

**Commission on Security & Cooperation in Europe:  
U.S. Helsinki Commission**

**“Power and Politics: Implications of Ukraine’s Presidential Elections”**

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**Participants:**

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**Natalie Sedletska, Journalist and Host, Radio Free Europe/Radio Liberty  
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House Office Building, Washington, D.C., Alex T. Johnson, Chief of Staff,  
Commission for Security and Cooperation in Europe, presiding**

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JOHNSON: Good afternoon. Welcome. Thank you so much for taking the time to join this Helsinki Commission briefing on “Power and Politics: Implications of Ukraine’s Presidential Elections.”

My name is Alex Johnson. I’m the chief of staff of the U.S. Helsinki Commission. And I’m honored to moderate this esteemed panel that we have here today. Thank you for spending the afternoon with us today.

A common refrain of Chairman Hastings of the Helsinki Commission is an election does not a democracy make. I had the privilege of learning about what makes democracy as I joined Chairman Hastings and other Helsinki commissioners observing the January 2010 presidential election and the early presidential election in May 2014 in Ukraine, both the rise and fall of Viktor Yanukovich following the Revolution of Dignity. When I had the chance to meet experts in Kyiv last month on the margins of the second round of the presidential election, many of them expressed concerns about not knowing what to expect. They said Volodymyr Zelenskyy is a blank slate, he’s an unknown quantity, he is an actor. What does he know about politics?

I would argue that we do know what to expect. The U.S. commitment to Ukraine’s sovereignty and partnership to empower the Ukrainian people will remain unchanged. We can expect that.

To explain Chairman Hastings’s assertion, I would argue that democracy is made in many different forms. Democracy is made when courageous journalists like Natalie Sedletska, who joins us today, expose corruption in Ukraine to empower the people. Democracy is made when people like Dr. Michael Carpenter engage the security infrastructure of Ukraine to increase transparency and root out corruption. Democracy is made when Zola, Julian, and the Kondur family stand up for Roma families experiencing violence in their communities. Democracy is made when leaders like Emine Japarova go into government to demonstrate the importance of inclusive and equitable societies and why they should be a part of improving their own country of Ukraine. Democracy is forged when an American medic like Joseph Stone sacrifices his life as a member of the OSCE’s special monitoring mission to make the Russia-led conflict in the Donbas safer for civilians. Democracy is never a monolithic picture. How we embrace our stories and challenges as nations will be the true testament to our potential.

Thus, as an international community, we must remain engaged with Ukraine and continue conversations like this around Washington to shape policy and ensure that we have a strong bilateral relationship and helping the Ukrainian people assert their sovereignty and address their various challenges associated with advancing human rights and democratic governance.

With that, we’re joined by a tremendous panel today. And we have our co-moderator, Kyle Parker, who is the senior Senate staff representative here at the U.S. Helsinki Commission. Many of you have worked with him for his storied expertise working on Russia and numerous legislative accomplishments in that regard. He will offer a few remarks as a part of the opening and then I will turn to some of our bios for our panelists for their opening remarks.

So, Kyle, the floor is yours.

PARKER: Thank you, Alex. Thanks for convening today's briefing.

Before we begin, I will just note that today is Victory Day, so I would like to mark that solemn occasion. Few countries in the world suffered as much as Ukraine did during the Second World War, its territory, its cities laid waste, its people murdered, ~~its, you know,~~ its soldiers fought valiantly against the Nazis.

I certainly hope that in the coming years Ukraine will eventually be victorious in restoring its territorial integrity.

I'd also like to recognize our colleague Rachel Bauman, who covers Ukraine for the Helsinki Commission. Rachel and I had the privilege of observing, along with a parliamentarian, ~~probably~~ the first round of the recent presidential elections in Odessa. I observed the 2010 runoff in Kharkiv between Yanukovich and Tymoshenko and observed with Alex in the Kyiv oblast the 2014 presidential election. So, happy as we get later in the conversation to share a few observations of the election itself, the process, why it's important and what observation really serves.

And I think for that, I would look forward to us getting started with the conversation.

It's great to be here with you, Mike and Natalie, big fans. Thank you for joining us.

JOHNSON: Thank you.

One thing I will note, the panelists' bios are provided in the remarks outside of the room, so please feel free to read in further detail. But I will mark a few highlights at least about our astute panelists.

First, of course, Dr. Michael Carpenter is the senior director of the Penn Biden Center for Diplomacy and Global Engagement as well as the nonresident senior fellow at the Atlantic Council. He also serves on the Jamestown Foundation Board of Directors. He previously served in the Pentagon as deputy assistant secretary of defense with responsibility for Russia, Ukraine, Eurasia, the Balkans and conventional arms control and also had, of course, a storied history in the White House, working very closely with then Vice President Biden as well as on the National Security Council as well as at the State Department.

Our other witness is Natalie Sedletska, an accomplished, award-winning investigative journalist and host of "Schemes: Corruption in the Details," a weekly program of RFE/RL's Ukrainian service and Ukrainian First national TV channel. She was previously Václav Havel journalism fellow with RFE/RL in Prague and also engaged pretty extensively with other investigative media outlets, including being the coordinator for Yanukovich Leaks, the initiative that exposed a lot of the public procurement and other corruption, of course, in 2014 ~~during the~~ during the Revolution of Dignity. She has also acted with the organized crime and corruption reporting project as well as other numerous achievements.

So with these brief introductions, we wanted to start today with some opening statements from our colleagues, just brief reflections. We will commit any prepared remarks to the record along with any other supplementary materials that they provide, including articles, et cetera.

And so please feel free to summarize your thoughts on the outcome of the presidential elections. What are some of the opportunities for Ukraine? And really, what is the role for U.S. policymakers as we begin to engage and remain supportive of the Ukrainian people?

So first, we'll start with Dr. Michael Carpenter.

CARPENTER: Great. Thank you, Alex. It's a pleasure to be here.

I have submitted a statement for the record, so I'm not going to go through all of the material that I provided there. But I will sort of provide a bit of a summary of what I wrote there and then offer maybe a couple of additional views at the opening and then hopefully have plenty of time for a discussion and questions and answers afterwards.

I think the key question on everyone's mind right now is, how will President-elect Zelenskiy govern? There's a lot of people who are trying to read the tea leaves and understand what his core political beliefs are, what his team will look like. They're inferring from various decisions early on what sort of policies he'll pursue.

