation in the demonstration would not be used against anyone, in any way. Yet, Nabiev exclaimed, their insults, their calls to arms, could not just be ignored. About those in the square, his final words were, "We know who they are, we know who is influencing them, and we will make efforts to educate them."****

Co-Chairman DeConcini expressed the delegation's concerns about the fairness of the last parliamentary elections, explaining that there is no substitute for free, fair and internationally-monitored elections. He mentioned also the recently passed press law which journalists claim is extremely repressive and asked about political prisoners, including the former mayor of Dushanbe, Maksud Ikramov. [The demonstrators claim that Ikramov was arrested under false charges because he opposes the government.] He emphasized that changes toward genuine democratization must be made or Tajikistan's relations with the United States and other CSCE member countries could be jeopardized. President Nabiev stated that Ikramov was arrested according to legal norms and an investigation was pending. Co-Chairman DeConcini was able, however, to extract permission for a U.S. Embassy official to visit Ikramov, to investigate reports that his jail conditions are poor.

In response to Senator Jeffords' inquiry about what his country requires to help the process of democratization, President Nabiev replied that Tajikistan desperately needs the benefit of American experience. American specialists, for example, could help them determine what natural resources Tajikistan possesses and how best to exploit them.

Opposition leaders: Democratic Party Chairman Shodmon Yusufov and Islamic Renaissance Party Deputy Chairman Davlat Usman

The leaders of these two main opposition parties described the violations of human rights by the government of Tajikistan. Yusufov explained that after Secretary Baker visited Dushanbe and neglected to meet with opposition groups, the government escalated its actions against those groups, now "left to the mercy of the communist regime." The government has brought criminal cases against 53 members of the Democratic Party, and similar numbers from the Islamic Renaissance Party and the Rastokhez (National Front movement) for participating in the demonstrations.

Yusufov blamed Supreme Soviet Chairman Kenjaev for the deterioration in the situation for opposition groups in the past six months. [Kenjaev's resignation was the demonstrator's principal demand.] For example, the recent press laws, which, among other

*** On April 22 it was reported that Nabiev signed a decree promising that demonstrators would not be prosecuted for actions before April 23, the date by which they agreed to disperse.

things, make it a crime to insult public figures and institutions, are more repressive than they had been under Stalin, according to Yusufov. This was why people have been demonstrating for three weeks.

The Democratic Party Chairman claimed that at least one million people had demonstrated in the square at some time, Yusufov continued. Though there were only a few thousand at any one time, the composition of the demonstrators constantly changed, and new participants arrived regularly. He explained that the demonstration had not been called by the opposition--it had been a spontaneous gathering against the government--but opposition leaders had stepped in at the beginning to ensure order. All opposition groups and movements were represented at this demonstration.

Supporters of Kenjaev have tried to raise anti-western slogans at the square in order to discredit the demonstrators. All opposition leaders fully disassociated themselves from such slogans. Furthermore, BBC and VOA broadcasts were spreading the idea that the demonstrators were demanding the overthrow of the government and the establishment of an Islamic republic. This, said Yusufov, was "nonsense."

Davlat Usman related how the old communist structure still exists in Tajikistan and no changes have been made. People in the Islamic Renaissance Party are routinely harassed, detained and fined. The people in the square, from all political points of view, were united in one goal: the dismantling of the communist structure.

In response to Co-Chairman DeConcini's question about the goal of his party, Usman explained that people should have the kind of government that they want, including an Islamic-oriented one. He was quick to emphasize that his party does not support the forcible seizure of power. When asked whether such an Islamic government would respect the rights of religious minorities, Usman responded that as a legal scholar, he saw no contradiction between Islamic law and international standards. The time has come, he declared, for a rapprochement between the Islamic and the Christian worlds. Co-Chairman DeConcini expressed his agreement. Both Usman and Yusufov declared their commitment to Helsinki principles of human rights and democracy for all the people of Tajikistan.

The Press Conference

Shortly before meeting with the President, the delegation held a press conference, at which Co-Chairman DeConcini reiterated the delegation's hope for improved relations between Tajikistan and the United States, and for further democratization in the new state. He declared that the repressive actions against the Democratic Party, Islamic Renaissance Party and other groups were unacceptable, and that the delegation would raise this and other issues with President Nabiev.

Senator Jeffords noted that Tajik government officials had assured the delegation that there soon would be a new constitution and new elections. He announced that U.S. officials would be observing the situation carefully in Tajikistan to see that this pledge was carried out, commenting that it was unlikely that American aid would be forthcoming without such events. Senator Akaka pointed out the Helsinki Commission's important role in monitoring future developments in Tajikistan.

In response to a question from a member of the Union of Journalists about the demonstrations, Co-Chairman DeConcini affirmed that in a true democracy, all views must be allowed full expression, without fear of retribution. However, any change in government must happen only through democratic means. A journalist from the newspaper "Jumhuriyat" ("Republic") asked about the press law. Co-Chairman DeConcini stated that the law was not in accord with CSCE principles and urged the Supreme Soviet to repeal it.

UZBEKISTAN
April 14-14, 1992

THE CONTEXT

Uzbekistan is the most populous Central Asian republic, with some 20 million people, 70 percent of whom are Uzbek. The Uzbek language is in the Turkic family of languages, related to the language of Turkey. The Uzbeks are Sunni Muslims. The new state faces severe economic and environmental difficulties, which threaten both its prospect for further democratization and the implementation of free-market reforms.

The Uzbek leadership did not permit the sort of political liberalization found in other former Soviet republics, despite the reforms instituted under *glasnost*. The current president of Uzbekistan, Islam Karimov, is a former Communist Party leader who skillfully maneuvered events to secure his continued leadership after he himself declared the Party illegal. Karimov was elected president on December 29, 1991, in a contested election, though the primary opposition group was prevented from fielding a candidate.

Opposition groups and their activities are restrained and sometimes impeded by the authorities. The media is virtually completely controlled by the state. There is only one legally registered party (other than the ruling party), called "*Erk*" ("Freedom"). The largest opposition group, the Popular Front Movement known as "*Birlik*," has not been permitted to register as a political party, and was on this basis not allowed to participate in elections. *Birlik* incorporates wide political views, from nationalists to social-democrats. There is a branch of the Islamic Renaissance Party active in Uzbekistan, though it is still officially banned. Severe economic difficulties and the still authoritarian nature of the government have given rise to concerns that newly freed religious sentiments could be exploited for political ends, though it remains impossible at this time to gauge the influence of the extremist element on the Uzbek population.

