

**CANADA'S POLICY OPTIONS FOR
CANADA-UKRAINE RELATIONS:
ANALYSIS AND RECOMMENDATIONS**

**Presented to the
Standing Committee on Foreign Affairs and
International Development of the
House of Commons of Canada**

October 20, 2011

On behalf of



CANADIAN FRIENDS OF UKRAINE: WHO WE ARE

Canadian Friends of Ukraine (CFU) is a non-profit, non-governmental organization established in 1990 to strengthen Canada-Ukraine relations, by applying Canadian know-how to promote democracy and reform in Ukraine. CFU has taken the lead in fostering inter-parliamentary and inter-governmental cooperation between Canada and Ukraine.

Our organization has hosted public forums, parliamentary round tables, information exchanges, and other democracy-building initiatives between Ukraine's leading political figures and their Canadian counterparts. As Ukraine's civil society strives to democratize and reform itself, Canadian Friends of Ukraine continue to implement projects that promote

- human rights
- legislative reform
- inter-parliamentary cooperation
- government-to-government dialogue
- open access to information
- strong non-governmental institutions and transparent government

These activities have provided a forum for discussing important issues such as electoral reform, censorship and the media, NATO expansion, judicial reform, constitutional and parliamentary reform, election monitoring, global trade, and institutional transparency.

In 2000, Canadian Friends of Ukraine, in cooperation with CIDA, established the Canada-Ukraine Parliamentary Resource Centre at the National Parliamentary Library of Ukraine in Kyiv. The state-of-the-art facility houses a collection of 5,000 books and CD-ROM's encompassing Canadian federal and provincial statutes. The Centre strives to strengthen the process by which legislation is developed in Ukraine by improving access to information for parliamentarians, their staff, and the general public.

Canadian Friends of Ukraine are also the founders of the International Statesmen Dinner, which provides a Canadian forum for political leaders from Ukraine. In 2003, we hosted the visit of former Prime Minister Yulia Tymoshenko to Canada and facilitated her meetings with the Speakers of the House of Commons and Legislature of Ontario, cabinet ministers, and representatives of DFAIT and CIDA. In her address at the Royal York Hotel in Toronto, Madame Tymoshenko delivered an address on the need to fight government corruption in a post-Soviet Ukraine.

ABOUT THIS DOCUMENT

What follows is a comprehensive Analysis with Recommendations for Canada's policy options, which have been revised and updated in response to recent events in Ukraine.

An earlier submission was presented to the then Minister of International Trade, the Hon. Peter Van Loan, on July 28, 2010 during a meeting with Canadian NGO's that included representatives of Canadian Friends of Ukraine, the League of Ukrainian Canadians, and the

League of Ukrainian Canadian Women. The latter submission was also presented to Canada's Ambassador to Ukraine, Daniel Caron in Kyiv on August 26, 2010.

It should also be noted that , on August 25, 2011, representatives of Canadian Friends of Ukraine, Margareta Shpir (President), and Lisa Shymko (Chair of the Canada-Ukraine Parliamentary Centre), attended the trial of former Ukrainian Prime Minister Yulia Tymoshenko held at the Pechersky Regional Court in Kyiv, Ukraine.

The analysis, conclusions, and recommendations put forth in this document are the result of ongoing meetings, discussions, and consultations with other NGO's in Canada and Ukraine, as well as government and opposition parliamentarians from Ukraine and Canada.

INTRODUCTION

Since Ukraine's independence in 1991, as Ukraine pursued a path of democracy and state-building, Canada has been actively engaged in Ukraine, both in terms of international development projects and government-to-government dialogue.

However, recent developments in Ukraine, specifically the politically motivated trial and sentencing of former Ukrainian Prime Minister Yulia Tymoshenko, have directly impacted the *Road Map of Priorities for Canada-Ukraine Relations* signed by the foreign ministers of Canada and Ukraine in 2009.

The emerging situation in Ukraine and its neighboring country, Russia, have raised serious concerns over the future of Ukrainian democracy and political sovereignty, which, if left unaddressed, will have strategic geo-political implications for the region.

This policy paper will outline the concerns of the Ukrainian-Canadian community, supported by specific recommendations to the Department of Foreign Affairs and International Trade, calling for adherence to the *Road Map* coupled with a re-vamped policy of "conditional engagement" in the region, founded on the principles of democracy and human rights and the protection of Ukraine's political sovereignty and territorial integrity.

