Interview with Pat Cox. Interviewers: Agnieszka Pikulicka-Wilczewska (AP) and KATERYNA PRYSHCHEPA (KP). Place of record: Warsaw.

KP: Could you describe since when and in what way you've been involved in relations with Ukraine or dealing with Ukrainian issues first. How did it happen?

PC: Late in the month of May of 2012, I got a telephone call from Martin Schultz, President of the European Parliament, telling me that he had met with Prime Minister Azarov of Ukraine and that they had agreed that the European Parliament would appoint a mission that would go to Ukraine, study the files and the disputed cases of the imprisonment of former ministers, would observe in courts and courts of appeal any additional leading element, and would engage in a dialogue around those issues. And I discovered in the telephone call that he had already discussed it with and had an agreement from Aleksander Kwaśniewski, and that I was being invited to assist with that mission. And I made the first visit in June of 2012 and over a period of about 15 or 16 months afterwards we made a very large number of mission visits to follow up on our agenda, as had been agreed between Azarov and Schultz.

KP: But do you know why did president Schultz contact you specifically for this mission? Because Aleksander Kwaśniewski has been involved in this before, but why you, a person who comes from outside the circles which were involved in dealing with Ukraine?

PC: Exactly. Well, I know when we spoke then a certain sense of urgency that he wanted to get the mission started, so I didn't want to spend a very long time trying to explore his motivation. Here was a challenge that had arrived unexpectedly and from my point of view, I think my answer in a short form is that he and those he had spoken to wanted, to use that phrase, the yin and the yang, so someone who knew the system, who is known by the system and someone who didn't know the system and wasn't known, and to find that mixture of familiarity, which in the case of Aleksander Kwaśniewski was highly familiar and developed, and myself, who I had never been to Ukraine. And so, for Kwaśniewski, he was used to swimming in the pool and for me, I had to jump on in a deep end and hope I didn't drown. And that was the combination I think.

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AP: And what were your expectations and what was the reality? Like, what did you want to achieve and what you think was the reality?

PC: Of course I asked his presidential staff to send me on some of the background material, to which they had access, and a lot of this was work by very prominent European jurists and whose opinion what had happened was labelled by them as selective justice, meaning that the prosecution and court system had been used or even abused to follow a more political agenda. It was not our job to be a court of law and it was not our job to seek to dispute the results of court of law. It was our job to seek to understand what lay behind this. And if possible to see if we could encourage a reconciliation. Let me step back and place it in a context. The European Union and Ukraine over a considerable period of time, with political good will on both sides, engaged in a huge amount of technical preparation of drafting an Association Agreement and the Deep and Comprehensive Free Trade Area Agreement. These documents had been negotiated close to finality, and had been initialed by two negotiating teams some time before we were even contacted to do this mission. Normally, when you come to that level of maturity in negotiating such a thing, you have a high level of high political exchange, not just between Brussels and Kyiv in that case, but between people who had been leaders in capital cities in EU and Kyiv. But because of the prisoner issue and the perceptions around it, a lot of the normal high level political diplomacy that might happen was in the deep freeze. And in a sense, I would say in a plain language, our mission was to see could we assist to unfreeze what was frozen.

AP: And at the beginning the scope of your mission was much more narrow than it then changed into. So, why do you think your mission was so important, why the scope extended so much?

PC: I don't know that the scope of our mission fundamentally changed from the beginning to the end. What was an aspect of our mission, which was quite unique… Permit me in looking down here just to get the facts correct, because it locates what I want to tell you. Over 18 months we made 27 mission visits to Kyiv, Kharkiv, Yalta and the main penal colony. We attended courtrooms, the prosecution service, the prison service and the hospitals. And all the doors were open to us, as a result of the agreement between

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Schultz and Azarov. We met the Prime Minister on 25 occasions, we met President Yanukovych on 18 occasions, we met with the imprisoned hospitalized Yulia Tymoshenko on 17 occasions, we met on 13 occasions with Andriy Kluyev who was then the head of the National Security Council. We had 21 meetings with the leaders of the opposition, we had more than 30 meetings with lawyers of the families of the prisoners, we had 16 debriefing meetings with the heads of the diplomatic missions of the EU in Kyiv, led by Ambassador Jan Tombiński, we had 13 debriefings with the US ambassador and then numerous institutional meetings in Brussels in the Council of Europe and so on. So if you can get from this the obvious understanding, there was a high level of density to what we did and our focus remained on our mission. However, since we were now in a unique position of regularly and at length meeting with the president and meeting with the prime minister, inevitably they raised other issues that were around their minds. We never expanded our mission, we stayed on the focus, but of course, because we had this privileged access, if other issues were raised, at least we could be accomplished to convey those issues to the European world of diplomacy and, where we judged it necessary near the end, even to the president of the European Council, Mr. Van Rompuy, and to also to the president of the European Commission. Because we were made aware of anxieties, particularly by the prime minister about the imminent macroeconomic crisis that Ukraine faced, and then we were aware increasingly from the summer of 2013 of what I would call the economic war that Moscow launched against Ukraine, targeted especially at Donbas, which in its turn was targeting the electoral base of the Party of the Regions, which was the party in power at the time.

