



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Foreign Affairs and International Development**

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FAAE • NUMBER 007 • 1st SESSION • 41st PARLIAMENT

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**EVIDENCE**

**Thursday, October 20, 2011**

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**Chair**

**Mr. Dean Allison**



## Standing Committee on Foreign Affairs and International Development

Thursday, October 20, 2011

• (0850)

[English]

**The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)):** I'd like to welcome everybody to meeting number seven of the Standing Committee of Foreign Affairs and International Development and, pursuant to the orders of the day and Standing Order 108(2), our briefing on the situation in Ukraine.

I want to take time to once again thank our officials from DFAIT for taking time out of their busy days to come and give us a quick briefing. We have with us Jillian Stirk, who is the assistant deputy minister, Europe, Eurasia, and Africa bureau.

Welcome, Jillian.

We also have with us Leigh Sarty, director of the institutions, policy and operations division.

Welcome to you as well.

I believe that one of you has an opening statement.

Jillian, why don't we turn the floor over to you? You know how it works here, so we'll let you get started and then we'll try to get in a couple of rounds of questions. Thank you once again for being here. We are going to turn it over to you now.

**Ms. Jillian Stirk (Assistant Deputy Minister, Europe, Eurasia and Africa Bureau, Department of Foreign Affairs and International Trade):** Thank you, Mr. Chair and honourable

[Translation]

committee members.

Thank you for your invitation to appear this morning.

[English]

Our discussion about Ukraine is timely.

The political nature of the charges against former Prime Minister Yulia Tymoshenko, the conduct of the judicial proceedings, and the sadly inevitable guilty ruling in that trial have brought into focus long-standing concerns about where Ukraine may be headed, particularly with respect to freedom, democracy, human rights, and the rule of law. These, as you know, are key priorities in Canada's principled foreign policy.

Canadian concerns about Ukraine's current trajectory are rooted in the deep historical links between our two peoples and the special partnership we have enjoyed since 1991, when Canada was the first western country to recognize a newly independent Ukraine. Canada

has supported Ukraine throughout its independence and its efforts to transition into an open and democratic society. Canada's vibrant Ukrainian community now numbers 1.2 million members, and recent developments risk shattering the dream of these people for their ancestral homeland.

We should not lose sight, however, of the serious systemic challenges that independent Ukraine faced from the very first as the Soviet Union collapsed in the 1990s. More than 70 years of Soviet rule have proven to be an extremely difficult legacy to overcome. To this day, Ukraine does not have a truly effective civil society network. Governance structures remain weak and corruption persists at all levels of government and society.

The Orange Revolution of 2004-05 was seen at the time as a turning point for the Ukrainian people. Through the power of grassroots actions, the result of a flawed and unfair election was overturned. Hope abounded that Ukraine would overcome its authoritarian legacy and develop into a modern European country.

The 2005 constitutional compromise, which attempted to restructure relations between the executive and legislative branches of government, supported this hope. Positive developments in the form of new freedoms continued until 2010. However, the political system remained somewhat dysfunctional, progress on reform was halting, and democracy was not fully institutionalized.

[Translation]

Unfortunately, the politicians of the Orange Revolution were unable to overcome both systemic obstacles and their own internal differences to meet the expectations of their supporters.

In February 2010, Ukrainian voters, through elections that were deemed largely free and fair, placed the current President, Viktor Yanukovich, in power.

President Yanukovich has so far markedly changed Ukraine's domestic and foreign policies. The resulting political stability was a welcome change to the frenetic infighting and policy gridlock of the previous administration. Some specific, though limited reforms have been carried out.

Over time, however, it is clear that this has come at a cost. Through means that many Ukrainian legal experts consider illegal and inappropriate, President Yanukovich has enticed opposition parliamentary deputies to join his Party of Regions, pushing constitutional bounds to form a coalition and thereby gain a governing majority. He overturned the 2005 compromise constitution that had removed some of corruption-laden mechanisms of the Kuchma era. He has limited certain freedoms and forced through changes to electoral laws, which benefited his Party of Regions in the lead-up to local elections in October 2010.

[English]

The continued pervasiveness of corruption has also had an impact on the human rights situation. Journalists report increased harassment by the Security Service of Ukraine. Reporters Without Borders lists Ukraine at 131 out of 178 countries in its current press freedom index, and the NGO Freedom House downgraded Ukraine from “free” to “partly free” in its 2011 report.