I think at this stage, obviously a lot of that is speculative. He's a political novice. He's never held office. He doesn't have a track record. So at the end of the day, we don't completely know how he will govern and I think there's a lot of variables in play that will determine the outcome and we don't necessarily know all of those variables right now.

That said, a couple of points. First, he obviously won with a huge popular mandate, particularly in the second round of the elections. So Zelenskiy both has a strong mandate to govern, but he also knows what animates Ukrainian voters, he knows what their top issues are because he spoke to them on the campaign. He may not have offered detailed policy briefs in terms of all the various areas that people were interested in – anticorruption, economic reform, defense reform, Euro-Atlantic integration, all of those sorts of things.

But ~~he did~~—he did offer a glimpse into, at least rhetorically, into what he understands were the most important issues for him and what he thinks his voters want to see and those being, first of all, standing up to Russian aggression, being a statesman, engaging in diplomacy and hopefully steering the war with Russia towards either some sort of negotiated interim solution or potentially a resolution.

Second of all, his voters clearly are animated by a desire to take apart the oligarchic, corrupt pay-to-play system that has dominated Ukrainian politics since independence. This is obviously the theme of the show in which he was the star, a “Servant of the People.” But this is – I mean, you have to really have never even heard of Ukraine not to know that this is one of the key political issues for the Ukrainian electorate.

And then thirdly, people are suffering in Ukraine economically. The country is growing at a rate of 2 to 3 percent. In fact, the growth rate for next year was just downgraded~~s~~ from 3 (percent) to 2 ½ percent. And after the huge decline during the initial phase of the war in GDP, people are suffering. Ukraine has now – I don't know if "surpassed" is the right word – it has – it has gone below Moldova's, the poorest country in Europe. And people want a change.

And so the question is now, will Zelenskiy deliver on these three core issues that I think he understands very well are the issues that his electorate wants to see addressed~~?~~. But, of course, he faces a huge number of challenges and I'm just going to go through very briefly now what are ~~some of these~~—some of these challenges.

In the security arena, he's already been tested by Russian President Putin. The decision to grant passports to Ukrainian citizens of Russian-occupied Donbas is an initial move to test Zelenskiy's mettle and to see how he will respond.

It is, of course, analogous to what Putin did in Georgia before the war of August 2008 when he engaged in the same type of activity, delivering Russian passports to ~~citizens of~~—Georgian citizens of Abkhazia and South Ossetia, two regions in Georgia.

The two dozen sailors that were captured in the Black Sea near the Kerch Strait last year are still being held in Russia. And this provides another form of leverage. It is an irritant that goes above and beyond the daily barrage of artillery fire and deaths that occur on the front lines in the Donbas. And there is no sign, at least in the offing right now, that those sailors will be returned home. They're being held captive in an FSB prison in Moscow.

On the security side also, in the Sea of Azov, things are not quiet. The policy of creeping annexation continues as Russia tests soft spots on Ukraine's maritime defenses and seeks to assert its control over all traffic, whether military or commercial, in the Sea of Azov through the Kerch Strait and into the Black Sea.

Now, these are huge challenges obviously for President-elect Zelenskiy. We don't know exactly how he's going to address them. We do know he will have a slightly different policy on the occupied parts of the Donbas than President Poroshenko has had over the last few years. Namely, he has said that he wants to de-isolate the residents of Russian-occupied Donbas, ease travel restrictions, ease the provision of services for these people, which, to my mind as an outsider, is a smart move.

If you look at the election results from the first round, you will see that Poroshenko won a couple of the oblasts in the west, in the far west. Zelenskiy, of course, won the vast majority of the oblasts in Ukraine. But in Ukrainian-controlled Donetsk and Lugansk, the pro-Russian candidate Yuri Boyko had ~~the~~ plurality of the vote, which suggests to me that the population there is not happy at all with the status quo, it feels neglected by the central government in Kyiv. And a policy of greater engagement with that population, but also, of course, with their families and friends and relatives across the line is important. So that will be a change. We don't know how it will be implemented in its entirety.

We also know that Zelenskiy has called for greater diplomacy in terms of engagement of the U.S. and the U.K. in the diplomatic process, but we'll have to see how that plays out.

On the anticorruption front, I think I'm going to leave it to Natalie to discuss most of the ~~—most of the~~ challenges there. But suffice it to say, just a few days ago we saw that with the appointment of 75 new judges to the supreme court, President Poroshenko is – and unfortunately, I don't know how to say this diplomatically so I'll say it bluntly, he's stacking the judiciary with cronies. Right?

The public integrity council has had a number of concerns with at least 15 of these judges. Some of them were former business partners of Poroshenko and this sends absolutely the wrong message as the incumbent president leaves office. He was very gracious in his concession speech. The election was a clean election. Let's remember Ukraine is a democracy, the transfer of power, everyone expects to be peaceful, smooth and without any kind of adverse repercussions. But this is an unfortunate sort of parting shot from the current presidential administration.

I will say, although I said I would leave most of the anticorruption to you, I will say that the key thing that everybody in Ukraine, outside of Ukraine is watching with regards to President-elect Zelenskiy's seriousness about fighting corruption is his relationship with oligarch Ihor Kolomo~~i~~~~yskiy~~~~i~~. It is no secret that they have extensive relations, that Zelenskiy's show is, of course, aired on Kolomo~~i~~~~yskiy~~~~i~~'s TV channel. There is a whole pattern of travel from then candidate Zelenskiy to other countries to meet with, allegedly, to meet with Kolomo~~i~~~~yskiy~~~~i~~. And now everybody is focused on the person of Andriy Bohdan, who is a lawyer for Mr. Kolomo~~i~~~~yskiy~~~~i~~, who may or may not have a prominent position in the incoming administration. Of course, we have to watch this closely. I would argue that this is yet another reason why the United States and our Western partners have to engage Zelenskiy now.

He is, again, a political novice, very little experience in international diplomacy. He has to understand that the international community is there to help if he needs help with reforms and that can be financial assistance, it can be technical assistance, it can be strategic advice from senior former officials. But he also has to know that there are red lines for us as a Western community in terms of what he does, particularly with his relationship with Kolomo~~i~~~~yskiy~~~~i~~. We have to make clear that any signs of favoritism, anything that would be in violation of impartial rule of law would meet with a very adverse reaction from the international community. And he needs that international community for all of the other challenges that I've enumerated.