KP: It was said before, by many people, especially in Poland, many people stress the fact that when your mission was launched and when you were meeting the Prime Minister and members of authorities at the time, that they didn't actually intend to sign the Association Agreement. That all this was the case of Yulia Tymoshenko and other politically charged cases they basically were an excuse at some point to use to say that we won't sign the Association Agreement because the EU doesn't want us to, and they used the case of… So basically it was set up. Did you have an impression that there was a genuine interest on the side of Ukrainian authorities at this time to actually resolve those issues and those cases, and how did it manifest itself?

PC: Well, I think there are several different elements when responding to your question. The first thing is we focused on our mission, so basically prisoners, talk to their lawyers, visit the prosecution service, get

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copies of the charges and the indictments, get copies of the court records and read meters of documents. So it was a very thorough and focused exercise. We succeeded over the passage of time to encourage the authorities to release some of the prisoners, which for us was a source of great joy that an element of the work had been achieved. As you remark, Mrs Tymoshenko remained in custody, in the hospital in Kharkiv, and it became progressively evident to us towards the latter part, latter months of our mission that there was a low or no probability that she will be released by President Yanukovych. And indeed, it was likely, even if she was to be released, for those charges which charged her in prison, that they were lining up other charges for other issues, whether these were well-founded or not, to keep her on ice as it were, and therefore to keep her out of, put her in the exclusion zone for the 2015 presidential elections, which I think would have been a key focus of the administration. As regards the end game and the Association Agreement being signed without it coming in good or bad faith, we had to sit down with Mrs Tymoshenko who was then the last of the prisoners we were dealing with and discuss different scenarios. And one scenario, which of course we discussed, was the scenario that the Association Agreement could mature to the point of signature when she could still be in prison. So first I leave this site to everyone else of view, what should be her view of such a possibility. And to make a long conversation short, because we spent over there many days, it was 50 or 60 hours with Mrs. Tymoshenko, she did not want to be or to be perceived to be the one whose imprisonment could block the signing of the Association Agreement. So she drafted and signed for us a letter which gave her good will and benediction to the signing of the agreement, including if she was also in prison. So it is important to understand that the presumption that our focus was so absolutely determined that she must get out, that no other option is looked at, that is simply not true. Indeed, on the opposite of that, Mrs. Tymoshenko had understood this was one scenario and had given us the key to unlock any issue in relation to her person. So in spite of what people think they know, or they might say they know, the actual fact is that in the end, although it would have been disappointing not to have resolved her case with her release, it was not going to block a process, if the process was going to happen.

The second element in your question, good will or game, are we just observing a sophisticated game, I believe that it was the intention of the authorities to pursue it, the evidence of this included for example that the Cabinet of Ministers, I think in April of 2014 led by the prime minister, actually signed off, adopted the Association Agreement and went about designing the legislative process needed to get to the point where the president would sign. And this just wasn't a piece of theatre, I mean there was a long list of things to be done and high on that list, and this is an area where we had a little bit of mission creep, but

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directly related to the area we were dealing with. The prisoners had all been tried under articles of the criminal code that was then in place, which had not been revised since Ukraine became independent. So it was a non-reformed Soviet criminal code in a post-Soviet state. And the articles used could facilitate and it was making it a bit more dramatic and referring to older times, a bit like having show trials. And we were working off that to try to see the criminal code amended and changed because it was part of the dossier we dealt with. So indeed a new criminal code came, and it was stated to us, I have no independent verification, that one of the biggest problems of the old code apart from the articles to which I refer, is that a large number of prisoners in Ukraine were on remand but not yet tried. And this went to some tens of thousands of people. If it's a very serious offence, there is a justification, but if it's just something (*inaudible*) you were in prison removed from family, removed from friends and so on. And we were told, if I remember the number correctly, that up to 32,000 people benefited from an early release when this remand provision was changed. So we worked on that, we met with the Venice Commission, the Council of Europe, to inform them of our work, but in no way to supplant the expertise of legal experts, but to encourage them to deploy the expertise and to encourage the government to make the reform. So reforms were being made, that's what I'm telling, and what I know about is that not because we focused in particular on that, and I know what reforms were being made, so I took it to be genuine.

The second element, President Yanukovych opened the formal opening of the parliamentary session in week one of September of 2013. He gave a short speech, maybe lasting ten or 12 minutes, the essential point of which was signing the Association Agreement and the Free Trade Agreement was in his opinion for Ukraine an instrument of modernization and reform. And if you listened to the speech, and if you're an ambassador and simply take the words that the president says to his own parliament, you would send over a very positive report on the intentions. So my own belief, true or naive then, others can make their own judgments, my own belief is that the intention was real and the good will was there. I think the intervention in the late summer, mid to late summer of 2013, when this rain calling economic war focused on Donbas, and which actually was upwards, which caused short working weeks which threatened down employment, which abrogated contracts for finished goods and there was one full train of new carriages on the border which was blocked for some obscure reason, we could imagine if you were a manufacturing company which just made it to a contract and now they refuse to accept delivery, this is a crisis for that manufacturer, of course, confectionary was targeted to do with Roshen chocolates and some others... All of this way, I think, increasingly, as the intensity grew, and I would say what was used, was a series of spurious non-tariff barriers on trade, and health issues and quality issues, which for 20 years had never