Under the guise of fighting corruption, the government has arrested or detained members of the opposition. For example, Yuri Lutsenko, former Minister of the Interior, has been held in remand since December 26, 2010, on charges of misuse of budgetary funds. Fleeing charges, the former Minister of the Economy, Bohdan Danylyshyn, sought and acquired political asylum in the Czech Republic. Heorhiy Filipchuk, former Minister of Environment, was arrested in December 2010 for alleged abuse of power.

Then, of course, there is the case of Yulia Tymoshenko. As you know, on October 11, Madam Tymoshenko was convicted and sentenced to seven years in prison and a \$200-million fine to cover alleged losses inflicted on Naftogaz, the national gas company, due to the gas pricing agreement Madam Tymoshenko signed with Russia in 2009.

● (0855)

[Translation]

Canada is deeply concerned by the treatment of Ms. Tymoshenko and other Ukrainian opposition members, which sends a disturbing signal about the current state of Ukraine's judicial system. It would appear that that system is not appropriately independent and is therefore subject to interference in the service of apparently political goals.

We now understand new charges will be added, reinforcing questions about the independence of the judicial system.

While the policy of the government to date has been to build on our special partnership with Ukraine, to engage with the government and to cooperate with Ukrainians who seek to build a peaceful, democratic and prosperous society, this has not precluded delivering strong messages and constructive criticism when necessary.

[English]

On August 6, Minister Baird spoke out about the arrest of Ms. Tymoshenko, indicating that Canada was concerned by the appearance of politically motivated persecution, asserting that the appearance of political bias in judicial proceedings undermines the rule of law, and urging the Ukrainian government to strengthen judiciary independence.

In a statement to the House of Commons on September 29, Minister Baird once again urged the Ukrainian government to strengthen judiciary independence, underlining Canada's continued commitment to support efforts to build a peaceful, democratic, and prosperous society in Ukraine.

Both Minister Baird and the Prime Minister have also written letters to President Yanukovich in regard to the conduct of the Tymoshenko trial, expressing Canada's deep concern about the process and the appearance of political motivation.

Most recently, on October 11, Minister Baird issued a statement in reaction to the guilty verdict in the Tymoshenko trial, indicating that Canada intends to review our bilateral engagement with Ukraine. We are not alone in taking this approach. Both our U.S. and EU partners have indicated in strong terms that the outcome of the trial is indicative of deeper problems in Ukraine and will result in some reflection on the future of their respective relationships with Ukraine.

The EU is in the midst of finalizing an association agreement with Ukraine, the ratification of which members of the European parliament have indicated has been jeopardized by Ukraine's actions. The approach of our partners has been largely to favour engagement over isolation, an approach similar to Canada's.

We draw on our special partnership with Ukraine to access the highest political levels to ensure that our concerns are noted and taken seriously. Engagement with Ukraine takes place not only at official levels, but also with civil society organizations that exist in Ukraine. During Prime Minister Harper's visit to Ukraine in October 2010, he met with universities and church officials to demonstrate Canadian support for community efforts to make positive change.

During my own visit to Ukraine in June 2011, in meetings with civil society figures, I saw the positive dynamic these Ukrainians are making in their community and society. While political frustration exists, Ukrainians increasingly understand that they must take the future into their own hands, and they are doing so through civic involvement.

The longer-term impact of recent events remains to be seen, however; the Department of Foreign Affairs and International Trade will continue to monitor developments closely, including the expected appeals process in the Tymoshenko trial. Officials will develop the best possible advice to our ministers and conduct future relations with Ukraine in accordance with the guidance and direction we receive.

Ultimately, it is our Ukrainian friends themselves who must make a choice about their future: whether to accept the status quo and all that entails, or whether to reinvigorate efforts to build a peaceful, democratic, and prosperous Ukraine. We, of course, hope they will take the latter path, on which they can be assured of Canada's continued strong support.

With that, I am happy to take questions.

[Translation]

Thank you once again for your invitation this morning.

[English]

**The Chair:** Thank you very much.

Just for the committee, we don't have any committee business planned for next Tuesday or Thursday. I was hoping we could take a little time, just as we wrap up here, to offer a few suggestions. Is that all right?

We do have time for two rounds, so let's start with Madame Laverdière. Then we will move along. We have time for two rounds.

Madame.

[Translation]

**Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP):** Thank you very much, Mr. Chairman.

Thanks as well to Ms. Stirk for her presentation, which was very interesting.

I wonder what opportunities there are for bringing diplomatic pressure to bear. What steps could we consider in order to put pressure on the Ukrainian government while maintaining this commitment and dialogue?