THE VISIT

The delegation arrived April 14 and was met at the airport by the Deputy Foreign Minister F. Teshabaev, several members of Uzbekistan's Supreme Soviet and U.S. Charge Michael Mozur. The first meeting was with Mohammed Salih, the leader of *Erk*, the country's only officially registered opposition party. This was followed by a lengthy meeting with the Foreign Minister Ubaidulla Abdurazzakov. The delegation met with the Chairman of the Supreme Soviet, Shavkat Yuldashev. Also present at that meeting were the chairmen of several Supreme Soviet committees, including Foreign Affairs, Human Rights and Economic Reforms. The final official meeting was with Uzbekistan Prime Minister Abdulkhashim Mutalov. A meeting with President Islam Karimov was not possible because the President was visiting Saudi Arabia.

The delegation also met with several leaders of the largest opposition group, *Birlik*. Later that evening, the American Embassy in Tashkent gave a reception for the delegation, the first official event held at the new Embassy building. Uzbek officials and representatives of opposition groups attended, as did several visiting American businesspersons.

The following day delegation members visited the historic city of Samarkand, where they were hosted at an official lunch by Pulat Abdurakhmanov, head of the Samarkand regional Supreme Soviet.

MEETINGS

Foreign Minister Ubaidulla Abdurazzakov

Foreign Minister Abdurazzakov warmly greeted the delegation, noting with gratitude that the United States was the first country to open an embassy in Tashkent. He assured them of his country's intention to comply with all CSCE commitments. In this context, the Foreign Minister thanked the Helsinki Commission for its presence at their presidential elections held the previous December. Relations between Uzbekistan and the CIS were good, he stated, though many of the issues within the CIS remain unsolved.

In response to Co-Chairman DeConcini's inquiry about progress toward a new constitution, Abdurazzakov explained that though his country had every intention of implementing democratic reforms such as a new constitution and a free press, these developments take time and experience. The particular experiences of Uzbekistan, including feudalism, colonization and then socialism, must be taken into account. His country had only just obtained independence, barely three months ago. In addition, Uzbekistan is a very poor country, and the current economic situation is dire. It was not long ago, he noted, that people were put in prison for contrary views.

The Foreign Minister asserted that there is a free press today in Uzbekistan, and opposition groups are allowed to publish. Anyone may criticize the government, Abdurazzakov claimed; even criticism of himself was allowed. He qualified press freedom however: the current Uzbek press law forbids publishing anything which promotes war, fascism, the incitement to ethnic violence, or contains "non-objective" attacks on individuals.

Abdurazzakov concluded by expressing gratitude to the delegation for its interest in and concern for his country. Uzbekistan, he noted, could benefit very much from the United States' experience.

Chairman of the Supreme Soviet Shavkat Yuldashev

The meeting with the Chairman of the Supreme Soviet was attended also by the Chairpersons of the main committees in the Supreme Soviet, including Mr. Khojaev of the Committee on Economic Reform, Mr. Jalilov of the Committee on the Environment and Natural Resources, and Ms. Yeshimbetova of the Committee on Human Rights.

Chairman Yuldashev explained that Uzbekistan was taking its first steps toward becoming a democratic country based on the rule of law. In the old days, he explained, Uzbekistan's Supreme Soviet acted as a rubber stamp for the decisions made in Moscow. With the dissolution of the Soviet Union, the Uzbek Supreme Soviet is doing its own legislative work for the very first time. He noted that the experience of the U.S. Congress would be particularly useful for them, including a description of its basic rules and functions.

Yuldashev expressed Uzbek President Karimov's commitment to the Turkish model of development, and to the separation of church and state. The Supreme Soviet is currently considering many laws on economic reform and privatization.

Co-Chairman DeConcini welcomed Uzbekistan into the CSCE and expressed understanding of the difficulties involved with political and economic reform. He pointed out the need for a new constitution, one that would incorporate all CSCE principles and provide guarantees to all the citizens of Uzbekistan. Yuldashev explained that a draft of the new constitution is ready, and that all opposition parties were involved in its formation. Soon, Uzbekistan would have a new, multi-party election law on which new elections would be based. He declined to say, however, despite persistent inquiries, when the new constitution would be adopted and when new elections would be called.

Senator Jeffords noted Uzbekistan's particular economic and environmental problems due to the over-planting of cotton. Yuldashev responded that this was only one of the problems resulting from the old Moscow-centered command system. The Chairman of the Economic Reform Committee stated that the first order of business for the Supreme Soviet is the development of a market economy based on private ownership. The parliament has recently passed, for example, a law on foreign investment which gives full freedom to foreign investors, including freedom from taxes for two years.

Expressing understanding of Uzbekistan's difficult historical experience as a colony of Russia, and the repression and exploitation of the Uzbek people, Senator Akaka noted his gratification at Uzbekistan's newfound independence. He invited the Uzbek government to use the CSCE process as an instrument in the process of democratization.

Prime Minister Abdulhashim Mutalov

Rather than responding directly to Co-Chairman DeConcini's inquiry about the time frame foreseen for the adoption of a new constitution, Prime Minister Mutalov described instead the difficult economic situation in Uzbekistan. He mentioned that trade relations were being developed with other states of the CIS, and gave as an example of the first step toward good relations with Europe the recent signing of an agreement with Hungary. He noted that the following day he would meet with a Turkish delegation to discuss the development of textiles, agricultural production and energy products. All of these developments, he stressed, were dependent on the acquisition of foreign technology.

When pressed on the constitution issue, Mutalov claimed that there was cooperation with all political groups in the formation of the latest draft constitution. He claimed that he was not in a position to say precisely when a constitution would be adopted, as that was not within his competence. He reiterated his country's commitment to democracy, noting also that rapid change would not be advisable. The Prime Minister denied that there was any press censorship, asserting that any problems which groups outside the government were experiencing were economic in origin, primarily the shortage of paper and ink.