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been a question, let alone an issue, are now issues. And Ukraine which was already at that moment growing at a relatively slow rate was heading towards a macroeconomic financial funding problem. And now beginning to choke off a very productive part of the economy, it even hastens the problem and deepens the problem. And so I think this reality which had to do with power politics, if you are *homo sovieticus*, you understand the rules: you step out of the line, someone hits you hard and then you get back into line. This is a very clear kind of communication. Sent in one place and received in another and understood by both as to what it means. For the EU and all of these procedures, it's very strong in procedural and institutional correctness and timetables and so on, and it has great rigour and very little agility. And so when things change, the agility is missing to respond quickly. And so I think fairly quickly things began spiraling out of control to do with the overall shape of the economy that the macro problem became very real. And again this was not our mission but this was in our conversations so we reported that to Brussels to the highest level that in our view there was an immanent and major macroeconomic cliff that the economy could follow for informing terms we conveyed the same to the US ambassador. The IMF of course is the source that would deal with this, the IMF were aware of this, they had strict conditionality, as you get the money that you have to do certain things, of which raising the energy tariffs on households and business towards the market price was a big condition and it was clear to us, at least as spoken by him that there was no circumstance for the president would do that, because it was already wrecking the prospects for the forthcoming election some time later. And he ended up doing a deal with Mr Putin to get 15 billion dollars to reduce the price per 1,000 cubic meters of gas from 430 dollars to 260 dollars I think, and who knows what else was in the deal, but those were the bits that were at least revealed in a visible way, and this caused President Yanukovych to tell us, I would say after two or three weeks, maybe longer, of intense diplomacy Kyiv to Moscow. At first denied by him that he dissimulated and he didn't lie just didn't tell the truth, but it was evident to us that the whole truth wasn't being told. And on the 21st of November, seven days before the Vilnius Summit, we met with President Yanukovych in what turned out to be our last mission on that mission, our last mission visit, he told us he was going to press the pause button. And then we went to meet Prime Minister Azarov who informed us just that morning that the Cabinet of Ministers had withdrawn the resend to the approval of the Association and Trade Agreement. And we left the office and telephoned Brussels to convey the news to Brussels, that this was so, and sure this wasn't a great surprise because like us people felt something was going on, we just didn't know exactly what. And in Vilnius one week later, on the 27th and 28th of November, of 2013 the Eastern Partnership [Summit]met, the heads of state and government were there, President Yanukovych was there, he has announced he didn't sign [the Association Agreement] and that evening some students came to Maidan. And the rest is history.

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KP: But given that on the EU side some expected something of sort might have happened, what do you say that there were no, probably as you said, there was no institution with a capacity to deal with such politics that the Russian authorities were applying to Ukraine. Were there any plans discussed if Ukraine pushed the pause button, what would we do, how do we approach this for the future? Because at least in public sphere the rhetoric was that this is the end then, and nobody can tell when next time possibility occurs for Ukraine, so it's not a pause, it's actually, it will be the end because Ukraine is such an unpredictable partner that it's very hard to see anything…

PC: Well, I have to tell, as regards to our mission and not all the dullness, of course we were alert to all these things, but I was not party to whatever were the strategic considerations in Brussels at the level of Commission or European Council. We informed what we learned, particularly near the end, about our analysis that what was overtaking everything was the sense of macroeconomic funding crisis. And we commended, but this was not our mission, that to be serious something significant, visible and urgent should be done to address that, which brings me back to the observation I had that the EU in those things is very strong and good on process and great detail but weak on agility. And this is partly to do with the nature of the decision making process in Europe, so it's not about some people, you know, very intelligent and some very stupid, it's about a complex decision making system, where no one individual has the authority to hit the command button and cause some millions of euros to flow somewhere, billions of euros, because you have to consult the European Council, foreign ministers, technical experts etc. Whereas if you take it on the other side to Moscow, there is Mr Putin who have to consult anyone except himself and he's shaking in the mirror in the morning and looks at himself in the mirror. I mean, these are realities. And so, on one side you've someone who is in command in an authoritarian managed democracy, or if you press the button who is gonna put their hand up to stop you? And on the other you have this considerable complexity, and always in Europe come the questions for which I don't have the experts' answer, I wasn't dealing with that dossier, what is your legal base to that, even if you wish to exercise your authority to act and if you get clearance, what is the legal base, can we do it, what are your limits. So all of these things were the European side about method, process and complexity, meaning no agility or little agility. And on the other side, someone in sufficient authority without these other checks and balances that assist to call a judgment, and I would say that Mr. Putin's determination not to want to lose Ukraine, as he perceived this exercise, cause him to drive whatever bargain was necessary to hold his ground. And here I think we come