I'd also like to know to what extent we are trying to coordinate our efforts with those of the NGOs in the field and those of other countries, either bilaterally or through international organizations.

Thank you.

● (0900)

[English]

**Ms. Jillian Stirk:** Thank you, Mr. Chair, and thank you for this interesting question.

It really goes to the heart of issue, which is how we balance, I would say, incentives with deterrence and the question of what kinds of avenues we have to continue to

[Translation]

put pressure on the Ukrainian government while maintaining open relations with the Ukrainian people.

As I previously mentioned, Canada has demonstrated leadership by sending stern key messages to Ukrainian authorities. Our ambassador is very active in the field and is taking part in the process.

[English]

He assists or participates at the trial of Madam Tymoshenko.

[Translation]

He has delivered messages directly to her informing her of our support during this process.

[English]

Of course, as the minister has indicated, we will be examining our bilateral relations and looking for further opportunities to signal our

concern to the Ukrainian authorities. It will be really on a case-by-case basis.

[Translation]

If the objective is to support democracy, human rights,

[English]

the rule of law and so on, the question is how to find opportunities to do that, whether it's through statements or re-examining some of our bilateral cooperation as it warrants.

**Ms. Hélène Laverdière:** Regarding coordination with other countries or consultation in other countries so that everybody speaks with the same voice, either bilaterally or in multilateral organizations, are there any other discussions? Do we have discussions with the U.S. or...?

Also, do we work specifically with NGOs on the ground?

[Translation]

**Ms. Jillian Stirk:** Thank you, Mr. Chairman.

Yes, we are in frequent contact with our American partners and with the European Union. We have consulted them and still consult them regularly, as well as other European countries. We have partly coordinated the messages that our ministers have sent and we are discussing the opportunities that we will have to show our dissatisfaction with the situation.

[English]

In terms of civil society, I would say that we have very good contacts on the ground. I think part of that is a result of the support that Canada has provided by helping some of these organizations develop their capacity over the years, through various technical assistance programs and so on.

Many of these NGOs have looked to Canada for advice and support over the years, so we maintain close ties with them. Certainly our embassy speaks to them and seeks their views on a regular basis.

In fact, as I mentioned, when I visited Ukraine earlier this year, in June, a good part of my program was spent meeting with NGO representatives to talk about the human rights situation, to get their perspectives on what was happening, and to talk about ways in which Canada could continue to support their efforts, which are of course aimed at strengthening Ukrainian institutions.

● (0905)

**Ms. Hélène Laverdière:** Regarding the free trade agreement we are negotiating with Ukraine, how will the current situation affect these negotiations?

[Translation]

**Ms. Jillian Stirk:** That's a very good question.

[English]

I think free trade agreements are important in the sense that they open new markets and they increase international trade and investment. I think they can help foster growth and prosperity—and free markets, which is of course an important objective.

[Translation]

Economic prosperity can also help a country acquire democratic institutions and support human rights.

As I've already said,

[English]

the challenge is balancing the incentives with the deterrents. The government will be watching the situation closely and we'll consider what would be the best way to proceed in the ongoing negotiations.

**The Chair:** Thank you.

We are going to move to Mr. Goldring.

**Mr. Peter Goldring (Edmonton East, CPC):** Thank you, Mr. Chairman.

My thanks go out to all the committee members and you, Mr. Chairman, for considering this very important issue.

Thank you to the witnesses for appearing here today. It's very timely.

I have to go back to the period of the Orange Revolution. At that time, there was a culture of intimidation, and I was there for the whole 10 days of it. I was there for the failed election. I saw the ballot box stuffing, and I actually have pictures of that ballot box stuffing, which is pretty incredible.

There was a sense, at that time, of not taking the election process seriously. It was, I suppose, the remnant of the Soviet style of dealing with elections, and so was the culture of intimidation. I was personally very, very intimidated. Attempts were made to scare me, to have me removed from the country. There were various methods: blood in my room, things delivered to me.... There were various issues that were pretty outrageous, but I took it in stride at the time because of the importance of what was going on.

What was going on, was this very real scenario of the citizens of the country were rising en masse and speaking out for their democratic freedom. This was real. When I would speak to them on that stage in Independence Square, the resounding roar that would come back when I would say to them that Canada was with them in their interests of improving and regaining their democratic institutions, that was very real.

But at that time, we had various media concerns. TV, of course, could broadcast pretty readily. The press seemed to be able to function and do their reporting, but the telephones wouldn't work. There was control over the telephones. They would click-click, or fail, or fade in and out. There were attempts to control that.