Asked about the exclusion of the Popular Front Movement "Birlik" from the recent presidential election, Mutalov repeated the official explanation (heard many times before by Helsinki Commission staff) that Birlik could not participate as it was not a registered political party. He did state, however, that Birlik would naturally take part in new elections (though he did not say when they would be). Though he proclaimed that all political movements are welcome in the political process, Mutalov qualified this with the assertion that all such movements and parties must have a "useful program relevant to the economic and political life" of Uzbekistan.

Mohammed Salih, Head of the Erk Party

Salih pointed out that Uzbekistan's membership in the CSCE did not suggest that Uzbekistan was a democratic state, though he acknowledged that such membership could provide the impulse for democratic change. He said that though the situation in Uzbekistan for opposition groups improved after the August coup attempt, since the presidential election last December, the process of democratization had virtually stopped. For example, the press is completely controlled by the state in Uzbekistan. Though his party is allowed to publish, its publications are subject to strict censorship. *Erk's* newspaper is still in print--it has not been closed down, though that threat always hangs over them.

Explaining that Uzbekistan was just emerging from a colonial regime, Salih reported that it was thus a society in transition. The government still runs on its old structures, upon which true democratization and privatization are not possible. This being the case,

the notion of human rights is still virtually non-existent. For example, though his party is the only legally registered party in Uzbekistan, its members are still harassed at work, even dismissed from their jobs if their membership in *Erk* becomes known. Unlawful persecution for political opinions still occurs.

Shukhrat Ismatullaev and Abdumanob Pulatov, leaders of the Popular Front Movement "Birlik"

Ismatullaev said that though it was reported in the local newspapers that Uzbekistan had signed the Helsinki Final Act, no explanation was given as to what this signified or entailed. The two leaders explained that their movement, though the largest in Uzbekistan, is still prevented from registering as a political party and thus participating in the political life of the country. They said that no one in the opposition groups had been consulted about the draft of a new constitution, as Prime Minister Mutalov had asserted.

When asked to give further examples of the difficult situation for opposition groups in Uzbekistan, Ismatullaev explained that though *Birlik* had existed for more than three years, it still had no headquarters. All other such groups were given headquarters, as was the case under the old system, but *Birlik* was singled out and refused a meeting place. They are willing even to pay, but no rooms are made available. Their official newspaper is not registered and thus not able to be distributed. They are unable even to print it in Uzbekistan--it is printed in Sverdlovsk, from where it is flown in and frequently confiscated right at the airport. All newspapers that do exist are heavily censored.

Though the right to demonstrate exists in principal in Uzbekistan, Ismatullaev continued, they are always denied permission by the Uzbek authorities, usually with the reason that the current political situation is too "unstable." He said that activists from other, smaller opposition groups are sometimes arrested, giving as an example Bakhrom Hayip, leader of the small "Turkestan" party, who was arrested not long ago. The government tried to bring a case against him, but in the end was unable to, as a local judge could find no evidence against him. Ismatullaev explained that this was an indication that some things today are different from the old days, in that all judges will no longer automatically do the government's bidding. He mentioned also a lawyer in Tashkent named Suleimenov who is currently in jail for writing articles against President Karimov, and 11 members of a small Islamic-oriented organization in Namangan called "*Adolet*" ("Justice") who have been in jail since the end of March on charges of "vigilantism."

KAZAKHSTAN
April 15-17, 1992

THE CONTEXT

The delegation's visit to Kazakhstan took place at a time of growing international attention to that huge country (slightly smaller than India) and its president, Nursultan Nazarbaev. Nazarbaev rose to prominence in Soviet politics in 1990 as Kazakhstan's Communist Party leader and then president (elected by the Supreme Soviet), and gained renown as a popular, pragmatic politician rumored to be a Vice-Presidential candidate under Mikhail Gorbachev. In December 1991, he won 98 percent of the vote in a general presidential election to become Kazakhstan's first popularly elected president.**** Later that month, he joined on behalf of his republic with Russia, Ukraine and Belarus, as well as all the other former Soviet republics except Georgia, in signing the agreement constituting the Commonwealth of Independent States. Nazarbaev was reportedly miffed that Russia, Ukraine and Belarus had not invited him to the first meeting of heads of state to discuss the formation of such a commonwealth in early December; perhaps for that reason, the agreement creating the CIS was signed in Alma-Ata.

Kazakhstan is very rich in natural resources; some Western experts believe its oil reserves, for example, rival Kuwait's, and Western governments and companies are eager to forge economic ties. But much of the international community's attention to Kazakhstan focuses on its nuclear weapons; along with Ukraine, Belarus and Russia, strategic nuclear weapons have long been stationed on Kazakhstan's territory. The United States and the West, generally, have been greatly concerned to ensure the removal of those weapons from Kazakhstan and their destruction, as well as the prevention of any possible proliferation of weapons or nuclear materials. After the August 1991 coup, President Nazarbaev initially asserted his firm resolve to get rid of nuclear weapons located in Kazakhstan, but he has subsequently made ambiguous statements on retaining them. The December 1991 agreement forming the CIS stipulated that control of the Commonwealth's strategic weapons would be "joint," i.e., that all four former Soviet republics with such weapons would be responsible for their management and use.

Kazakhstan has been relatively stable, but it is the only former Soviet republic where the titular nationality -- Kazakhs -- are not a majority of the population (about 17

**** The opposition movement *Zheltoksan* [December] tried to field a candidate and claimed that it had gathered well over the 100,000 signatures needed to do so. However, party spokesmen charged that Kazakhstan's Internal Affairs troops attacked party facilities and stole 30,000 signatures (as well as money), making it impossible to contest the election.

million); there are almost as many Russians as Kazakhs, and some Russians in the northern and eastern regions want to secede from Kazakhstan and unite with Russia. Kazakhstan's internal stability therefore demands balancing demands of Kazakhs and Russians. To date, Nazarbaev has done so, and he is widely seen as a key to continued stability in Kazakhstan.

The former Communist Party, now renamed the Socialist Party, is the most important player in Kazakhstan's politics. There are many smaller parties, most of which are organized largely along national lines, as well as a broad-based ecological movement, whose agenda all politicians in environmentally devastated Kazakhstan have adopted.