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to universe a bit of philosophy about what is it that we're looking at if we stand back. I think the European Union has perceived its successive enlargements and then after that its neighbourhood policy, as potentially transformative between it and its partner states, or its accession states, and has seen it as a positive sum game. Good for the new ones, good for us, so win-win. I think the prism through which this kinds of exercises are viewed in Moscow is as a zero sum game. If they win, I lose. If I win, they lose. So it's a very different philosophy. And apart from the detail of the case I think these two philosophies hit head on in the Ukrainian case, where the European view was, and I think broadly remains, that this is a positive sum game, even for Russia as a neighbour of Ukraine. Where the Moscow's view was this is a zero sum game because this means, quote: "the Europeans won". And here, there is a second principle, which, although it's abstracting from the detail, I think it is extremely important. Is Ukraine a sovereign and independent republic? With all the constraints that we haven't solved that it never had enough money and all those things, but it's real. And is it independent and free to choose its direction to do with society and norms or is it independent but unfree to act in the view of its large near neighbour. And it seems to me the principle that informed the European positive sum logic, the win-win logic, is that this is the chosen free path of a free Ukraine. So we talk to them. And it seems to me to view it from Moscow that this is a view that this is our near abroad, this is, you know, the founder of our religious Orthodoxy and keeping rules, the Crimea and all these things played such a role in the evolution of imperial Russia and in all of the various wars including in the Great Patriotic War, as seen from Moscow, that it was in that view inconceivable Ukraine might be independent but it was unfree from Moscow to make that choice. And these are profound philosophical differences about the rights of a sovereign state, and they're profoundly different to do whether your logic is positive sum or zero sum logic in the overall scale.

AP: Was there any cooperation between you and Mr Füle who negotiated the Association Agreement with the government of Ukraine?

PC: Yes, when I mentioned that we had lots of institutional contacts, the key institutional contact we would have had with the Commission would be more with him, because this was his dossier. Only near the end, because we perceived that there were issues not on our agenda, but it should be known did we ask to meet with the president Barosso and president Van Rompuy, but in general the line of communication was with Mr Füle. And in that context he, the Commissioner, prepared a long list of legal reforms that were necessary to deal with moving from improving the Association Agreement to actually signing it. And so

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we were fully aware of that list. And we would get some updates from Prime Minister Azarov, excuse me, about work in progress and then, as I said, in particular we especially followed the criminal justice changes because they related directly to the dossier that we were dealing with. We were aware of all the other things, but we ourselves were not driving other things. And we had lots of contacts with the Verkhovna Rada. And Verkhovna Rada at that stage was itself incapable of doing any proper work with the speaker's podium was constantly blocked, there was no trust whatsoever between the opposition and the government party. And the Verkhovna Rada was trapped in a way in an unfinished and partly disputed business of the previous legislative election and the unstarted and anticipated business of the next presidential election. So it was kind of caught between two elections, but not actually doing the day to day work that the parliament might do. And I think that complicated also issues about who is doing what reform agenda and so on, because normally the parliament should be a very active driver of that and that happened in a kind of stop-start way.

KP: Given you being in a constant contact with European Commission during your mission, when the protests started and all that crisis became, started to unfold were you consulted and in what way by the European authorities?

PC: The last, I mean, for all sorts of other reasons, I've been back to Ukraine also on a different mission, and I meet, for different reasons, I meet President Kwaśniewski, in different circumstances very often, I think it's true for him, it was certainly true for me, that our mission in relation to this issue ceased at the Vilnius Summit where we sat as observers of what did not happen. And could see as observers looking to Kyiv of what was starting to happen. I did not anticipate that the students protest would endure as it did, would grow as it did and would evolve as it did. And when you allow for this, shockingly cold winters that you get in the centre of Kyiv, even simply to do with the weather it looked like the least likely time in the year for such a thing to happen. The answer to your question, at least as regards myself, once the mission finished nobody ever asked me for any opinion as regards what was happening in Maidan. So I just followed that as an interested spectator. As you know there was a huge amount of webcasts constantly from Maidan, so I became addicted to these. Before I would go to bed at night, I would go to Maidan and see what was happening. And then I picked up on Maidan, I was invited to Davos and President Kwaśniewski was there and we shared a platform with Petro Poroshenko who had just arrived that morning from Maidan. That was in week two or three of January of 2014. And he arrived on a morning where I

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think three people had been shot dead, so it wasn't yet the awful night of February, but it was the beginning of deadly bloodshed. And he carried a plastic bag with some plastic bullets and with some spent rounds of Maidan ammunition. And they had a very big impact when you go to people in Davos, meet at the hotel, have nice heating, you know, everything is very secure and here someone comes and says I was there last night and this morning and I took these from there to show you. So yes, I followed in that way and then was very pleased, later, that was a good while later in 2015, to be invited by President Schultz and Vladimir Groysman when he was then speaker of Verkhovna Rada to do a needs assessment mission for reform of the Ukrainian parliament about the political institutions and the administrative side, and that has brought me back on at least as many mission visits since then, as I had in the earlier period with President Kwaśniewski.

KP: So, could you in short describe your second mission in Ukraine, do you see it as a successful one, because there were also different estimates at the base with which reforms in Ukraine that are going on and are still this is a process unfinished.