Finally, one thing to flag before I wrap up is there is another development that is perhaps not as talked about these days in Ukraine, but that is coming up at the end of this year that is hugely consequential for Zelenskiy's tenure as president, but also for the country's sovereignty and that is the expiration of the current gas contract between Gazprom and Naftogaz expires on December 31st of this year. As I think many of the people in this room probably know, Russia is in mid-stage building of pipelines across both the Baltic and Black Sea, those are the Nord Stream 2 and Turk Stream pipelines.

And the fact that this contract expires gives Russia enormous leverage over Ukraine. It offers the carrot of a potentially very sweet deal with cheap gas for Zelenskiy should he choose to engage in some sort of deal-making with the Kremlin – and it will be from the Kremlin, it will not be from Gazprom leadership – or potentially in the other direction it could result in a shutoff completely of transit gas via Ukraine, particularly if the Russian side feels that it can pin the blame on Ukraine for failure to reach a new contract. And with Nord Stream 2 potentially online in the near future and Turk Stream as well, Russia may feel it has the adequate leverage to forgo transit supplies via Ukraine for at least a couple of months.

So huge challenges ahead for Zelenskiy. He's untested. He has very little experience in this field. Who he appoints in the coming days to consequential posts, like the minister of foreign affairs, the minister of defense, the prosecutor general, will be very telling signs of, you know, how he intends to run policy. But at the end of the day, he may not be a blank slate, but he is influenceable. And we, meaning the United States and the community of Western nations, Western Europe, NATO, the EU, need to be engaging him. And I'm afraid that we're failing at that miserably. The recall of our ambassador at this moment in time is the most shortsighted thing this administration could have possibly done at this critical juncture. And I only hope that there are others in the administration that will step up and engage with the new Zelenskiy team to ensure precisely that we offer that support, but also communicate those red lines I spoke about earlier.

Thanks.

JOHNSON: Thank you so much.

Now we'll proceed to some opening thoughts from Natalie and then we'll get to some initial questions from Kyle and myself and then open the floor a little bit to have an open conversation.

So, Natalie.

SEDLITSKA: Thank you for coming and thank you for inviting me here. It's a big honor to tell you about the work we do.

I'd like to explain it a little bit. So five years ago in Ukraine, in Kyiv, we established the Journalistic Investigative Project. It's called "Schemes: Corruption in Details" and it is supported by the American Radio Free Europe/Radio Liberty. We are a weekly television program. We have six reporters. And for the last five years, we were looking closely ~~at~~ how the government, the political elite with President Poroshenko on top keep promises given during the Revolution of Dignity in 2013 and 2014.

And just shortly, I'll remind you what ~~were~~ those promises. There were two main ones. One was to integrate with Europe. And the second one is to fight corruption in Ukraine to punish Viktor Yanukovich's – ~~the~~ previous president – allies and to rebuild the system from the beginning.



As for the first time, there is a big success. We are now actually having a visa-free regime with the European Union. We're closely partnering with Europe and the United States as well. Unfortunately, it cost us a lot. We lost Crimea. We lost part of the Donbas region. And the war with Russia ~~in~~ on the east of Ukraine is still going and takes lives every day.

As for the second promise, to fight with corruption, there was some success of creation of new law enforcement agencies, like a national anticorruption bureau, for example. Also, civil society succeeded to push for some changes. Together with journalists, we pushed for opening public registries, which actually eased our journalists' – investigative journalists' ~~work~~ work. Also, the e-declaration law was adopted, which also brought some transparency into the government. But I cannot say the government did enough during the last five years.

Moreover, it was high-level officials in power who were involved in massive corruption schemes. Some of them were good friends of Petro Poroshenko himself. Oligarchs were continuing enriching themselves and we had a lot of material to report about on a weekly basis.

We investigated how the president's friends took control over oil and gas state resources. We showed his luxury secret retreat to Maldives where he rented a separate island that cost him half-a-million dollars. President Poroshenko, president of the poor country, didn't want to be recognized, so he stayed there by his name of Petro Incognito.

Lately, we showed how his friend was curating corruption schemes in the energy sector. And that person is now frightening us by suing in the European jurisdiction. You imagine they don't trust their local one, so they want to sue us in Europe.

We also were showing the dissonance between the official income of prosecutors, judges and their real style of life when the salary they have, it's about 3(00 dollars), \$400 per month, but they drive luxury cars and live in expensive villas.

But we are not only exposing those and stating as a fact. We show that this is a broken system and we shed light on those issues that have to be fixed. We closely cooperate on that with NGOs and with anticorruption NGOs. And they are implementing – trying to implement new rules through the ~~through the~~ adoption of new legislation through the parliament.

For the last few months, we had a presidential campaign and I want to say a few words on how we covered that as well. Besides Poroshenko himself, we were doing investigations on other candidates. Just for example, we uncovered that Yulia Tymoshenko's budget for the elections was fake contributions and that the analysis of the financial reports showed that millions of hryvnias were paid by pensioners and students. That is how you legalize dirty money in a campaign. And now the official investigation has started.

And, of course, Zelenskiy. We published a big investigation about himself and his ties with oligarchs. I think we're witnessing a phenomenon and Michael already talked about it, told about it, how hybrid media technologies actually made a person a head of state, a person who actually hasn't conducted ~~not~~ even a single press conference during the whole presidential campaign.



Zelenskiy became a president heavily exploiting the image of a fictional character, a poor teacher who is becoming a president by some coincidence and starts rebuilding the country fighting the oligarchy and corruption. And it was 73 percent of Ukrainians who believed that Zelenskiy actually is that person. And I'm afraid the majority of my fellow citizens actually don't know who they have elected as their leader. It doesn't necessarily mean that his intentions are wrong. But it just – it just means that society and journalists weren't given a chance to ask him serious questions.

I try to stay positive, but there are some disturbing inconsistencies. Just a quick example. In the movie, Zelenskiy fights with oligarchs. In real life, an oligarch is his business partner. And we just found out that he was flying with oligarchs on their private jets. Not even to say that it was oligarch-owned media who was broadcasting his shows every day and that has granted him such popularity as a result.

Channel 1+1 is owned by big oligarch Ihor Kolomoyskyi. By the way, he makes money in Ukraine, but he lives outside, he lives in Geneva, between Geneva and Tel Aviv in Israel. And our investigation revealed that on the eve of the elections, Zelenskiy flew to oligarch Kolomoyskyi 13 times. Now there is a question what they were discussing. Probably they were planning his entry to politics. Will Zelenskiy now be helping the oligarch to continue enriching himself by the state resources? That's the open question.