THE VISIT

The delegation arrived in Alma-Ata late in the evening on April 15 and was greeted by U.S. Charge William Courtney. The delegation met the next day with President Nazarbaev, then with the Deputy Chairperson and leaders of the Supreme Soviet. Subsequent meetings were held with opposition parties and movements and both officials and opposition activists attended a reception that evening -- held in honor of the delegation -- to open the new U.S. Embassy. Co-Chairman DeConcini also met with the deputy Mayor of Alma-Ata, which has a sister-city relationship with Tucson, AZ.

MEETINGS

President Nursultan Nazarbaev

The delegation met first with President Nursultan Nazarbaev. He stressed the primacy of the individual over the nation as the bedrock principle of human rights and stability in nationally heterogenous Kazakhstan. Though the republic had suffered grievously during Russian-Soviet rule, ordinary Russians bore no responsibility for those afflictions and should not be the target of Kazakh resentment. Nazarbaev asked the delegation to keep that in mind when meeting later with opposition spokesmen who, he said, would stress the rights of one nationality, i.e., Kazakhs.

He went on to explain that Kazakhstan was determined to build a rule of law state and a market economy, adding that he was dissatisfied with the pace of privatization. Turning to domestic policy in Kazakhstan, Co-Chairman DeConcini asked whether restrictions had been placed on internal travel by foreign diplomats, with permission from the authorities being necessary. Nazarbaev denied that any such decree had been issued, specifying that the only restrictions on travel concerned areas of military secrecy.

On nuclear weapons, Nazarbaev said he had closed the Semi-Palatinsk nuclear testing ground, that no testing was taking place in the republic, and that all tactical nuclear weapons had been removed to Russia. Management of strategic nuclear weapons had

been given to Russia, and Kazakhstan accepted the START agreement, which, said Nazarbaev, parliament should ratify. Kazakhstan would sign the Non-Proliferation Treaty, he added, though not as a "non-nuclear state," since weapons had been tested on its territory since 1949. Should there be future arm control negotiations, Nazarbaev said that Kazakhstan should participate in them on an equal basis.

Nazarbaev said Kazakhstan is a "temporary nuclear state" that aims to become non-nuclear, but is surrounded by nuclear-armed, unstable Russia and China, which have made territorial claims against Kazakhstan. He asked the delegation to take into account Kazakhstan's situation. Nazarbaev then promised that there would never be any proliferation of nuclear weapons or materials from Kazakhstan. He emphasized that Kazakhstan would "not accept any religious-based nuclear policy," i.e., Islamic fundamentalism, even though, he said, "we have received such requests." We are trying to build a civilized secular state, he said, and we explain that to all Arab countries that want to have relations with us. "We want particularly close relations with the United States," he emphasized.

In conclusion, Nazarbaev discussed his upcoming visit to Washington in late May. Co-Chairman DeConcini invited Nazarbaev to visit the Congress and voiced the hope that there would be time for a separate meeting with the Helsinki Commission.

Parliament

The delegation's next meeting was with the leadership of the Supreme Council, chaired by the parliament's deputy chairman, Zinaida Fedotova. After explaining that the legislature is about two years old, has 360 members and 15 committees, she detailed past legislative achievements, including state-building (the 1990 declaration of sovereignty and 1991 declaration of independence, the passage of a law on the presidency), economic reform (free economic zones and foreign investment) and human rights (laws on citizenship and political organizations). A key item on the upcoming legislative agenda is the draft constitution, which will be discussed in May.

Responding to questions from Co-Chairman DeConcini, Fedotova and other members of the Kazakh side denied that Kazakhstan's law on insulting the honor and dignity of the president violated or threatened human rights, or limited anyone's ability to criticize the president or his policies.

Senator Jeffords's questions about economic reform elicited information about the progress of privatization, which is being carried out in stages, with large enterprises remaining under state control in the first stages. Eventually, however, the deputies assured the delegation, large-scale enterprises will also be privatized.

The delegation then raised the issue of Kazakhstan's absence at the CSCE Follow-up Meeting in Helsinki (Kazakhstan and Turkmenistan were the only former Soviet republics which did not send even a representative to the opening of the Meeting). The deputy Foreign Minister assured the delegation that Kazakhstan takes the CSCE process seriously, but because Kazakhstan's Foreign Minister is very busy with other matters, he asked Russian Foreign Minister Kozyrev to represent Kazakhstan in Helsinki for now.

At this point, Olzhas Suleimenov, a Kazakh deputy and well-known environmental activist, interjected that he did not agree that Russia could represent Kazakhstan in the CSCE or any other multi-lateral forums. He said that serious efforts would be made to ensure that no other country would again represent Kazakhstan. Another Kazakh deputy added that the financial costs of maintaining a presence at the CSCE meeting was a severely constraining factor.

Opposition

The delegation then held a working lunch with representatives of the Republican Party, *Azat* ("Freedom"), *Alash*, *Zheltoksan* ("December"), and the Social-Democrats. Spokespersons of these parties described their party's goals -- in each case, a democratic, multi-party system -- and explained that the government calls them "radical nationalists" only to discredit them. They all denied that they seek to give Kazakhs -- or any other nation in Kazakhstan -- priority. They asserted, however, that they want equal treatment for Kazakhs. The members of *Zheltoksan*, the Republican Party and *Alash* said that their parties reject Kazakhstan's membership in the Commonwealth of Independent States or any other over-arching entity emerging out of the former USSR.

Offering their view of the political situation in Kazakhstan, and the opportunities and restrictions on opposition activity, the opposition spokesmen said that the triumph of democracy in Kazakhstan is illusory. Though communists no longer rule in name, they continue to rule in fact; the government maintains tight control of the media, allowing the opposition very limited access. Kazakhstan's authorities also subsidize government newspapers, while the opposition press faces financial difficulties and skyrocketing prices. The representative of *Zheltoksan* detailed how his party's attempt to field a candidate in the December 1 presidential election had been thwarted by Kazakhstan's security organs.

Alash, an Islamic party, remains unregistered and, essentially, banned. Six *Alash* leaders are in prison, on charges of hooliganism stemming from an incident in Alma-Ata in which they allegedly beat up the Mufti in a mosque during services. The *Alash* representative claimed the charges were false, and that the entire affair constituted blatant political repression of an opposition group. She thanked the delegation for being the "first people who have tried to discuss this with us in a humane way."