Could you characterize today, because of these committee meetings, and because of the take note debate in the House of Commons too, whether this is coming through to the citizens of Ukraine? Ultimately, it is up to the people of Ukraine: we can share all the concern we want here in these committee meetings, but ultimately, it's the people of Ukraine who have to express their concern. Are they expressing this concern today on the streets of Kiev or is there some holdback through the media? Is this coming through? Are they as concerned as we are?

**Ms. Jillian Stirk:** Thank you, Mr. Chair.

The honourable member I think puts a very important question before us. Indeed it's a complex issue. I would say that certainly there have been demonstrations associated with both the Tymoshenko trial and the overall situation in Ukraine—the loss of freedom, the continued abuse of human rights, the loss of press freedom, and so on. So there certainly are groups in Ukraine who continue to speak out, to question, who are trying to bring change to the country.

I think there is also a strong desire on the part of many Ukrainians for closer ties with the west. We see that in terms of their engagement with Canada. The pursuit of a free trade agreement and an association agreement with the EU is of course very much directed towards binding Ukraine to the western community of nations.

I would say there are conflicting forces at work in Ukraine. On the one hand, you see pressure on the judicial system. You see erosion of freedom and human rights and respect for the rule of law. On the other hand, I think there are important forces in Ukraine and many Ukrainians who seek a better future and are very much committed to democracy, human rights, and the rule of law. I think they certainly look to countries like Canada for support in their efforts, seeking that brighter future.

That, of course, is one of the reasons why the government has been so active in delivering these kinds of messages, both publicly and privately, either during the Prime Minister's visit or in recent ministerial statements and so on. These are all I think an important element in supporting those democratic forces.

● (0910)

**Mr. Peter Goldring:** We all know the history of Ms. Tymoshenko. She was very much involved in the Orange Revolution, very much one of the two principals of the revolution. The follow-up, of course, was that in the last presidential election she was in the final round with the president. Of course, the president was the president-elect in the failed election that started the Orange Revolution. So really he has been there in one form or another.

Is there a sense that this is politically based, this trying to do something particularly to prevent her from being a primary contender in the next go-round of elections? How is the media reporting this in Ukraine? What are the backgrounds to this? Or is this simply perceived to be a criminal charge about actions while in office?

**The Chair:** Ms. Stirk, I'll just let you know that you have about a minute.

**Ms. Jillian Stirk:** Thank you, Mr. Chair.

I would say there's a very clear sense that this trial is politically motivated. I think that's understood in both Ukraine and abroad. Indeed, I think all of the statements that our government has made, and other governments have made as well, focus on the political nature of these charges and allegations and see this very much as interference with the judiciary.

**The Chair:** Thank you for that.

Mr. LeBlanc, sir, the floor is yours for seven minutes.

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Thank you, Mr. Chairman.

Thank you, Ms. Stirk and Mr. Sarty, for being here this morning.

I enjoyed the questions from my colleagues. I think there's probably a large consensus around the table—I hope there is—that Canada has played a constructive role since the independence of Ukraine over 20 years ago. Certainly the government has taken a firm position with respect to the Tymoshenko trial, and from our perspective that's a good thing.

I wanted to ask you two specific questions. I don't have the foreign policy experience that some of the others at the table may have. You talked about re-examining our bilateral relationship. The question is not a trap. I'm actually interested in understanding what kinds of things that means. It's a sort of bureaucrat-speak that probably means a lot—or nothing, depending on what the government ultimately decides to do.

But when a government says it is looking at its bilateral relationship, I understand very clearly the often contradictory requirements: do you engage and maintain an active and constructive relationship all the while being forthright about some of the challenges in the society, or do you withdraw and allow the situation to deteriorate further and lose what influence Canada historically has had?

I understand that dynamic, but what kinds of things can...? If you don't want to talk about specific options the government will be looking at, choose another context: when a government says it is examining its bilateral relationship, what might be the menu of options that a government would look at in a circumstance like this? I'm curious to understand what this could look like as the situation evolves.

Also, if there's time, I'd be curious to hear your reaction to the comments I read in the media yesterday. The Ukrainian chargé d'affaires made a rather bizarre comment. The whole world says it was a political trial and not in fact a substantive criminal one, and I read in the media I think yesterday that the chargé d'affaires is saying no, this was actually a criminal trial and there was no political overtone. Obviously that's something with which we disagree. I'm wondering if the government has had a chance to make that clear to the Ukrainian embassy in Canada.