PC: Well, to do with reform in general, and not yet the mission. I think you can always look at reform in every society as the bottle that is half full or half empty. So partly it's a question of perspective. But when I look at the period since the Revolution of Dignity, you have a parliament where 54 per cent of the members were elected for the first time, of which many are post-Maidan activists. And some are just spare party elites that change from the old lot to a newer lot. But there is a core in that group, who deserve, richly deserve support, to bring forward a post-Maidan vision. In a country that has been aggressed by its near neighbour, that has seen part of its country annexed under false pretenses, that sees the asymmetric hybrid war in Donbas, that sees an open border which is meant to be at some stage returned to Ukrainian control, over which so-called humanitarian convoys pass with all sorts of arms and equipment and hopefully some humanitarian aid occasionally as part of it, you see spikes and violence depending on what the external power chooses to round up or round down, you see clear evidence even if they are not necessarily official military forces from Russia of Russian military retired or other experienced, clearly involved because you see it both in casualties and you see it in prisoners and from other sources. You have a country where more than 10,000 have died, where two million are displaced and no one has gone beyond the borders, they are looking after their own displaced persons. You had a big share of the GDP disappear with Crimea and Donbas. The inflation rates spiked more than 50 per cent, the currency falling value to a third of its former

value. Even in the circumstances you have to spend much more on defence because suddenly defence was literally existential for the state. And then you have to do all these reforms expected by the revolution of dignity to do with confronting corruption and so on. Judged against that actual politics, I think both it can be criticized and praised, I think that the volume of activity handled by Ukrainian politicians in the midst of this extraordinary period of crisis is commendable. And I highly regard in the round for what is being done. I think it is important that always we should bring our judgment, which is to say, of course to be critical of some things or encourage other things, but we should not put in judgmentalism, we should not come figuring we know best, you know, somewhere from the outside we're superior to you in the inside. Not at all. No group of politicians in Europe are both fighting on the reform front and fighting in the war front at the same time. And that almost never happens anywhere, anytime. So, overall, even if they may not score an A+, I have to give them a decent score for trying in difficult circumstances. And some significant things have been done. For example, the public tendering e-tendering process, simply by making things visible and transparent already does wave a lot of the back system that used to work in back channels. The publication of deputies and senior officials' assets, even if there are issues of corroborating the quality of some of the declarations and so on is a very significant step forward. I'm hugely impressed by the vigilance of the Ukrainian civil society. And while the media has been, particularly the oligarch-controlled television, has been regarded by OSCE ODHIR after elections as being free but not necessarily fair in the distribution of time, the combination of a relatively open and competitive media environment and an open internet and social media environment, and an active civil society is the greatest gift the contemporary Ukraine gives to itself. There are still issues I think about the independence of the judiciary, of the prosecution system and so on and these are very serious issues, because the purpose of law should be to prosecute the guilty and not to preserve them. And this is always a risk when systems are not properly separated. But, I think if you look at what has happened, even though it can be criticized, more reform has taken place since Maidan, then in the two and a half decades of Ukrainian independence before Maidan. And the reason is Maidan. The reason is active and vigilant civil society. And let me tell you a small example. But I think it is of, it illustrates a bigger significance. Seven months ago all over the world, and of course very much in Europe, these so-called Panama Papers were published. And this was where the people had money off shore, where it was all the tax implications and so on. And some of this touched on Mr Putin's circle in Moscow and some touched directly on President Poroshenko in Kyiv. In the case of Russia, these leaks were dismissed as American propaganda, full stop. And that was the end of the story. In the case of Ukraine, the media really went big on the story and civil society went after it, and whatever was known and unknown, the president didn't speak immediately, but several days later he came out and gave a statement and brought in certificates to show thing to show the banker whatever, so the point I'm making,

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and I'm not the master of the detail in who did what and who owned what, but in one case it was simply not possible just to put it under the carpet, pretend it wasn't there. Because that is Ukraine. And in the other case, it was entirely possible to do it, because that is Russia. And that is a radical difference which is not about the politicians, but it includes many politicians, and it's not about the quality of the separation of powers and the rule of law, it's about the quality of people, individuals and the society and the relative freedom of media and social media to insist that they're entitled to know.

AP: I would like to go back for a moment to your first mission with Mr Kwaśniewski, because your mission contributed to the release of Lucenko and Ivashchenko. But it didn't help in the release of Tymoshenko. Why?

PC: All things are being equal, because you can put a lot of detail, but I think lots of time this detail insert simple distractions. I think the president's focus, broadly speaking, was on the prospect of reelection in 2015. And I think he perceived Mrs Tymoshenko to be potentially a serious electoral threat. Now, in all that detail, I don't know, that is my honest speculation, and with some reason, because this is quite obtrusive finding another reasons why her release would not be possible. And I think most likely, first to go back to the first cause, that many of the charges that put people in prison are probably more related to what I might call political judgment. Or misjudgment, depending on how you perceive those things, which normally then you leave for an election. I'm an elected politician, I make some public mistakes, I make some good things and the people say yes or no at the next election. You don't send you to prison for a mistake you made or even for something that wasn't a mistake but is just contested whether you should do this or not. So, I think on the details, you could always find details why someone should be in prison, but I think the motivation underneath, the deeper motivation was Mrs. Tymoshenko was to be kept on ice at least until the next presidential election. And whatever faith after that, who could know. If that is the case, and if the motivation comes in that kind of deep personal space of actual antagonism even between personalities and their prospects, then it was highly likely in a system like Mr. Yanukovych led, with significant influence on the prosecution and the court service, directly or indirectly, but assured capacity to guide those things, that it was improbably that she was going to be released, which is of course precisely, although we continued to work for that, that we also opened up this access to exploring the scenario "what if". What if this agreement would be signed and you are not released, in order precisely to cover so this wouldn't be in the end a blockage. Because our mission was to try to get the prisoners freed, but it wasn't