The chairman of *Azat*, an umbrella organization rather than a political party, described how the authorities painted *Azat's* activities as "nationalist" in order to provoke the creation of a counterbalancing Russian organization -- *Edinstvo* -- to defend Russian interests and thus play off one nation against another.

The opposition activists acknowledged Nazarbaev's popularity but tended to view him as the best of the old Communist Party crowd rather than a genuine democrat. *Zheltoksan's* representative asked the delegation to condition any future credits to Kazakhstan on its observance of human rights.

The delegation then met with two representatives of the Russian opposition group *Edinstvo*. They said they advocate the complete equality of all nationalities and claimed that Russians, as well as other non-Kazakhs, such as Meskhetian Turks and Chechens, have suffered discrimination in Kazakhstan. The *Edinstvo* spokesmen want Russian to have the status of state language (along with Kazakh) and equal representation in administration, which they claim is currently weighted towards Kazakhs. They asserted that Kazakhstan is delaying privatization so as not to permit land and other assets to fall into Russian hands.

Edinstvo representatives strongly denied, however, reports that they favor secession of any parts of Kazakhstan and unification with Russia. Any such move, they said, would lead to ethnic war, and if any parts of Kazakhstan ever seceded and joined Russia, the plight of any Russians remaining in Kazakhstan would be disastrous.

That evening, delegation attended a reception in their honor held to mark the official opening of the new U.S. Embassy in Alma-Ata. Both officials and opposition activists -- some of whom had met the delegation during the day -- attended.

CONCLUSIONS

The Helsinki Commission's visit to three of the Central Asian states, the first such congressional delegation to this region, provided the opportunity for the Commission to welcome these new members into the CSCE. The visit also enabled the Commission to assess first hand not only the prospects for democracy and human rights, but also the very real difficulties these nations face as they make their first steps as independent states, and the way that the CSCE and the United States might help.

The outlook for democracy and human rights is mixed, the delegation found. Though there are many parties operating in the Central Asian states visited, in all three the re-named Communist Party remains in tight control. Opposition groups and parties are hampered to varying degrees; members are often fined or dismissed from jobs, and in some cases, many opposition parties remain banned outright. The press remains firmly controlled by the state, denying opposition groups access to print, radio, and television.

However, given the very newness of statehood to the Central Asian leaders and the tenacious hold of the old structures, the fact that democratic reforms have not progressed further is not proof that they will not develop. As an indication that the people of Central Asia are slowly understanding the role that they as individuals must play in the struggle for democracy, only a few days after the delegation left Tajikistan, the Chairman of the Supreme Soviet gave in to the demands of the thousands who united in protest against the continued rule of an unjustly elected, communist-dominated parliament. With the resignation of Supreme Soviet Chairman Kenjaev, it is hoped that further steps can be made toward the adoption of a new constitution and the holding of genuinely free elections with the participation of all parties active in Tajikistan.

The delegation's visit demonstrated the very real need for U.S. engagement in this region. At nearly every meeting, both government and opposition leaders mentioned the great value of the American presence in their states--though sometimes for conflicting reasons. Government authorities noted how useful American experience and counsel are as they fashion new laws, draft new constitutions and plan to hold contested elections for the first time in their history. In Tajikistan and Uzbekistan, for example, the officials requested from the Senators a description of American practices regarding elections to Congress, eager to learn how it is done in a country with, as they put it, "two-hundred years of experience with democracy."

At the same time, representatives from opposition groups in the Central Asian states, who routinely suffer harassment from the authorities, pleaded for U.S. engagement in order to promote genuine democratization. Without the watchful and knowing eyes of the West, they fear that the authorities will be reluctant to implement any real change.

They encouraged the active involvement of all CSCE member states in their countries to press the Central Asian governments on implementing the Helsinki Accords, to which their governments have committed themselves.

It is significant that the delegation met with Islamic leaders and opposition groups in several of the Central Asian states. All of these leaders spoke in terms of democracy and human rights for all citizens of their countries. In most cases, it was found that these groups are oftentimes unfairly labeled "fundamentalist"; they are working to see their religion, Islam, re-take its rightful place in society after 70 years of crude Soviet attempts to repress and eradicate it. However, the very poor economic and social conditions in these new states, and the relatively weak understanding of democracy there, could unite to provide ripe ground for extremism. Immediate U.S. and CSCE involvement to promote democratization and development are thus crucial.

Visits by American experts to Central Asia, and sponsored visits of Central Asian officials, especially parliamentarians, to the United States would be particularly valuable. The delegation learned that one way to promote American goals of democracy and stability in Central Asia would be for Americans, from many branches of government and from all professions, to become active in providing counsel and education in those very matters that Americans themselves often take for granted: free elections, independent judiciary and formulating laws ensuring the freedoms of speech, religion, assembly and press. Such engagement should also be a constant reminder to those authorities clinging to old ways that democratic reform must be more than just a signature on paper.

The Central Asian states are in desperate need of economic and technical assistance. The difficulties posed by the entrenchment of the old communist political structures, the backward state of their economies due to decades of colonial-style exploitation, the consequences of hypercentralized Soviet planning that has since collapsed, and the unprecedented environmental devastation due to decades of unsound agriculture practices are simply unsurmountable without technical assistance to help them re-structure the inefficient economies with which the Soviet system has left them. In the face of the extremist threat that is fueled by continued economic deprivation, active western engagement to promote economic development is essential.

It is clear that the Central Asian states can benefit by active involvement in the CSCE. The experience of other former communist states in East-Central Europe in their transition to democracy would be particularly useful, as the Central Asian states are only just embarking on this difficult path. United States involvement in this process is vital.

UKRAINE

April 17, 1992

THE CONTEXT

Shortly after the failed coup in Moscow, an extraordinary session of the Ukrainian Supreme Soviet on August 24, 1991, adopted a declaration proclaiming the independence of Ukraine. On December 1, 1991, residents of Ukraine overwhelmingly voted for independence (91 percent) and chose Leonid Kravchuk, the chairman of the Ukrainian parliament, as president, with 61 percent of the vote. Ukraine's emergence as an independent state effectively ended any prospect of salvaging a federated or even confederated USSR.

Internally, Kravchuk's current political strategy seems to be to hold on to the passive support of the former party functionaries currently in government, while trying to garner backing among the opposition by accepting many of its goals, especially the building up of Ukrainian statehood.