BACKGROUND

Prior to the 2004 presidential election which voted in Viktor Yushchenko, Western democracies were heavily engaged in supporting the strengthening of pro-democratic, pro-western NGO's in Ukraine. By contrast, in the months ahead of the 2010 presidential election, detracted by the world fiscal crisis and priorities in Afghanistan, Iraq, and Iran, western governments had practically abandoned Ukraine's fledgling NGO's and civic organizations at a critical time.

During the election campaign, candidate Viktor Yanukovich pledged to improve Ukraine's economic stability, build national consensus, while fostering enhanced relations with Russia, engagement with the EU, and deferring the pursuit of NATO membership.

The domestic impact of the international monetary crisis, which in one year cost Ukraine 15% of its domestic product, coupled with internal feuding between Ukraine's governing elites and a perceived Western disengagement from Ukraine, helped bring Yanukovich to power.

In contrast to all previous elections since Ukraine's independence, Yanukovich received the weakest mandate of any Ukrainian President. Having gained only 35% of the vote in the first round of elections, and just under 49% in the second round, his limited regional support failed to provide the new President with a nation-wide mandate.

RECENT EVENTS IN UKRAINE AND THEIR IMPLICATIONS

The deterioration of human rights in Ukraine, and lack of judicial impartiality highlighted by the Tymoshenko trial, not only has the potential of isolating Ukraine from Europe, but will ultimately benefit a neighbouring authoritarian state— Russia. If Ukraine is allowed to deviate away from its path of democracy-building, the current political crisis will have serious implications for the region and beyond. The erosion of democracy in Ukraine has several aspects:

1. Persecution of opposition leaders and selective justice

Ukraine has seen an inconsistent application of the rule of law and an absence of fair, impartial and independent judicial proceedings. According to Amnesty International, only 0.2 % (or 2 in 1000) of those indicted by the prosecution in Ukraine are found not guilty and are set free. The average in the EU is over 40%.

More recently, the selective use of criminal law has been utilized as an instrument of pressure on the opposition in Ukraine. The politically-motivated persecution of opposition leaders has included the following:

- On October 11, 2011, after a lengthy court case extensively condemned by western countries, opposition leader and former Prime Minister Yulia Tymoshenko, on trial on charges of concluding an illegal gas-price deal with Russia in 2009, was sentenced to 7 years in prison for charges of abuse of office and fined \$200 million;
- On October 13, 2011, two days after the sentencing of Yulia Tymoshenko, Ukraine's state security service (SBU) filed new corruption charges against the former Prime Minister, accusing her of embezzling hundreds of millions of dollars in government funds
- 12 former high-ranking officials from the Tymoshenko government are in pre-trial detention, including the former Interior Minister, Yuriy Lutsenko, one of the leaders of the People's Self-Defence Party, who has been charged with abuse of office and misappropriation of funds and was arrested on December 26, 2010 for alleged non-cooperation with the prosecution, and the former First Deputy Minister of Justice, Yevhen Korniychuk, who was arrested on 22 December 2010 on charges of

breaking the law in connection with public procurement procedures for legal services;

2. Other violations of human rights and media freedom

Press freedom has declined sharply in Ukraine and there are increasing fears that Russian-styled censorship of the media is steadily being imposed.