So in general, now Ukraine is, again, a laboratory or experiment in democracy. And we continue to see our mission as journalists to doing deep reporting on the new administration until it is done.

JOHNSON: Thank you so much for those thoughts.

And as I think you've heard from all of the remarks today, we've really focused on the context of what is at stake, what is the Zelenskiy administration facing in terms of challenges ahead. And really, some solutions have been offered in terms of how us as a part of the international community can provide appropriate support to engage.

The Commission, of course, has a stake in this based on our work and engagement with the Organization for Security and Cooperation in Europe. So I wanted to essentially start there in terms of a few brief questions for our panelists and see what sort of opportunities we can open in this conversation as we move forward.

So first, one thing that you mentioned, Michael, is the stacking ~~of the~~ of the deck, if you will, in terms of the judiciary. Some changes have also been made in terms of the representation of Ukraine in the OSCE, for example, the recall of Ambassador Prokopchuk from Vienna. I was wondering if you could maybe elaborate a little bit on what are the opportunities for the OSCE in terms of outlook, expectations in terms of engagement from the Zelenskiy administration.

CARPENTER: Well, Alex, I think for the OSCE it's very important to underline with the new team as soon as they're appointed that there are standards that Ukraine will be held to

account by and communicate that very clearly in terms of freedom of the media, in terms of checks and balances within the Ukrainian government system, in terms of abiding by rule of law, all the various issues that fall under the OSCE purview, including the political military dimension, but focusing on these governance issues and communicating very clearly that, you know, there's no free passes here, there are very clear standards and the OSCE expects its participating states to abide by them.

And a lot of the, I think, incoming team, particularly those centered around Zelenskiy, will be unfamiliar with this. And so sort of explaining and reinforcing that point I made earlier that basically the Western community is watching what they do and they don't get a redo, there's no second tries here, is going to be very important to holding them accountable for their actions.

JOHNSON: Excellent. And I think you referred to another institution that's really important in the OSCE context and I believe this question is best suited for Natalie.

With regard to the representative on freedom of the media and that particular threat of work within the OSCE, I think it's important to note that our esteemed panelist has faced some similar challenges in terms of her work in investigations.

And I was wondering if you could elaborate a bit more on your experience with challenges to media freedom, but also some other ongoing challenges to media freedom in Ukraine.

SEDLITSKA: Sure. So to explain that, to answer that question, we should see what is the landscape, what is the landscape of the Ukrainian media market and environment. So there are two different worlds: one is oligarch media in Ukraine and another one is independent media. Oligarch media is all the major television channels except I would say one, which is a public television channel. And for example, that's where we air, who is broadcasting us, because oligarch media of course don't want to have noncontrolled editorially investigative reporting.

And besides those oligarch media, we have 1+1, which is the biggest probably. And, you know, we've seen how they were covering the elections, how they were helping Zelenskiy, how they were neutralizing all negative – well, so-called negative, but actually it's the truth about exposing himself. And what's I think disturbing is that 1+1 can become a monopoly for information now for our government administration or president.

And another part of the media environment is the independent media. There are not much. Most of them are supported by the Western organizations, such as RF Europe for example, and that's where problems start. So, for example, during the last year, we've been experiencing, you know, not even about bots and trolls and smear campaigns in the media, we were called Russian and Kremlin agents just because we say and show what's wrong in Ukraine without understanding that actually we're doing that to just show what has to be fixed and not just do it to state the problems.

And also, actually, our team faced some surveillance organized by oligarchs. For example, Rinat Akhmetov, one of the richest guys in the country, organized surveillance for our

filming crew and it was continuing for a few months. And so we actually fixed that by our cameras and then went to the police and demanded to investigate that. And we are not doing that because we believe that Akhmetov will be punished. We just want to show that there is a way to raise those questions and show the problems. And in this case, we will see that the police do not do anything, then we shed the light on the problems in the police, right?

And another example of that is the story about general prosecutor Yuriy Lutsenko. So we were investigating wrongdoings of general prosecutor's office for years. And finally, it was ~~it was~~ August 2018 when I woke up and read the news and I found out that the court ruled a decision to give Yuriy Lutsenko, the general prosecutor, a right to access my phone with all the information from SMS calls and location was the most important, and not for just a few days, it was access for a year and a half. I was really lucky to have such support from lawyers that actually said that probably we have to try to go immediately to the European Court on Human Rights. And actually, it was really unprecedented that the court released under the rule of 39 the call to the Ukrainian government to immediately stop accessing such data.

So again, why we did that? Not only we wanted to protect our own media sources, but we wanted to create a precedent. We wanted to show what can be done because there are journalists in the region, for example, who don't have this kind of support from lawyers, for example. So we tried to create a good practice.

But ~~it's going~~—it's going to be three years actually this summer after the horrible murder of our colleague journalist Pavel Sheremet in Kyiv city center. And the crime has not yet been solved. So there is an atmosphere of impunity for the crimes against journalists in the country.

Just recently Vadym Komarov, investigative reporter from Cherkasy, was attacked and now he's in a coma. And that's because (unpunished will ?) returns. Moreover, it was actually 50 physical attacks on activists last year in Ukraine and investigations are going very slowly or just not going at all.

Also, to remind you of how dangerous it is for Ukrainian reporters to work at occupied territories as Donbas and Crimea, one of our RFE/RL contributors, Stanislav Aseyev, ~~has~~ ~~been held~~—~~had been~~ held by separatists for almost two years already. And to see his remarkable work, we see his articles, we translated them into English and they are on the table.

And please, we would appreciate for the attention to this case and for your call to his release.

JOHNSON: So in some sense, these cases that you raise will really be a test for the Zelenskiy administration, particularly based on the connections that were, of course, mentioned related to Kolomoyskiy, who is, of course, tied into some of the less-than-independent media that you had mentioned. So this will be something, of course, that will be important to watch. The Commission is deeply passionate and our commissioners are focused on addressing media frequent questions, so we look forward to working with you on these matters.

With that, I wanted to open the floor in particular to see if Kyle had any questions for our panelists.

PARKER: Thank you, Alex. Yes, I do.

~~I have~~—I have two what I believe are related questions for you, Mike, and one, the general one, for you, Natalie.