While buoyed by the establishment of an independent state, Ukrainians are faced with numerous challenges in making the transformation from being a part of a totalitarian, centralized, command economy state to a truly independent, democratic state based on respect for human rights, rule of law and a market-oriented economy.

Ukraine faces serious economic difficulties, the result of a command economy dominated by decades of inefficiency, corruption and shortages. Ukraine, which confronts a sharp decline in industrial production and rapidly rising prices, recently adopted new economic reforms and passed free-market oriented laws on privatization, foreign investment and taxation. But reforms are moving slowly, as many former communists in the government still run day-to-day affairs. Ukraine is moving towards the establishment of its own currency, although the timing of its introduction is yet to be determined.

With respect to human rights and democratization, Ukraine became a participating State of the Conference on Security and Cooperation in Europe (CSCE), pledging to respect CSCE and other international human rights commitments. The Ukrainian parliament is currently preparing a new constitution, the current draft of which is generally consistent with democratic values and the rule of law. In addition to its positive policy towards minorities, human rights reforms include a multiparty system, and reformist legislation on the Procuracy, citizenship, religion, and alternative military service. A law on national minorities (building on a declaration on minorities passed in November) and a law on emigration are envisioned soon. As in the economic sphere, there are problems with implementation, and progress is being hampered by the continued presence of "old thinkers" and the lack of material/technical resources.

With respect to foreign relations, Ukraine recognizes the importance of maintaining good relations with Russia, but after centuries of domination by Moscow, is exceedingly wary of a resurgence of Russian imperialism. A strong perception exists in Ukraine that Russia is still not willing to treat Ukraine as an equal. Ukraine is rapidly moving to acquire the attributes of state independence, including its own military forces, and sees the Commonwealth of Independent States as a temporary arrangement and forum for discussion of issues rather than a permanent association or state structure. Major irritants in the relationship exist, including the status of Crimea, the Black Sea Fleet, control over the non-use of nuclear weapons, the division of former Soviet assets and economic policies. There is, however, hope for progress as Ukraine and Russia are engaged in negotiations in many of these areas.

Ukraine's foreign policy is oriented toward the West, stressing close ties with its East-Central European neighbors, the European Community, Canada and the United States. More than 130 countries have recognized Ukraine. The United States is moving quickly to establish a presence in Ukraine and has welcomed Ukrainian commitments to respect human rights and democratic values, to abide by the terms of the CFE, START and the Nuclear Non-Proliferation Treaties and to eliminate nuclear weapons on its territory. Concern, however, was expressed by the State Department over Ukraine's suspension of the transfer of tactical nuclear weapons to Russia. (Ukraine's suspension was motivated by lack of assurances that the weapons were indeed being destroyed, although this issue appears to be on the way to resolution.)

THE VISIT

The delegation arrived in Kiev the morning of April 17 and was met by U.S. Charge d'Affaires Jon Gundersen and other U.S. Embassy staff. After an informal lunch at a cooperative, the delegation met with Oleksandr Yemets, Chairman, Human Rights Commission of the Ukrainian Parliament and four other members of the Commission. The delegation proceeded to a meeting with Ivan Plyushch, Chairman of the Ukrainian parliament and four other leading members of Parliament. Thereafter, the delegation met with President Leonid Kravchuk for an hour.

That evening, the delegation hosted a reception at the Zhovtneviy Hotel. Attendees included government officials, parliamentarians, local and Western journalists, diplomats, members of the American business community and other Americans involved in assistance efforts living in or visiting Kiev. Co-Chairman DeConcini held a press briefing for journalists present. The delegation departed Kiev early on April 18.

MEETINGS

Oleksandr Yemets, Chairman of the Ukrainian Parliament's Human Rights Commission and Member, President's State Advisory Council (Duma)

Following an informal lunch at the Lesnitsa cooperative, the delegation held a meeting at the Parliament's Permanent Commissions Building with Oleksandr Yemets, Chairman of the Parliament's Human Rights Commission and four other members of the Commission. Yemets told members of the delegation that he will soon resign this post as he has recently been named to President Kravchuk's State Advisory Council (Duma), where he will have responsibility for human rights and democratization.

Co-Chairman DeConcini noted the importance of human rights and stressed that Ukraine is one of the leading examples where from the U.S. perspective, there is a great deal of friendship and ethnic support, and a strong desire that Ukraine reach its objective of democracy. Chairman Yemets described three levels of human rights monitoring in Ukraine: the legal/judicial; implementation; and judicial mechanisms. As to the first, legal/judicial level, Yemets cited various parliamentary steps, including the creation of a multiparty system, laws on freedom of religion; on the rehabilitation of political prisoners; on citizenship (which gives equal rights to all the peoples of Ukraine without any residency requirements); on alternative military service; and various documents on national minorities.

Yemets observed that the second aspect, implementation, is the most difficult. Noting that parts of these laws are being implemented, he candidly acknowledged problems. The first is the lack of civic knowledge, including on the part of judges and others trained during the totalitarian period. The other problem is of a material/technical nature, where there is simply not enough money in the budget for training. Summarizing, Chairman Yemets explained that there is a political will to institutionalize democratic reforms, but problems remain -- some of which can be addressed today and others which will take awhile.

Responding to the Co-Chairman's question about "leftovers" from the old regime, Yemets admitted that most people, with the exception of the political prisoners who recognized the anti-humanist nature of the regime, were trained under the previous regime. Some, he observed, have changed, others have not. Contrasting it to Russia, Ukraine is specific in that, in addition to moving from a command to market economy, they are building a state.

Asked by Senator Jeffords about the protection of workers during the transition to a market economy, Yemets described Ukraine's unions in asserting that there is now competition between the former "official" union and independent unions. He stated that social protection will be afforded under the new constitution and many are even in place

now (e.g., minimum wage), but acknowledged that while it is easy to solve these problems through passage of legislation, it is much more difficult to create an entire system.

In response to Staff Director Wise's question on an independent judiciary, Yemets described what is envisioned in the draft constitution, noting that there are intensive discussions on unsettled questions, such as: whether Executive or Parliamentary appointments guarantee greater judicial independence, or whether to have term or life appointments for judges.