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our mission to block any progress in signing the Association Agreement if that was available. And I, again, I underline that point, I think it was important, I think what we managed to do for Mrs Tymoshenko was to relief some of the most oppressive conditions of her custody to do, for example, with extraordinary levels of surveillance that gave her no privacy, including even when taking a shower or whatever. This was contrary to Ukrainian law, and contrary to the European Convention on Human Rights. And after quite a lot of arguments it was not valid, we had all that removed, and then we had this medical issue of that, her medical treatment and before we took up our mission, Mrs Merkel had succeeded in convincing that the doctor from Charite hospital in Berlin could attend Mrs Tymoshenko who correctly, or otherwise, was at the opinion that she did not want to be treated by Ukrainian doctors and the Charite worked with Mrs Tymoshenko as patient. And our mission, as it was found one thing that for so long as the medical view was that she wasn't in the best shape to face more court cases and trials, that she should stay in a hospital. This is not an ideal place, but have you seen the inside of the prisons? It's a much better place than the alternative. So I would say, we softened some of the harder conditionality around her incarceration, without yet succeeding to release her.

KP: Have you met her after that, after you mission?

PC: Yes, I met her as recently as last week, because regularly in Kyiv I have bilateral meetings with the head of every political fraction of Verkhovna Rada. And between those interactions or occasional, kind of, working dinners around that parliamentary work, I had a cause to meet her. A lots of views and you asked for some of them and Ukrainian politics, but my mission to do with the parliamentary reform is not me getting involved in the Ukrainian politics, taking a side, expressing my opinion about Minsk, whatever else it could be, I'm dealing exclusively with what that mission is, which is to listen to people, to hear what needs to change, and to hold up a mirror to them and say "look at that, do you recognize what you're seeing and you think maybe these ideas would help you to address those issues".

KP: How would you assess what your mission's reports on information how are they perceived now in Brussels, because I assume you report regularly on your meetings and the EU institutions can also evaluate how the process is going on…

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PC: Primarily, I'm showing this the material that is shared among the institutions. Primarily, I'm doing the work through the good offices of the European Parliament and in particular through its Democracy and Capacity Building Unit which is a small but very effective unit, which has done work in Tunisia, which has done work in Ukraine. And we just had the good will and blessing of the conference of the presidents of the group leaders, and which has since its foundation the memorandum of understanding signed by the President of European Parliament and the former speaker. That process now needs to be renewed, so the process of renewal to do with the memo, memorandum of understanding, is in hand. And we also have something that is unique, that the Secretary General of the European Parliament with the former acting Secretary General of the Verkhovna Rada signed an administrative agreement between the two institutions that facilitates not just some exchange visits, which is good but… that allows us, we encouraged when we came to issues for example like the information and communications technology system in Verkhovna Rada and how it may be renewed and modernized and what functions and functionality it would need, what's the point, they ask me if they can go and talk to somebody who runs the system like that in the European Parliament. I'm not confusing the two parliaments in the mission, but someone who knows what he's talking about to talk to someone who needs to know some more, they're the right people. So we've got people who organize human resource management, who organize career development programmes, who organize professional training, who organize language courses, who organize open government systems on electronic government and so on. Those are the kinds of conversations that are happening at the sump political level that I hope would produce some positive outcomes. And then at the political level, we had of course a big change of personnel, we did a Ukraine week in the European Parliament precisely one year ago in February, beginning of March 2016. We had about 60 deputies who came from Kyiv, it was a great success. It's the first time the European Parliament did a dedicated week with and for another parliament, even including all the accessions. And everyone flew home in a very good form, they talked about the Brussels spirit. And then all the arguments started about the government led by Mr Yatseniuk and then they spent two months fighting about what to do next and their part of the solution was to ask Mr Groysman to become prime minister. And Mr Groysman and many of his key staff people moved from Verkhovna Rada to Council of Ministers. And so we had to start over. Mr Parubiy took over, he had not been involved with the same intimacy for obvious reasons as Mr Groysman, he had new personnel on staff side. And the first they had to do is learn what they were doing. And they had to do it themselves not to do with me but what's the priority, what needs to be done, and so on. And it takes time to kind of re-thread a target that is worn out a little bit, but we've got an extremely positive working relationship and a very high