So, Mike, my first question here is, what sort of power do you think that Zelenskiy can have as a model for Russian democrats? And how can he inspire their struggle in Russia? And I think this is related to my second question, which is sort of, where do we go, the Minsk process?

If you look at the Russia-Ukrainian war as some do as a perceived existential challenge to Putin and Putinism by a partially Russian-speaking successful democracy on the border, then, you know, I always thought that insofar as Kyiv had its act together that that could be as destabilizing as we were talking about the provision of lethal weaponry a few years ago. And if Kyiv doesn't have its house in order, then perhaps Moscow can slack off. But if Kyiv starts to really look like it's getting things together and also is presenting that example, partially in the Russian language, then the prospect of solving anything in the east and the war gets dimmer.

And then from our perspective, there's the question of where Minsk goes. I would argue that our most important national security interest in the Russo-Ukrainian war is the infringement of the normative order. And the normative – well, I mean, we have a number of interests, but I think that would be the top-level one.

And nowhere is the normative order in this war and, of course, in Ukraine and probably, certainly, you could argue it's one of the bright examples in the world, more infringed than in the illegal occupation of Crimea. And yet, the thrust of our policy is a peace process that we're not involved in that expired at the end of 2015 that has failed to achieve even its most minimal objective, that of a durable ceasefire, that places Ukraine in a situation where to defend itself is to incur a violation of a Minsk process. Is it time that we move beyond Minsk? And if so, where would we go?

And, Natalie, after I have one question for you.

CARPENTER: Thank you. Great questions.

Sure, Ukraine is on the frontlines of what is really a global struggle between liberal democracy and oligarchic authoritarianism. It is certainly the defining geopolitical conflict of Europe in the 21st century. I think it goes beyond, well beyond, Europe. And it's playing out in Ukraine.

And if Ukraine succeeds in its difficult, messy, sometimes regressive transition to liberal democracy, it is a death blow as an example for the Russian people to the Kremlin's corrupt, oligarchic, authoritarian system, which is partially why Putin is so concerned about this possibility and why he intervened militarily and has been fighting a five-year now and six-year

war with this country to prevent it from becoming more transparent, more democratic, and taking apart the informal arrangements that create an oligarchic, authoritarian system.

So it's a huge deal. And if Zelenskiy succeeds, he will face more and more opposition from the Kremlin and from Russia. But if he plays into – if he becomes coopted by his own oligarchs or those that serve as proxies for the Kremlin, then Ukraine will remain mired in the state that it has been in since independence, which is also what contributes to the fact that it is the poorest country in Europe, because the two go together.

So so much is at stake. And from our vantage, yes, it's the normative order. It is the fact that in waging war on Ukraine to perpetuate a sphere of corrupt oligarchic interests, Russia has violated the bedrock principles of the international order. So we are – we have essentially two dogs in this fight. One is to defend the institutions of the international order, like sovereignty and territorial integrity, but we also have a principled commitment to standing by nascent liberal democracies and not allowing Putin or any other regime around the world to invade another country because they don't like the type of governance system that they see evolving in that country or that they think will evolve in the future.

So it's really a strategically vital country for us, and not for reasons of geography, not for economic reasons, not even for cultural or people-to-people reasons. It is because of these two aspects it really is on the front lines.

As far as the Minsk process is concerned, I agree with the thrust of your question entirely. I think the Minsk process has led to absolutely nothing other than the status quo, and now a sixth year of war in the Donbas. I think the whole process itself is destined for failure, because we, the United States, have outsourced the diplomacy to France and Germany. We are on the sidelines. The French and Germans, for their own reasons, have been unable to or unwilling to apply any leverage vis-à-vis Moscow to make any potential resolution possible. Even the most basic first principle of Minsk – as you mentioned, a durable ceasefire – is impossible without asserting greater leverage over Moscow.

And so, to my mind, you know, it's not so much whether we walk away from Minsk but whether we get serious about diplomacy at all in any form vis-à-vis Russia, and do we apply leverage? And, you know, we're now five years past the occupation of Crimea and the incursion into Donbas, and what we really need is leverage in the form of Iran-style financial sanctions on Russian banks that would compel President Putin to come to the negotiating table, perhaps not even to resolve the conflict – this may not be enough for him – but at least come to the table and have a serious conversation, because if we were to apply full blocking transaction – blocking sanctions, which essentially is a prohibition on all transactions that a financial institution engages in through the U.S. financial system, on major Russian banks like Sberbank, Gazprombank, VEB, VTB, I guarantee you that within minutes the Kremlin will be calling and wanting to have a conversation.

We have not done that. We have not sanctioned any Russian banks. We have the illusion of robust sanctions because we do things like we restrict debt and equity financing for

Russian financial institutions and we call that a financial-sector sanction. Well, maybe it is, but it is a drop in the bucket compared to what we could be doing and what we should be doing.

And so, whether it's sticking by Minsk or whether it's some other negotiating format, that's important. But the key first principle here is you negotiate with leverage or you get nowhere. And we've been getting nowhere now for five years, and it's time to think about potentially getting somewhere.

PARKER: Thank you, Mike.

Natalie, so a couple of things anecdotally. I have family in eastern Ukraine and studied the Russian language there in 1999 in Kharkiv, the second-biggest city. My children speak Russian at home. They don't see themselves as Russian-Americans. They see themselves as Americans. And if they were to attach any descriptor, they would call themselves Ukrainian-Americans speaking Russian, and without a feeling of a need to necessarily learn Ukrainian.

I'm thinking of – I always look to the city of Toronto. And you stop someone on the street there and they're speaking English, are they – is it an Englishman? No. Are they American? No. Are they Canadian? Yes. Are they any less of a Canadian if they don't speak French? No. And you can be Canadians, speak French and not speak English, and be fully a Canadian. And that's the model.

And in recent years, in some of the laws that have been passed, my concern has been that, you know, is that a model that's possible in Ukraine? What is the place of Russian language? You have, you know, almost half the country that speaks it. And, you know, I was – one last anecdote, and then I would be interested in your comments.

When Rachel and I were in Ukraine recently, I wanted to pick up some Russian-language books just to add to my library. I don't speak Ukrainian, and I wanted to find some. And in Kyiv, it was almost impossible, in the biggest city in a country with almost half of its population speaking Russian. And where I did find them, they were in the foreign-language section, a little corner of the bookstore.