Co-Chairman DeConcini cited progress in the resolution of refusenik cases and urged the resolution of remaining cases. (Following the meeting, he presented Yemets with the U.S. list of unresolved emigration cases.) Yemets mentioned that a committee, which includes representatives of Ukraine's Jewish community, is being formed to look into this problem and expressed confidence that these cases would be resolved in the near future. Yemets said that he has also asked this group to draft an emigration law.

Co-Chairman DeConcini asked whether the Human Rights Commission has considered action to those individuals imprisoned for criminal activities prior to the new regime. Yemets indicated that the existing system does not give a parliamentary commission the right to review judicial sentences, but many cases were reviewed and amnestied within the last few years by either the Chairman of the Parliament (now, this function has gone to the President), or by the Supreme Court or Procurator, with recommendations from the commission.

Co-Chairman DeConcini and Senator Jeffords then gave detailed responses to Yemets' questions on U.S. secrecy laws and restrictions on travel, on laws governing demonstrations, and on various aspects of the U.S. judicial system, including the selection and training of judges in the United States. They also compared (or, more aptly, contrasted) the system of the Procuracy, whose powers the Ukrainian parliament has recently curbed, with the U.S. judicial system.

Turning from human rights and rule of law, Chairman Yemets raised a theme which was to come up in subsequent meetings, namely, that the world was not getting a full picture of what was happening in Ukraine and viewed Ukraine through Moscow's eyes. Asserting that Russia has begun to work against the statehood of Ukraine, Yemets claimed that Ukraine was not trying to find external solutions to domestic problems. He said that he keeps in close touch with the Russian parliament's Human Rights Commission Chairman Sergei Kovalev, who has received not one complaint of human rights abuses against ethnic Russians in Ukraine. Yemets maintained that there is no discrimination in personnel policy against any national minority and that professional competence is the criteria, citing the elevation of two ethnic Russians to the key posts of Defense Minister and Procurator. In response, Co-Chairman DeConcini gave some practical suggestions on steps Ukraine might take to present its story. Stating that he, too, would be upset by

Russia if he were in Yemets' place, he stressed the importance of an open freedom of information process which would establish credibility that Ukraine has nothing to hide.

Ivan Plyushch, Chairman, Ukrainian Parliament and other parliamentary leaders

The delegation proceeded to the Ukrainian Parliament for a meeting with Ukrainian Parliament Chairman Ivan Plyushch, who was accompanied by parliamentarians Bohdan Horyn, Deputy Chairman of the Foreign Affairs Commission, Volodymyr Yavorivsky, Chairman of the parliamentary commission on the Chernobyl disaster and Oleksander Kociuba of the parliamentary committee on legislation.

Chairman Plyushch opened the meeting by thanking Co-Chairman DeConcini and the Commission for their good work on human rights and for his resolution last fall calling for United States recognition of Ukraine. He expressed the hope that the delegation's visit would lead to a better understanding of Ukraine and its aspirations.

Co-Chairman DeConcini described the work of the Commission, his resolution on Ukraine's recognition (which passed the Congress prior to the December 1 referendum) and the activity of the Ukrainian-American community in this respect. In response to a question by Chairman Plyushch on allocation of assistance to Ukraine, Senator Jeffords explained the authorization process in the Congress. He observed that conditions on aid include progress in establishing democracy and respect for human rights, and expressed the hope that the United States will be able to give sufficient aid in these difficult economic times, and that the emphasis will be on technical assistance.

Chairman Plyushch asserted that Russia still cannot come to grips with the fact that Ukraine is independent and said he would appreciate efforts to try to get that point across. He criticized the Russian parliament's review of past legislative acts with respect to Crimea (i.e., the 1954 transfer of Crimea to Ukraine), stating that Ukraine is interested in the stability of all its neighbors, including Russia, but that it does not allow Russia to violate international agreements. Chairman Plyushch expressed the hope that the impasse is temporary and called for positive public opinion in the West on the Crimean issue.

Co-Chairman DeConcini asked Plyushch about his feelings on the stabilization fund and the currency question, including when Ukraine would have its own currency. Plyushch candidly responded that Ukraine is not ready to introduce its own currency, although this is certainly the intention. According to Plyushch, only about 10 percent of the factors involved in introducing a currency have been resolved, although progress is being made. Ukraine is currently working on creating an independent structure of the National Bank and have a program to train personnel on this question. They are also working with the IMF, EBRD and others regarding a stabilization fund, and within this context, he noted that Ukrainian geologists have found large reserves of gold in Ukraine and can start mining them within a year. Chairman Plyushch contended that the question of Ukraine's

currency is not so much a question of time but how they can support and not compromise it. He then went on to describe the current use of a pseudo-currency -- coupons, stating that 70 percent of the money flow is in coupons and only 30 percent in rubles. He also indicated that Ukraine recognizes that the economies of the CIS are intertwined and that they have to work together on these questions.

In response to Co-Chairman DeConcini's questions on the stability of Russia and Yeltsin, as many in the United States favor Yeltsin as the best alternative, Chairman Plyushch stated that Ukraine also wants Russia to be a stable, free market state. He suggested that any aid to Ukraine or Russia should be mutually beneficial to all states, including the United States. Plyushch indicated that Ukraine is not asking for humanitarian aid -- Ukrainians do not want to be carpet-baggers -- but what they do need is technical assistance and foreign investment. Plyushch concluded by strongly agreeing with the Co-Chairman's assertion on the need for private ownership, a tax policy on profits, and a stable infrastructure as incentives for U.S. business presence. According to Co-Chairman DeConcini, U.S. business is innovative and unique and takes chances, but it likes to feel that the chances are on their side when risking capital. Ukraine, the Co-Chairman asserted, has great potential for joint ventures and profits for all concerned, but much still has to be done. At a reception later that evening, Senator DeConcini was disconcerted to learn from American businessmen that, despite assurances to the contrary by some officials, serious obstacles to trade continue.

President Leonid Kravchuk

President Kravchuk opened by recalling his previous day's conversation with Secretary of State Baker, and stated that due to the efforts of the U.S. administration, a solution to the ratification of START will be found. As soon as the issue is fully resolved, Ukraine will start fulfilling the agreement.