- In March 2010, the Ministry of the Interior closed its Department for Monitoring Human Rights and in April 2010, Ukraine's President abolished the National Commission on Freedom of Speech and Rule of Law.
- In March 2010, media tycoon, Valeriy Khoroshkovskiy, owner of the pro-government tv channel *Inter*, was appointed Head of the Security Service of Ukraine (SBU). As a result, the security service often pressures the National Television and Radio Broadcasting Council (NTVBC) to cut off the broadcast frequencies of Ukraine's independent tv channels. Channel 5, TVi, as well as regional tv stations which feature interviews with members of Ukraine's opposition have been threatened with the possible revoking of their broadcast licenses.
- On October 20, 2010 *Reporters Without Borders (RSF)* published its annual *Press Freedom Index* noting Ukraine's slow and steady deterioration in press freedom since Viktor Yanukovich's election as President. Ukraine's ranking fell to 131, dropping sharply from its previous year's ranking of 89th place. Russia's rank remains notably worse than Ukraine, standing at 140, behind Morocco, Turkey, and Ethiopia. Neighbouring Belarus stands at 154.
- *The European Federation of Journalists* has protested the repeated harassment of journalists and opposition politicians as well as the curtailment of freedom of speech and attempts to ban public rallies.
- In a new report released on October 12, 2011, *Amnesty International* called on Ukrainian authorities to act immediately to deal with endemic police criminality. Amnesty International's report revealed widespread torture, extortion, and arbitrary detention. Recent examples of torture and mistreatment at the hands of police include:
 - The case of Ihor Indilo, a 19 year-old student, who died from a fractured skull and internal bleeding on 17 May 2010 after being arrested and interrogated by two police officers in Kyiv. An autopsy revealed his injuries were caused by "contact with a blunt object"; police say these occurred when he fell off a small bench.
 - The August 2010 case of Yakov Strogan who was abducted and tortured by police officers in civilian clothes in Kharkiv. He was accused of attempted murder. A lawyer recommended by the police offered to secure his release for \$10,000.

- The case of Dmitry Yashchuk who was found dead in a Kyiv police station on June 13, 2010, a day after he was arrested and allegedly forced by police into confessing a crime he had not committed.
- Ukrainian historians, academics, and researchers have recently been the subject of detention, harassment, and questioning by officials from Ukraine's Security Service, as in the case of Ruslan Zabily (Director of the National Memorial Museum of Victims of the Occupation Regimes also known as the Lontsky Street Prison in Lviv), Dr. Borys Gudziak (Rector of the Ukrainian Catholic University), and Roman Krutysk (Head of Ukraine's Kyiv-based Memorial Society).

3. Violation of parliamentary democracy and the constitution

Actions taken by Ukraine's political leadership, often under pressure by Moscow, have seriously undermined the country's constitution, its democratic institutions, the protection of its historical memory and national identity, sovereignty and territorial integrity.

In a sharply worded critique of President Yanukovich, Parliamentary Assembly of the Council of Europe (PACE) *Rapporteur on Ukraine*, Hanne Severinsen, said that "the concentration of power in the hands of the president is a violation of the constitution." The assault on Ukraine's democracy and constitution are serious and in many instances are aimed at weakening Ukraine's pro-western institutions, NGO's, and democratic opposition parties. These recent abuses of power include:

- The creation of an artificially constituted parliamentary majority and cabinet, in contravention of Ukraine's constitution.
- The ratification of a 25-year extension of Ukraine's port lease of Sevastopol to Russia's Black Sea Fleet without the required parliamentary debate, without the required majority of 226 votes, and in violation of Ukraine's constitution which forbids the stationing of foreign military bases on its territory.
- The introduction of regulatory changes and electoral laws governing factions and political parties, aimed at preventing a coalition of pro-western opposition parties.
- President Yanukovich's December 2010 dismissal of the elected Mayor of Kyiv, Leonid Chernovetsky, and appointment of an unelected official, Oleksandr Popov, as Head of the Kyiv City Administration.

4. Assault on national identity and russification

In a recent article from the Centre for Global Studies at the University of Victoria, Derek Fraser, Canada's former Ambassador to Ukraine warned that Ukraine's current cabinet "has a reputation for being Russophile, even Sovietophile and Ukrainophobe." According to Fraser, Ukraine's Vice Prime Minister for Security Affairs, the Minister of Defence, and the Foreign Minister were appointed on the basis of Russian recommendations."

As a result, Ukraine's national identity is being subjected to a systematic assault, which has included:

- The suspension of public access to the Security Service's Archives of information on Soviet-era and KGB files;
- The dismissal of the Head of the National Memory Institute (a leading agency researching the Ukrainian famine-genocide and past Soviet repressions) and replacement with an anti-Ukrainian appointee designated by Russia.
- A speech delivered by Ukraine's President to the PACE, denying that the 1933 Holodomor famine was a genocide and the removal of all information about the Holodomor from the President's official website.
- The appointment of an anti-Ukrainian Minister of Education who has called for
 - re-writing Ukrainian history textbooks jointly with Russia's Ministry of Education;
 - the abolition of standardized tests for university admission and removal of the Ukrainian-language requirements in favour of Russian;
 - authorizing local municipalities to erect monuments to Joseph Stalin, irrespective of public protests.