Things were a little bit more available in Odessa, but not entirely. Do you expect that to change under President Zelenskiy? Should it change? Is the Canadian model possible or desirable?

SEDLITSKA: You know, the language issue was used for such a long period in Ukraine as an artificially invented problem. I'm from Kyiv city, and I speak two languages. I speak Russian with my friends, though they are from western Ukraine. It's just, you know, because they were studying in Kyiv those times.

So usually actually in Ukraine it's not an issue. But still I think that now Zelenskiy is a person who is – speaks Russian and is just learning how to speak well Ukrainian – good Ukrainian. I think it will ease the tensions, you know, and people will see that it is OK to speak – the president speaks Russian, but he also studies. So I think it will just ease the tensions.

JOHNSON: And in the interest of time, I do want to open the floor if there are any questions. Or take a moment and think about that and I can offer another question.

First, maybe I'll go back to one of the things that Kyle had raised while you're thinking of your questions, one point about the model of Zelenskiy's election in terms of democrats elsewhere, I would say in the post-Soviet states writ large. I thought it was interesting, in Poroshenko's concession speech, that he potentially made a nod to that model.

I'm wondering what you make of that nod that he made in that concession speech in terms of the ability not only of demonstrating, you know, what the potential of democracy can be in Ukraine, but also in other areas of post-Soviet space. Either of you.

CARPENTER: OK. Well, I can start.

I think this is incredibly important is the transfer of power from one administration to the next. Obviously it's a crucial democratic principle. The political scientist at Harvard, Sam Huntington, talked about the two transfers of power as the minimum benchmark for a democracy over the long term to show signs of, quote-unquote, consolidation.

But, that aside, it is one of the essential elements of democratic governance. And we see how, in countries like Georgia, where ~~there has been~~ ~~—where~~ there have been multiple allegations of political retribution by one party against its predecessor government, that the political dynamic becomes poisoned and the possibility for consensus of any sort of multiparty type on any issue becomes very difficult. And the judiciary gets abused, and it really undermines – democracy begins to fray very, very rapidly. The fabric begins to fray very rapidly.

It is – if it's done poorly, it sends a message also throughout the broader region that better cling to power, better to consolidate and accumulate power in the style of, say, a Viktor Orbán than to allow for a democratic election where you may lose your grip on power because then you – the next guys will come after you.

So this is very important. If Ukraine can get it right this time, as it has in the past, that will be a really vital moment for the country. And I hope that the Zelenskiy team also is cognizant that it needs to uphold the rule of law but that if it is seen both in Ukraine and within the international community as engaged in political retribution, that it will suffer greatly in terms of its international reputation, the support from the West, but also I think within Ukraine people will be watching very closely.

JOHNSON: Any additional thoughts?

So are there any questions from the field here? All right, I see two. Let's start in the back with – to the right. You, sir. (Laughs.) Yes.

Q: Oh, me?



Hi. Paul Massaro. I'm the policy adviser for anticorruption and economics at the Helsinki Commission.

My question is for both of you. I've been following the Ukrainian anticorruption process for a few years, lots of ups and downs. Seems like every time you get a NABU you get sort of the hollowing out of NAPC. You know, every time you get a victory, you get a loss, whether it's the recent sort of civil-society registration type of stuff, you know, asset disclosure type of stuff, and it sort of goes on and on and on. I've heard some positive things about the anticorruption court recently. I've heard some other negative things about parts of the process.

But I guess the question is, what indicator are we looking for? At what point are we going to say this process is taking off, this is working, the Ukrainians are on the right track toward sort of establishing a sustainable rule of law in the country? Thanks.

SEDLITSKA: I think that one of the biggest problems of Ukraine is dependence. And dependence comes from a weakness, weakness of our institutions – political, economical, and so on. So I would say that once Zelenskiy could answer those questions regarding NABU, Anticorruption Prosecutor's Office and anticorruption court, whether he would fight the temptation to influence those institutions as a previous government did a lot.

So there is a very good anticorruption agenda formed by our strong NGOs, such as Anticorruption Action Bureau and others, which – I agree with them a lot. I just had a few more. So I will just call on a few ~~—a few~~ issues from that agenda.

The leadership of Specialized Anticorruption Prosecutor's Office lost public confidence, and that has to be changed. So there should be a call for a new election of new leadership for Anticorruption Prosecutor's Office.

Anticorruption Bureau has to be strengthened institutionally, because for the last years I was witnessing it. It had heavily suffered from the attacks organized by political elite who got themselves under the investigation of the National Anticorruption Bureau. So we – and you're right. We just have finally formed and created anticorruption court. We were waiting for it for years. And that's how – that's why a lot of investigations conducted by National Anticorruption Bureau, some of them based on journalistic investigation, ended with nothing, because they appeared in the old corrupted court and then died then. So we are waiting for anticorruption court to start its operation. And there should be guarantees of its independence, as well as other courts.

And the Zelenskiy administration should not interfere with the work of the judicial system. General prosecutor has to be changed. The person who will be appointed should be much more contributed to the rule of law than Yuriy Lutsenko was. And Security Service of Ukraine should continue doing its tremendous work in the field of counter-Russian aggression. But stop fighting business by organizing fake charges against businessmen and demanding bribes. That's not helping our investment climate at all in Ukraine.

And also I would like to add to that that we might underestimate and Ukrainians actually also might underestimate the role of oligarchs in bringing Zelenskiy to power. 1+1 actually played a tremendous role for Zelenskiy. What he's going to give back for oligarch Kolomoisky to say thank you, you know, for making me president while we – on 1+1 channel every single day during the last years. And such oligarchs as Kolomoisky, they have so many wishes, and they have to – they want to continue to enrich themselves by state resources.

One of the issues which is appearing right now is that during the last few years his bank, PrivatBank – and we investigated that it was actually laundering some money. So PrivatBank was nationalized, and it was a demand of IMF to continue supporting Ukraine. Now Kolomoisky wants his bank back, or he wants some money back.

So we are now continuing to see what Zelenskiy is going to do in this way. And I wonder, like, what's going to happen with 1+1. Will Kolomoisky use this instrument now against Zelenskiy to keep him doing what the oligarch wants?

JOHNSON: Thank you.

And so we have one question up here and then two other questions.

Q: My name is Nick (sp). I work for Congresswoman Marcy Kaptur, who's a co-chair of the Ukraine Caucus.