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level of support from speaker Parubiy. He has now established a reform committee, which includes representatives of every faction from the parliament, which is fantastic, because it's not government versus opposition. We've been trying to encourage people at least for that agenda to work to develop a consensus and to try to help the consensus restart the consensus building process that we call Jean Monnet dialogues. And we brought on the first Jean Monnet dialogue to the home of Jean Monnet, outside Paris the speaker Mr Parubiy, the leaders of every faction, senior staff members from every faction, some senior members from the administration of the parliament, and Prime Minister Groysman to sit down and work a first big thing, abstract but big and important, how to improve the quality and to end of the legislative process of the law that begins its life in the Cabinet of Ministers and transitions to the parliament and issues of white papers and so on. And a considerable volume of work is taking place on that and we hope to have the first pilot project on that quite soon. Already this year Mr Parubiy with all of the political challenges and difficulties they can involve, and Prime Minister Groysman agreed that the budget which normally is introduced in some time in October, would stay before the parliament until it was finally voted in December. For nearly a decade, although this is the law, and the requirement of procedures in Ukraine, the government would introduce the thing, then withdraw it and only putting it back on the final 24 hours. And the parliament had no say. Now, parliaments and governments always have arguments about budgets, so this is everywhere, this is contested, but at least this time they did it by the book. They ended up actually when it came to voting having to stay up until five in the morning on one of the days. But that's the first time in ten years. However it could be improved, however much people argue about the budget's perfections or imperfections, that's a step, because parliaments are about working with the executive, but also holding it to account. And they're representing the tribune of the people, you can't do it if you are de-natured by what you should be dealing had been pulled off the agenda and then struck in front of your nose just when it's voting time. So things like that are hard politics, the simple way is to do it the old way, if they did it for ten years, why not 11? So, I'm sure it involved a lot of tedious hard extra hours of politics and work, but they did the correct thing. And so I think great heart, this is not instant tennis, but it is happening and I think there is enough good will to make it happen, and what we're doing, we propose between administrative and political reforms, or I might call it a very big salami, and we never had the idea that you can swallow such a big salami at one sitting. So we're very pleased now that they are in the mindset, as we have been recommending. Slice the salami, eat it slice by slice and once it's digested let's come along and see which is the next slice you would like to try.

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AP: Sorry for like jumping back to the topic…

PC: No, that's fine.

AP: I wanted to ask you, because from what you said it seems that Yanukovych was open to negotiations, but only until a certain point, so the release of Tymoshenko was non-negotiable. Was it?

PC: My retrospective view is that: Prospect of the (*inaudible*), at the beginning it seemed that negotiation was not optional. Then we were greatly filled with joy that Mr Ivashchenko was released, it was a conditional release at a court hearing in Kyiv, where we had no specific signal that he would be released and you may imagine the joy of his wife and family and himself that he comes to court, he sits in that cage where you sit, he has no specific contact with his family and the judge released him. For Mr Lutsenko the process of engagement and dialogue and so on lasted a good deal longer. But eventually also Mr Lutsenko was out. And that doesn't of course permit us to focus exclusively on the last remaining person. I would say… We always knew, and we knew it from the conversation with the president that about quote, you know, the guilt, quote of Mrs Tymoshenko that it was a different animation between him and her and him and the others. Or different sides of interests at play. I think where we thought it's probably not going to happen any time soon, was when the president came up with the formula late enough in the mission, with perhaps one month or longer to go, where he said he would ask the Verkhovna Rada to drop a piece of legislation, which at least would permit Mrs Tymoshenko to be treated abroad and then to return. And that he would leave it to the Verkhovna Rada to decide and then he would act. So we would then talk to the Verkhovna Rada and there was a committee that was dealing with this and in a way this is not unknown in some parliaments, and certainly not unknown in Kyiv, I think we have up to 11 draft laws competing from, I would say, a very liberal interpretation to illiberal one. And it became apparent to us that this was a form of democratic window dressing, the prospect of finding any consensus, not quite remote when you listen to people. And people with, with real or perceived sincerity argued with great passion for either of the formula was the best one. And it was evident that there was not a slightest prospect to believe in consensus. We made some recommendations listening to the different sides on elements that might help to have the

consensus but respecting that it has to be their consensus, not ours. I mean, in the end I don't think that purpose of the exercise was to make a decision. I think the purpose of the exercise was to avoid making a decision and for the president with some diplomacy to be able to say "well, I tried, but what can I do".

AP: And, correct me if I'm wrong but I think you said in one interview or made a comment that at some point you played a role of a point of contact not only between Brussels and Kyiv, but also between the government and the opposition. Can you maybe say a bit more about that?

PC: I mean, just to do with the issues we're discussing. At the leadership level, I'm sure, there were various contacts, but there was a huge lack of trust between the two sides. There had been disputed constituencies from the previous legislative election, which had taken place I think in 2012. And… even just to do with the cases we were dealing with, we were in the position to meet with and brief opposition leaders in some details about the progress or detail about the work we were looking at on the legislative reform agenda, in particular about the criminal code, which I mentioned, and to try to encourage them to play their part. Because in the end the laws to pass need votes and the opposition vote is as good as the government vote if it's going to help it to pass. So, we had that kind of role, but we didn't have any kind of, what I call day to day Ukrainian political mediation role and if anything that I'm quoted saying appears to give that impression, that would not be the correct impression.

AP: And, tell me, maybe it's a very technical question, but did you and Mr Kwaśniewski have a sort of division of labour within your team that, maybe President Kwaśniewski was, you know, had a different set of tasks within your negotiating team, let's say, or did you always work as a team?