THE "RUSSIA FACTOR"

Unlike his three predecessors, President Viktor Yanukovich believed he could consolidate his power by providing economic and political concessions to Russia. This has proven to be a serious miscalculation. Rather than subsiding, Russian pressure and interference have intensified.

Russia's political and economic objectives in Ukraine:

The political crisis in Ukraine coupled with Russia's ambition for greater influence may herald a troubling geopolitical shift in the region. It is worth noting several issues of significance:

- Russian PM Vladimir Putin is aggressively pushing for Gazprom, Russia's state-owned energy company, to take over Ukraine's state energy company Naftogaz, whose pipeline transports 80% of the natural gas used by European Union countries.

According to experts like George Weigel, writing in the May 2010 issue of *The National Review*, "if Naftogaz were to merge with Gazprom, the implications for European energy security and for a revanchist Russia's capacity to impose its will with impunity" on Europe, a revived Soviet empire, and beyond "will be grave indeed."

- Russia has refused Ukraine's request to abandon the South Stream pipeline and provide a guarantee of minimal Russian gas trans-shipments across Ukraine's pipelines to Europe.

- To consolidate Russian power in the region, Moscow is pursuing the creation of a Russian-led common market, common customs union, and possibly, common currency. This would not only compromise Ukraine's sovereignty, but it would also see Ukraine abandoning negotiations with the EU on an association agreement encompassing a wide-ranging free trade accord.
- Under pressure from Russia, Ukraine suddenly terminated intelligence collaboration with NATO; halted defence and security-sector reform; brought back the old guard to the Ministry of Defence, general staff and SBU (Security Service of Ukraine); gave carte blanche to Russian FSB intelligence services; eliminated Ukrainian counter-intelligence operations; and preserved all the deficiencies of the 1997 Black Sea Fleet accords, impacting regional security and environmental safety, now extended to 2042.
- On the defence front, Russian President D. Medvedev is pressuring Ukraine to join the Russian-led version of NATO known as the Collective Security Treaty Organization (CSTO), whose current 7 members include Russia, Belarus, Kazakhstan, Kyrgyzstan, Armenia, Tajikistan and Uzbekistan.
- Senior Russian officials continue to fan the flames of separatism in Ukraine's Crimea region. Recently, the Mayor of Moscow, Yury Luzhkov, repeated his declaration that the Ukrainian port of Sevastopol be handed over to Russia.

Russia's deteriorating human rights record:

Notwithstanding the recent political crisis in Ukraine, the human rights situation in Russia is considerably worse.

According to Elena Milashina, a journalist and former colleague of murdered journalist, Anna Politkovskaya at the *Novaya Gazeta* newspaper, the situation for journalists and human rights defenders in Russia deteriorated significantly after Politkovskaya's killing five years ago.

According to *Amnesty International*, the number of journalists and human rights activists, who are killed and beaten every year has steadily grown. Equally disturbing is the fact that few of these crimes have been investigated.

Here are just a few facts:

- According to the Committee for the Protection of Journalists, 22 journalists and media personnel were killed in Russia between 2000 and 2010;
- The men suspected of killing journalist Anna Politkovskaya, which included a former senior police officer, have yet to be convicted, despite ongoing investigations;
- Since 2006 a number of human rights defenders, journalists and human rights lawyers have been attacked, severely beaten or murdered in Russia. According to a press release issued on October 7, 2011, *Amnesty International* reported several cases that remain unsolved, including the abduction and murder of human rights

defender Natalia Estemirova, the brutal beatings of *Kommersant Daily* journalist Oleg Kashin and editor-in-chief of the newspaper *Khimkinskaia Pravda* Mikhail Beketov.

- Sergey Magnitsky, a corporate lawyer working for a US firm who uncovered massive tax fraud sanctioned by officials, died in police custody in 2009 after being held for 11 months. The case remains unsolved, despite evidence uncovered by Russian journalists that implicates judges and prison officials. He died just days before the one year limit for being held without trial was to expire.

Recent actions against Ukrainian NGO's in Russia:

- Russia's Ministry of Justice recently suspended the activities of the Ukrainian community's leading federal structure in Russia, the *Federal National Cultural Autonomy of Ukrainians in Russia*, after the organization held an event commemorating the victims of the Holodomor, recognized as genocide by 25 countries around the world, including Canada. After the Ukrainian NGO sought redress, in November of 2010, the Russian Supreme Court upheld the decision to ban the NGO, citing the organization's association with the Canadian-based *Ukrainian World Congress*, a respected international NGO.