A question on the sanctions bid. You know, the Congress has called for obviously sanctioning the banks. So we're with you there. We're also – Ms. Kaptur is someone who's concerned with the transatlantic relationship. Obviously our relationship with the Germans is in a troubling state, you could say. So to what extent – you need the European Union, you're right, to engage in multilateral sanctions to make them actually biting. So to what extent would increasing the sanctions actually be alienating a key ally, one of the most consequential countries on the continent? Thanks.

CARPENTER: That's a good question. Sanctions are a very complex topic. And I don't want to get into too many of the details here, but it is more important to have effective multilateral sanctions in the energy or defense or technology sectors than it is in the financial sector, simply because the dollar is king in international financial markets. And virtually every major financial institution in the world does business or transacts through the U.S.

And so what I'm talking about is imposing blocking-style financial sanctions on Russian banks. It's an action that could be taken unilaterally by the United States. It would not need our European allies to follow suit or the city of London to adopt analogous measures in order to have enormous immediate biting effect on the Russian financial system.

Now, that said, of course these sorts of financial sanctions would have spillover effects on the European economy. There's simply no way to avoid that. Anything The Russian—anything—that you do to the Russian economy that is punitive, that causes a decrease in Russian GDP, will necessarily have spillover effects into Europe. And Europe – there's no question that

European economies are more integrated with Russia's economy by virtue of trade and investment than the United States is. So there will be a difficult diplomatic issue that will have to be dealt with at the time.

What I propose as far as the conflict in Ukraine is concerned, I have proposed going about the implementation of sanctions on Russian banks in an iterative manner, where you start with a list of perhaps the top 20 Russian banks, and you start at the bottom of that list, and you sanction one Russian bank at a time every three months, or every six months, or whatever time interval you want to choose.

And you telegraph in advance to the Kremlin that this is what is happening so that they know that there is a gradual ratcheting up of these sanctions, and yes, it will hurt our European partners, but as with any complex geopolitical issue – whether it is pushing back on China for its unfair trade practices or whether it is confronting Russian aggression – you have to be able to apply leverage, and leverage is never a scalpel; it is always a bit of a blunt instrument. And that's simply what needs to happen.

And, frankly, I think our European allies would be a lot more comfortable with the approach I'm outlining than with something that targeted specific countries – for example, Germany with regards to the Nord Stream 2 pipeline or other types of more targeted sanctions.

This would be broad. The spillover effect would affect everybody. It would also affect U.S. businesses that do – that transact in Russia, and frankly I think it's the only way to really have that deep economic impact analogous to what we did with Iran in the period from, say, from 2012 to 2015 where we took down Iranian GDP by 9 percent annually for three straight years. If we did something like that in Russia, I think the Kremlin would rethink what it's doing in the Donbass. I may be wrong about that, but at least we'd have a better shot at arriving at a solution.

JOHNSON: And we have one question in the back and one in the front, and we'll conclude our questions from the audience.

Q: Viola Gienger. I'm the Washington editor for Just Security at NYU Law School.

Can you give us a little bit more information, Natalie – and Mike as well – about what Zelenskiy said during the campaign about Ukraine's relations with Russia and how he sees them, if anything.

And who do we see advising him on foreign policy and especially on that particular topic other than perhaps Kolomojy<sup>y</sup>skyi. Are there others who are influential that we know of who are advising him on that issue?

SEDLITSKA: That is the questions we were willing to ask him during the whole presidential campaign, and he didn't give a chance to ask because he didn't have even one single briefing during the whole campaign. So we still – we tried, we sent some notes, requests for interviews. We were waiting for him on the street and, you know, the office tried to reach him

that way. Actually, you know, what “Servant of the People” said? He said, I don’t owe you anything. I don’t owe you anything. This was his answer. And it is another inconsistency in his character and the real person actually.

Yeah, but in general he didn’t answer those questions. It doesn’t matter who would be asking him. He will – he was just saying that the Minsk is on table, and he was repeating that for many, many times.

And regarding the person who is instructing him, it’s also an open question for now, so he – we were demanding to name the whole team before the elections, before at least the first tour of the elections, then before the second tour of the elections, and he announced a group of people, experts that advises him just on Friday, and the second tour was on Sunday. So he didn’t name his team members. And I think that this is the most important, of course, for a person like Zelenskiy, who he will be appointing to such important institutions as a minister of – who will be a minister of defense, who will be the head of security service – also a position appointed by the president, who will be a general for security. These questions are still open.

Michael, maybe you know about ~~the~~—his advisors.

CARPENTER: So I agree. I think it’s very fluid. There are no clear foreign policy advisors. Sergei Lashchenko is certainly working with the Zelenskiy team – Reo Voshavka (ph), Aivaras Abromavicius – but that’s – Danyliuk – but those are all people who are working more on the economic and anti-corruption side than on foreign policy.

Again, I think that while Zelenskiy is not a blank slate, I think there is a lot of scope for influencing him in Russia. I think the initial – Putin’s initial reaction by announcing the passportization policy and then talking about how really Ukraine and Russia don’t have any disparate interests, they are on the same page, provoked a very sharp reaction from Zelenskiy. I even wrote it down. He said, you know, Russia must give back to Ukraine control over each millimeter of the border. Only after that can we look for what is still common between us.

You know, that’s just rhetoric, but I think Zelenskiy will find increasingly after his inauguration that there is very little scope for him to sort of deal make with Putin and sell that to the public. So I think he’s going to find himself in an adversarial position whether he likes it or not.

But I also want to say one thing about Zelenskiy because there has been – you know, I think especially in this town, there have been some assumptions that he is the favored candidate of the Kremlin – some people have said that. I would caution against that sort of jumping to conclusions if for no other reason than if you look at – and I’m sure, you know, you can speak to this even better than I can, but if you look at the – sort of a media analysis of the various oligarch-owned channels, obviously 1+1 was supporting – was clearly favoring Zelenskiy.

But Mr. Firtash’s channel and Mr. Medvedchuk’s channel, which are fairly reliable proxies for Russian interests, were actually, if anything – well, they were certainly pro-Boyko,

the pro-Russian candidate – but if anything, they were tilted in support of Poroshenko – or at least gave him airtime without – that was fairly neutral so – and did not hype up Zelenskiy at all.

So, you know, I would caution against any jumping to conclusions in terms of how his relationship with people inside the Russian presidential administration. I think it's going to be a very fraught, antagonistic relationship going forward, but he clearly will need our advice in terms of how to navigate it.