Co-Chairman DeConcini explained the work of the Commission, and noted the importance of Ukraine as an independent nation which was important not only with respect to START, but in its own right. He was pleased that Ukraine has joined the CSCE and has committed itself to the Helsinki principles, including human rights. He also thanked President Kravchuk for responding to the Commission's December letter to resolve outstanding refusenik cases, and recalled Human Rights Commission Chairman Yemets' promise earlier in the day that Ukraine will do everything to resolve these cases.

President Kravchuk mentioned the recent visit of the CSCE rapporteur mission, stating that the mission had praised Ukraine's efforts in the human rights sphere, including minority rights. He declared that Ukraine will pursue a policy of equal human rights for all the people of Ukraine. He recalled a meeting the previous day with a Jewish organization in which they discussed freedom of movement -- both from and to Ukraine.

In response to the Co-Chairman's question on Ukraine's intentions with respect to the development of its own armed forces, President Kravchuk stated that Ukraine is trying to set up its own armed forces, including the Black Sea fleet, on the basis of laws and in strict accordance with international agreements. No one, he claimed, has to date shown a single fact that would prove Ukraine is not adhering to agreements. Unfortunately, he stated, most violations are coming from the joint command of the CIS and partially from the Russian leadership. President Kravchuk noted that the first meetings of the experts groups of the committee on the division of the Black Sea fleet were held on the previous day and that the next meeting on the level of delegations would be held soon in Odessa. He expressed hope for a peaceful, negotiated resolution of the issue.

Kravchuk then reasserted Ukraine's right to its own armed forces and said that this is supported by the military in Ukraine, where nearly 500,000 have sworn allegiance. He cited 200,000 - 230,000 as the number of armed forces Ukraine expects to have.

President Kravchuk indicated that Ukrainian public opinion, resentful of certain statements by the Russian leadership, has asked: who will protect Ukraine against neighbors with territorial pretensions against Ukraine? He said he would speak with President Bush about the problem of how to guarantee the national security of Ukraine. When asked by Co-Chairman DeConcini whether the territorial pretensions come just from Russia, Kravchuk stated that East-Central European states, to Ukraine's satisfaction, have no territorial pretensions, except those raised by the Romanian parliament. He added that no such statement had come from Romania's executive/government, and that a recent Ukrainian parliamentary delegation had visited Romania and were told that the Romanians wanted to develop bilateral relations on the basis of territorial integrity. President Kravchuk also insisted that Ukraine has no territorial pretensions as it is adhering to the Helsinki Final Act and Charter of Paris, and while from a historical perspective it might have, Ukraine does not intend to pursue them because it would lead to confrontation.

In response to a question from Senator Jeffords on whether Ukraine is being equitably treated with respect to the assets and debt of the former Soviet Union, the President recalled the recent agreement on a common position on debt and said that Russia and Ukraine will be the co-chairs of this process. Regarding external foreign assets, he asserted that a special commission was set up but that Russia is blocking it. Russia, he said, has proclaimed ownership of all assets of the former USSR. He contended that at least \$1 billion (although no one knows exactly) of Ukrainian money in foreign currency was deposited in the national bank of the former Soviet Union. Regarding other assets, including gold and diamonds, Ukraine does not have full information, and Russia is not eager to provide details. Citing the example of the total USSR Navy, President Kravchuk maintained that 70 percent of the surface ships were built in Ukraine and that Ukraine produced about 50 percent of the steel for shipbuilding and yet Russia considers that all four fleets of the former Navy, including the Black Sea fleet, should stay under the Russian flag.

President Kravchuk stated that Ukraine will not discuss Crimea with Russia even while discussing the Black Sea Fleet -- it will not negotiate with anyone over a territorial claim. There is no basis, he asserted, for charges that the 1954 action was illegal, insisting that the 1954 decision was taken in accordance with legal norms). Unfortunately, even "democrats" like Sobchak, Popov and Rutskoï are raising these territorial claims and this is heating tensions, the President concluded.

Staff Director Wise asked whether Kravchuk is satisfied with the pace of democratization and economic reform or concerned about the bureaucracy blocking reforms. President Kravchuk stated that he is not concerned, but admitted that after 70 years of a system which killed human initiative, strong conservative forces still exist, and it is unrealistic to expect speedy reforms. He added that much has been achieved, however, to break up the old bureaucratic structures. In response to Wise's question on the usefulness of new parliamentary elections, Kravchuk stressed that Parliament faces two major tasks: adoption of a new constitution; and passage of a new law on elections to be held on a really competitive basis. This is the base on which we will proceed, he said, and thereby bring in new people.

Co-Chairman DeConcini stated he was very interested in the success of independent Ukraine and asked how the U.S. could best assist in democratization efforts. Kravchuk responded that Ukraine needs economic assistance; and that it needs a fair distribution of assets allocated by the United States to help Ukraine destroy nuclear weapons. He also expressed the wish to meet with as many Senators and Congressmen as possible during his May visit to Washington to inform them on Ukrainian policies.

CONCLUSIONS

- Ukraine's priority is to build an independent state. It appears that Ukraine is taking advantage of what it sees as an historic opportunity to get out from under centuries of Russian domination.
- Ukraine's relations with Russia are a dominant factor in current Ukrainian political life, and contentious issues such as Crimea, the Black Sea Fleet, nuclear weapons and the division of the assets of the former USSR preoccupy the Ukrainian leadership. While the Ukrainian leadership is wary of Russian imperialism, they emphasize peaceful, negotiated efforts to resolve these issues.
- Ukraine is committed to adhering to CSCE principles and to becoming a democratic state based on respect for human rights, rule of law and a free-market economy. Important progress has been made in areas such as minority rights. The parliament has passed or is in the process of passing legislation to this end. A new draft constitution is generally consistent with Western democratic values.
- While the political will to institutionalize democratic and market reforms exists, there are problems with respect to implementation, as many Ukrainian officials themselves are frank in admitting. Former Party apparatchiks are still present in government and act as an obstacle to reform. A legal culture has yet to be developed.
- While Ukraine is moving in the right direction, the political, economic, social and environmental legacy of the Soviet system is still felt. Ukraine's desire for real independence can serve to counteract the imperial legacy and act as a spur to rapid reform.
- Ukraine's foreign policy is oriented towards the West. The United States is moving quickly to establish a presence in Ukraine. The United States needs to be mindful of Ukraine's legitimate aspirations, to strongly support and encourage democratic and free market reforms, and to treat Ukraine with the importance it deserves.