More recently, a Russian regional court upheld a decision to ban *The Union of Ukrainians in Russia*, the Ukrainian community's main umbrella organization in Russia.

CANADA-UKRAINE RELATIONS: CONDITIONAL ENGAGEMENT

In light of the troubling developments in Ukraine, a "business as usual" approach to engagement with the Government of Ukraine is no longer acceptable, since the very tenets of the 2009 *Road Map* of Canada-Ukraine relations are now at stake.

Canada's approach to relations with Ukraine must be founded on policies that neither isolate Ukraine, nor reward it for deviating from fundamental democratic principles. Canada must articulate a clear position vis-à-vis Ukraine, insisting that President Yanukovich and his government adhere to the shared values enunciated in the *Road Map*.

A policy of "conditional engagement" should be founded on Canadian values that foster democracy and economic freedom, guarantee security and territorial integrity, strengthen the rule of law, and protect human rights. In other words, Canadian trade and foreign policy should not undermine Ukraine's national democratic forces.

The policy of conditional engagement should directly link the promise of enhanced economic ties to *changed behavior in the target state, namely, real democratic reforms in Ukraine*.

CONSULTATIONS WITH UKRAINIAN-CANADIAN NGO'S

We also believe that there is a need to fundamentally change the manner in which the Canadian Government currently engages in consultations with the Ukrainian-Canadian community on issues relating to trade, defence, foreign policy, and international development.

In recent years, the *Canada-Ukraine Advisory Council*, set up by Lloyd Axworthy in 1996, has been the main mechanism for such consultations. On July 8, 2002, following an amendment to the Terms of Reference made by Foreign Affairs Minister Bill Graham, an Executive Committee, comprised of two representatives from DFAIT and two representatives from the Ukrainian Canadian Congress, was set-up and now steers the Council.

The re-vamping of the Council along with the introduction of conflict-of-interest guidelines for current and future members of the CUAC would be desirable.

Specifically, the Canadian government should establish a more inclusive forum that would allow a wide spectrum of community leaders, academics, and NGO's, such as Canadian Friends of Ukraine, to provide input into the foreign policy-making process;

SUPPORTING NGO'S AND CIVIL SOCIETY

After 2004, Western democracies made a grave miscalculation when, they began diminishing their support for Canadian NGO's involved in democracy-building initiatives in Ukraine. The Canadian government, through CIDA and other channels, should work more closely with Canadian NGO's that have a strong track-record of successfully implementing projects that strengthen democracy and civil society in Ukraine using Canada as a model.

TRADE

Prior to the recent political crisis in Ukraine, the Canadian government's position was that "a free trade agreement with Ukraine would be consistent with Canada's foreign policy objectives, which support Ukraine's democratic transformation and economic reforms."

Taking into account recent developments in Ukraine, it is hard to imagine that Canadians would support the continuation of Canada-Ukraine free trade talks at this time. We believe that free trade negotiations should be suspended until after the 2012 parliamentary elections in Ukraine, conditional on a fair and free process with the unhindered participation of opposition leader Yulia Tymoshenko in those elections.

Furthermore, a review of Ukraine's adherence to the shared principles outlined in the *Canada-Ukraine Road Map* and coordination with our EU partners on Ukraine's integration into European economic structures should precede any resumption of trade talks with Ukraine.

Moreover, even after the resumption of trade talks between Canada and Ukraine, the signing of any future economic agreements should be conditionally linked to the protection of human rights in Ukraine. These provisions should be accompanied by mechanisms for monitoring compliance and addressing issues that may arise from its implementation.

NATO AND THE BLACK SEA FLEET

Five years from now, should the regime change in Ukraine, a new government will have grounds on which to challenge the legal and constitutional validity of the Black Sea Fleet agreement. In the meantime, it is in both the EU and NATO's interest to demand amendments to the existing agreements. For that reason, Canada, as a member of NATO, should insist that the Russian Black Sea Fleet conform to normal international deployment practices in a foreign country; that its intelligence presence be curbed and controlled; that its economic interests be transparent, regulated, and properly taxed; that the absence of nuclear weapons be verified and monitored; that the Fleet's activities be subject to oversight and approval.