SEDLETSKA: Yeah, I also agree that we haven't seen any signs that Zelenskiy was the favorite for Kremlin as candidate for presidency. And I think it is explained in that way that he is just unclear person for Putin. He doesn't know him. He knows Poroshenko well. He knows Tymoshenko very well from early '90s, but – and this is much easier, you know, to deal with someone like you know about. But Zelenskiy was some person – is some person that he just doesn't know what to do with yet. So I don't think he was interested in Zelenskiy's victory – by different reasons, and this is one of them.

JOHNSON: Thank you. We have one more question from the audience and then one more question from the panel, and we'll conclude.

Q: Thanks. Alex Tiersky with the Helsinki Commission.

Mike, you mentioned as the second big event to watch this year the energy contract negotiations, and it struck me that I thought you might have said the parliamentary elections, which have not been mentioned in this briefing at all but, you know, we're here in the halls of Congress. Clearly we shouldn't only – we want Ukraine to be a functioning democracy so we shouldn't only focus on Zelenskiy.

If I could get maybe – Natalie, maybe you could start with some thoughts on what is the likely importance of the parliamentary elections? Was there significance? Is it an afterthought? Is it purely a referendum on Zelenskiy? Where are the Russians looking in particular to assert their influence in the parliamentary elections and to what end?

Thanks.

SEDLETSKA: Sure, this is a great question. And actually it's now open because the parliamentary elections are planned for the end of October – October 30 – but Zelenskiy wants to call for early elections because he is now on top of popularity, and he doubts where he will be in October. So now he wants to bring more – seat more people to the parliament. And for doing that he would need to be inaugurated by the 27th of May so that next day he can call for early elections, and that should be not less than half a year before then.

So now it's all are deciding, and there is not enough votes in the parliament for now for his inauguration before 27th of May, so I'm not sure if it's going to happen this summer, the elections.

But you are right. Until October, the young democratic power parties can unite, and that's what's going on now. A lot of people are negotiating between each other. Groysman creates his own party, which calls or is going – was his own force for the parliament. And there is some space until October for them to probably unite because the barrier is five percent and it's pretty high for such young parties.

And of course Russia will try to bring its own big party to the parliament, and I'm sure it will be led by Yuri Boyko and Viktor Medvedchuk. And probably they will get not much as we saw the result of Yuri Boyko, and it was low result which was actually good. It was less than 10 percent I think.

CARPENTER: So I agree that it's – the parliamentary elections are hugely consequential by schematic with sort of challenges from the outside to Zelenskiy's presidency. And we don't know how this one will turn out, so it's a huge unknown variable.

But I actually very much fear the revanche of sort of party of regions, the potential for that in the parliamentary elections, particularly if the more pro-reform-oriented politicians do not unite – and I think right now they are very fragmented. I have heard some people buy in to the thesis that you just elaborated about whether Servant of the People will want to have early elections so that they can capitalize on Zelenskiy's popularity, but then I've also heard the reverse which is that they need more time to organize themselves and that currently Batkivshchyna and, in fact, Poroshenko are better organized in the regions to carry out – you know, to win in a parliamentary vote, particularly in the single-mandate districts.

So, you know, I don't know about that, but the point is this parliament could be much more pro-Russian than the current one or potentially it could be more pro-reform. It really depends on how the actors, the various politicians, and the new forces that could come into parliament, how they collaborate or don't. And you know, Groysman and Parubiy and Avakov and players – Bakalchuk – and players like this are all central to this moving game now where different people are talking to each other. How they align themselves and how they compete against each other is going to be absolutely definitive in terms of whether it's a pro-reform parliament, a hamstrung parliament, or – and we haven't talked about it – or, frankly, a pro-Russian parliament.

JOHNSON: I'm glad you raised the parliamentary elections. That was one of the questions that I had, as well.

We have one more question from the panel, and then we're going to conclude.

PARKER: Thank you, Alex. And Mike, this one's for you. I found your comments on the sanctions – our sanctions regime quite helpful and just wanted to ask you, as someone who has been in government at the various levels and seen the inner workings of the interagency, one of the challenges we've had in Congress trying to, one, to actually erect some of this framework early on and then trying to get it implemented vigorously has been a consistent – again, I'm asking you – is it an excuse? How real is it from OFAC that, hey, we just don't have enough people. You know, if you really want us to do this, we need surge capacity. We're working the



Iran stuff, we're working North Korea, and so a feeling that the Russian sanctions come third at best.

And so if we were to ramp up in the way you are talking about then maybe it doesn't mean the production of a whole lot more packages that perhaps are more labor intensive. But how much of that is an excuse and how much of that is real – we don't have the capacity, and in that case Congress would have to get serious about additional funding or –

CARPENTER: So I think it's completely an excuse on OFAC's part, but it is rooted in the way that we have implemented sanctions which is to say that we have focused on sanctioning cronies, individual businessmen, and bureaucrats – members of the state apparatus – which is completely inconsequential. And here I blame both the current administration but also, frankly, the previous administration which I served in terms of, say, the response to the interference in our election which went after, you know, the GRU, for example, as an entity. Sanctioning the GRU as an entity is completely meaningless. Even sanctioning the individuals involved in the GRU hacking operation was helpful because we exposed it, but the exposure was the important part and the actual sanctioning of these individuals was inconsequential. But it took a lot of man hours, I'm sure, to develop those packages against those 12 individuals who sat in the GRU itself.

If you go at financial sectoral sanctions or, frankly, energy sectoral sanctions, you don't need as detailed of a package where you have an evidentiary bar on every individual that is added to your list with their personal complicity in whatever the rationale for the sanctions is. You simply implement sanctions as a foreign policy priority on the Russian financial sector that can be drawn up in a matter of days. It is not a capacity constraint at all.

JOHNSON: Thank you. That was an important clarifying point, and I think a great place to essentially conclude our discussion here today. We had a great conversation. We look forward to of course having and convening more events as we look toward the parliamentary elections whenever they are convening. And of course, as you know, the Helsinki Commission remains very engaged in our bilateral connection with the Ukrainian people in trying to generate more opportunities to address solutions as we have heard here from our esteemed panelists.

So with that, I want to thank you all for your time today, and we look forward to engaging with you further here in the near future.

Thank you. (Applause.)

[Whereupon, at 3:24 p.m., the briefing ended.]