PC: We always worked as a team and we did virtually everything together. There were a small number of occasions where for logistical reasons we split up simply because two of our clients were due before different courts and different cities on the same day. And since our mission was to cover that, of course we split our mission into two parts. So while the two of us had worked enormously hard to secure the release of Mr Ivashchenko, on the day that it actually happened, Aleksander Kwaśniewski was in the courtroom in Kyiv and I was in a different courtroom in Kharkiv. And I missed the emotional moment, but of course not

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the news. And to be there that is a secondary thing, the big thing was that the man was released and that his family could enjoy the pleasure of his company, but… So, there were occasions where we split in that sense, but these were very practical, logistical reasons. And then at different meetings, we had meetings with the prime minister and various people that he called into, from the prison service and so on, to deal with any questions we had, people from the health ministry. And we met with the president only privately, so the president never had any third person there, there wasn't, he never invited any politicians or other institutions to be present. And, one of the things that Aleksander Kwaśniewski speaking fluent Russian, as he does, and knowing so many personalities, because he's been all over the territory so often, had an easy style with a lot of people, they knew him, he knew them, and I was an unknown quantity. And also, I would say, when it came to getting stuck into details, we had a huge amount of material, written material given to us, and I had these endless flights to go back and forth from Dublin to Kyiv. So I read every single page of everything. And a lot of it can be tedious reading, because a kind of a post-Soviet, Soviet style indictment is not exactly high literature, but you always found, if you read it, a little bit too underlined. And I'm bound to say that when we had meetings with the prosecutor general and his staff that in the kind of two hand between the President Kwaśniewski and myself we covered a very big agenda and normally he would do the prospective piece and I might say, and for those kind of meetings I would go into some of detail and between us we kind of had a division of labour, but that just was not some kind of a formalized process, but a natural evolution.

AP: And how do you assess the mission with the benefit of hindsight?

PC: I think it was a courageous initiative of President Schultz and Prime Minister Azarov because at the time that they agreed on this, at a bilateral meeting in Brussels in May of 2012, diplomacy at a high level between EU institutions, so at the political level, or between EU capital cities and Kyiv had frozen. And it had frozen all of these questions. So there came the question: "Is that it?" Everything is in the deep freeze, or considerably done to make a connection, try to defrost some of that. So I think it was worth undertaking, I mean, I certainly felt so, but I mean in hindsight, I think the idea in principle was a good idea. I think it probably involved a lot more than either party, so President Schultz and Prime Minister Azarov had anticipated in advance, and certainly I think for quite nice scheme of myself a lot more than we had anticipated, because we spent days and days in those 27 mission visits and sometimes quite tough arguments. Because other issues turned up on the periphery, but they were not peripheral issues. Mr Serhiy

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Vlasenko, who was the lawyer of Mrs Tymoshenko, was at one stage under an entirely separate process, valid or invalid, I mean to do with its quality, I can't know, but it was highly suspicious that they now wanted to arrest the lawyer, put him on trial for something that allegedly had happened years earlier, which begged two questions: if they don't have evidence from years earlier why did they delay and why had all the people that would pick him in that moment? And I think that was part of the wider picture and that didn't work. And then they took a different move which is apparently under one of the rules of procedure of Verkhovna Rada, in Verkhovna Rada it is not possible to have a profession and to be an MP, which appears to be something that was largely ignored in practice. In the case of Mr Vlasenko, he was obliged to give up his parliamentary mandate because he was also a lawyer. I think that was within the law, but it wasn't within the custom or practice. And I'm sure it's not a coincidence that he was the particular lawyer invited to step down. And at one stage he did fear for his freedom and there was one stage, again it was about mission splitting, President Kwaśniewski was somewhere, I don't know where, and at a very short notice this came, so I ended up going with the parliamentary staff from President Schultz's office on my own to Kyiv purely and simply because it had not been a scheduled visit, I was available at short notice to do that particular visit and President Kwaśniewski not. But those where quite exceptional, that we were not together as a team.

AP: One last question (...) What did you feel, just personally, what did you feel when you found out that Yanukovych left for Russia? Because you met with him so many times, you worked with him, you had some hopes in your cooperation and…

PC: I suppose the first thing after, what I understood had been an agreement between him and the opposition and witnessed by the EU foreign ministers including the Polish foreign minister at the time, because that process included Poland at that moment… and not signed but witnessed by Mr Lukin on behalf of Mr. Putin… I thought at that moment that it may be result of high politics, but in fact it turned out to be the last act in the drama and for whatever set of reasons and, you know, I've seen different accounts from different people, but Mr Yanukovych took the view he'd better get out of town. The view, as told by his side of the equation is because his life could be in danger if he stayed. The view of the other side of the equation is that he and his family, and I use that not just as his immediate nuclear family but the family of associates, also had stripped a lot of money illegally from the system and decided it was time to get out when it was still ahead. And there could be truth in both of those stories, but it was clear he got out fast. I

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was particularly surprised that in his escape, together I think with Mr Kluyev at least in the first part of it, the national security council chief, that neither one of them thought of to speak with Mr Lazarov. Who was left behind in Kyiv in his residence and who found out later that they had gone. He also then got out of town, but I was thinking to myself it's obviously a team wherever one has to look out for themselves at the end. And I don't know the full details but I read allegations and see various amounts imputed to be money that was taken from the system and one that is held on frozen accounts outside Ukraine and it's hard to avoid the conclusion that there was a degree of organized kleptocracy in and around the top of the system. Unhappily that's not exclusive to Ukraine, but the Ukrainian form of it is one of the reasons why ordinary people in Ukraine saw such little of the economic progress for a long period. Because too many people who were insiders were milking the Ukrainian cow and instead of trying to have a herd of cows that would have given to a lot of people milk the insiders would endlessly milk the one cow for their own interests. And anyone familiar with dairy farming knows if you milk too much, the cow goes dry.

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