SECURITY GUARANTEES FOR UKRAINE

After relinquishing its nuclear weapons in the 1990's, security assurances were given to Ukraine on 5 December 1994 at a formal ceremony in Budapest (known as the Budapest Memorandum on Security Assurances). According to the Budapest agreement, Russia, the UK and the USA agreed to respect Ukraine's borders in accordance with the principles of the 1975 CSCE Final Act, to abstain from the use or threat of force against Ukraine, to support Ukraine where an attempt is made to place pressure on it by economic coercion, and to bring any incident of aggression by a nuclear power before the UN Security Council.

Since several NATO members were parties to the Budapest Memorandum, Canada should remind them of their commitments to Ukraine's security interests.

RUSSIA'S GEOPOLITICAL CALCULUS: SECURITY IMPLICATIONS FOR CANADA AND ITS NATO PARTNERS

An integral component of Russia's regional strategy is the dismantling of Ukraine's independence and crippling its political and economic integration with the West. The neutralization of Ukraine has been a linchpin in Russia's quest to reassert geopolitical supremacy by suspending NATO's recruitment of Ukraine and Georgia, while simultaneously boosting its strategy of energy domination of the region.

This long-term strategy has direct implications for Canada. In June, the Russian state-owned mining company, ARMZ, bought a 51-per-cent controlling stake in Canada's Uranium One Inc, in exchange for \$610 million in cash and interests in two mines. According to the *Globe and Mail*, the move gave ARMZ's parent, Russian nuclear giant Rosatom, a solid base from which to expand its sources of uranium to feed its growing number of nuclear reactors.

Uranium One will be the first North American mine operator controlled by Russia. The move has direct implications for Canada, since there is nothing in the agreement to block Russia's eventual takeover of Uranium One. Since Russia's security service (FSB) has penetrated or established a number of state-owned conglomerates, Russia's recent aggressive pursuit of controlling stakes in Canadian, Australian, and US companies will have serious security implications for western democracies.

For this reason, we propose several recommendations vis-à-vis national security, trade, human rights, and non-interference as they relate to Canada's bilateral relationship with Russia.

NATIONAL SECURITY: Canada and its NATO partners should consider placing restrictions on foreign companies that pursue controlling interests in sectors comprising strategic assets integral to Canada's national security.

TRADE: The Government of Canada should defer the pursuit of any preferential trade agreement with Russia, until Russia meets its international commitments to protect human rights, freedom of the press, and non-interference in the affairs of neighbouring states. Likewise, these conditions should be accompanied by mechanisms for monitoring compliance and addressing violations.

HUMAN RIGHTS: Canada should protest the persecution of journalists and independent media in Russia as well as the persecution of Ukrainian NGO's in Russia, specifically the banning of groups such as the *Federal National Cultural Autonomy of Ukrainians in Russia*, and the *Union of Ukrainians in Russia*, the Ukrainian community's main umbrella organization in Russia.

NON-INTERFERENCE: Notwithstanding Russian cooperation on international issues, such as Iran, Canada and its NATO partners should voice opposition to any use of economic pressure or energy blackmail by Russia, or direct interference in Ukraine's domestic affairs.

CONCLUSION

Recent developments in Ukraine and the region have shown that the shared values on which the Canada-Ukraine *Road Map* was founded in 2009 are now at risk. The loss of Ukraine as a strategic partner of Canada and the EU would have far-reaching global consequences and therefore, an appropriate response by Canada is warranted.

Concrete steps can be taken to encourage democratic reforms without isolating Ukraine and precipitating Russian hegemony over Ukraine's economic and political future.

Nineteen years ago over 90% of Ukraine's population, irrespective of race, ethnicity or religion, voted to live within an independent, democratic state— a choice which the Russian ruling elite finds difficult to accept to this day. Canada was the first Western country to recognize Ukraine's independence. Canada has invested know-how and money to help Ukraine grow its democracy and establish a civil society guided by the force of law rather than the law of force.

Canada must hold the Ukrainian government to account. The Canadian government is in a position to influence positive change in Ukraine, so that the principles on which Canada-Ukraine relations have been based— democracy and economic freedom, guaranteeing security and territorial integrity, strengthening the rule of law, and protecting human rights—are not abandoned.

FOREIGN POLICY RECOMMENDATIONS

GIVEN Canada's historic relationship with Ukraine and the shared values on which the Canada-Ukraine *Road Map* was founded in 2009;

GIVEN Ukraine's important geo-political position in Eastern Europe and the far-reaching global impact of a weakened Ukrainian democracy and potential loss of Ukraine as a strategic European partner;

GIVEN the ongoing efforts of Russia to increase its regional influence through control of Ukraine's energy sector, strategic resources, trade partnerships, security services, and political processes; and

GIVEN the politically-motivated trial of former Prime Minister Yulia Tymoshenko, the absence of an impartial judiciary, and the alleged persecution of political activists, former government officials, and opposition leaders in Ukraine;

WE SUBMIT THE FOLLOWING POLICY RECOMMENDATIONS:

1. THAT no invitations be extended to high-ranking Ukrainian government officials, particularly the President of Ukraine, for participation in official or state visits to Canada at this time;
2. THAT further negotiations aimed at signing a Free Trade Agreement between Canada and Ukraine be suspended until after the 2012 parliamentary elections in Ukraine, conditional on the participation of Ukraine's parliamentary opposition leader, Yulia Tymoshenko in those elections;
3. THAT attempts to bar opposition leader Yulia Tymoshenko from participating in the aforementioned elections be considered grounds for completely withdrawing from future Canada-Ukraine trade talks;
4. THAT Canada take advantage of its participation at the upcoming G-20 summit in Cannes to encourage world leaders, particularly the US and Europe, to make future economic integration between Ukraine and the EU conditional on the achievement of an impartial Ukrainian judicial system and fair, open parliamentary elections, while, at the same time, insisting that Russia refrain from interfering in Ukraine's internal affairs;

5. THAT, a review of Ukraine's adherence to the shared principles outlined in the *Canada-Ukraine Road Map* precede any resumption of trade talks with Ukraine;
6. THAT the signing of any economic agreements between Canada and Ukraine in the future be conditionally linked to the protection of human rights in Ukraine and that these provisions be accompanied by mechanisms for monitoring compliance and addressing issues that may arise from its implementation;
7. THAT the Canadian government, through CIDA and other bilateral channels, consider working more closely with Canadian NGO's that have a strong track-record of successfully implementing programs that strengthen democracy and civil society in Ukraine using Canada as a model;
8. THAT the manner by which the Canadian Government currently conducts public consultations on issues relating to Canada-Ukraine trade, defence, foreign policy, and international development be re-vamped by either re-configuring the *Canada-Ukraine Advisory Council* at DFAIT, or creating a new, more inclusive forum that would allow a wide spectrum of community leaders, academics, and NGO's, such as Canadian Friends of Ukraine, to provide input into the foreign policy-making process;
9. THAT the values embedded in Canada's foreign policy template, based on the promotion of democratic principles founded on the rule of law, the protection of human rights, and an open media, be equally applied to our bilateral relations with all countries in the region, including Russia;
10. THAT Canada, as a member of NATO, require that the Russian Black Sea Fleet conforms to normal international deployment practices in a foreign country; that its intelligence presence be curbed and controlled; that its economic interests be transparent, regulated, and properly taxed; that the absence of nuclear weapons be verified and monitored; that the Fleet's activities be subject to oversight and approval;
11. THAT, since several NATO members were parties to the Budapest Memorandum, Canada should remind them of their commitments to Ukraine's security interests;
12. THAT Canada and its NATO partners consider placing restrictions on foreign companies that pursue controlling interests in sectors comprising strategic assets integral to Canadian national security

13. THAT the Government of Canada defer the pursuit of any preferential trade agreement with Russia, until Russia meets its international commitments to protect human rights, freedom of the press, and non-interference in the affairs of neighbouring states;
14. THAT Canada protest the persecution of journalists and independent media in Russia; and persecution of Ukrainian NGO's in Russia, specifically the recent banning of *The Federal National Cultural Autonomy of Ukrainians in Russia* and *The Union of Ukrainians of Russia*, the Ukrainian community's main umbrella organization in Russia; and
15. THAT, notwithstanding Russian cooperation on international issues, such as Iran and North Korea, Canada and its NATO partners voice opposition to any use of economic pressure or energy blackmail by Russia, or other forms of interference in Ukraine's domestic affairs.



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