● (0915)

**Ms. Jillian Stirk:** Thank you, Mr. Chairman.

It's a very good question: how does one use the bilateral relationship to act both as an incentive and as a deterrent in this case and, indeed, in other cases? Maybe I'll start with some very specific examples and then go to the more general.

In this specific case, immediately after the trial had taken place our ambassador in Kiev went to see the deputy foreign minister to deliver some very clear messages about what Canadian views might be, and I did the same thing here with the Ukrainian chargé. We had a very frank conversation about the Canadian view of what we see as a very much politically motivated trial and signalled that there would be implications for the nature of our relationship, which has traditionally been a very warm one.

In terms of other specific actions, it is very much on a case-by-case basis and not specific to Ukraine. We look at issues such as

agreements that might be under discussion. We look at issues such as visits, at opportunities to deliver messages and to see how those might be used in one way or another. There are numbers of opportunities one can use to signal displeasure and to also at the same time encourage a different approach.

**Hon. Dominic LeBlanc:** Did you see the same comments by the chargé d'affaires yesterday? I don't remember the clipping, but the chargé d'affaires was contradicting what the whole world was saying about its being a political trial and not a criminal one.

**Ms. Jillian Stirk:** I have not seen those comments, no, but I'll certainly follow up and take a look.

**Hon. Dominic LeBlanc:** The chairman says I have a couple of minutes.

The role of Russia was one thing we saw discussed in some of the media reports around the trial. The Russians themselves said there was an anti-Russia subtext to some of the coverage or some of the discussion concerning the actual trial process, and yet this particular president, from what I have understood and read, is seen by some observers to be more pro-Russia than perhaps others may have been.

Do you have a view on the current state of the Ukraine's relations with Russia and what constructive—or less than constructive—role Russia might play as this issue evolves?

**Ms. Jillian Stirk:** That's also a very interesting question, Mr. Chair, and it really goes right to the heart of Ukraine's place in Europe, I would say.

The relationship with Russia is a complex one. In the case of this trial, it's rather interesting that the Russian government has criticized the nature of the trial and the way in which it was conducted. Some observers may have been surprised by that.

I would say that Ukraine balances its relations between Russia and the west. Of course, there is a long history of relations with Russia. The economies are quite closely integrated in some areas, and this presents both opportunities and challenges. I would say that it's a very difficult aspect of Ukrainian foreign policy.

What specific role Russia is playing here is difficult to determine with any sort of clear precision, but what is clear is that the Russians have actually criticized the conduct of this particular trial.

**The Chair:** Thank you.

We're going to move into the second round. We're going to start with Mr. Dechert and then go to Mr. Sopuck.

● (0920)

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Thank you, Mr. Chair. As you mentioned, I'll be sharing my time with Mr. Sopuck.

Good morning, Ms. Stirk. It's good to see you again. Thank you for being here.

I think all Canadians are very concerned with recent events in the Ukraine. As Mr. LeBlanc pointed out, all parties here have expressed that concern in the take note debate that we had in Parliament on Tuesday evening.

We're concerned about the apparently political motivated arrest, imprisonment, and prosecution of Ms. Tymoshenko. A number of people in the media and people elsewhere across the country have suggested that perhaps Canada might offer Mrs. Tymoshenko asylum or honorary citizenship as a way of demonstrating Canada's significant concern. What would your comment be on that?

**Ms. Jillian Stirk:** Thank you, Mr. Chairman.

I would say that so far the focus has really been on the judicial process and on the strengthening of democratic institutions in Ukraine. All of our messages to the leadership very much emphasize the importance of the rule of law.

I can say that our ambassador has already demonstrated his interest and his support for Madam Tymoshenko. He attended the trial and he has delivered messages to her, and Madam Tymoshenko has acknowledged and expressed her appreciation for this support.

Unfortunately, Madam Tymoshenko is not the only member of the opposition who is being persecuted or pursued by the Ukrainian judicial system. I think the issue is really much wider than just one individual.

I would suggest that in some respects the objective right now should be to remain engaged, to continue to deliver strong messages about the deteriorating democratic situation and the human rights conditions, to help strengthen civil society in Ukraine, and to demonstrate our support for all the members of the Ukrainian opposition at this time.

**Mr. Bob Dechert:** So to be clear, it would not be your recommendation to offer asylum or honorary citizenship at this point in time.

**Ms. Jillian Stirk:** Well, that would be a decision for the government to make. At the moment, our focus has been on strengthening the institutions in Ukraine and focusing on the broader opposition, which is of course much more than one individual.

**Mr. Bob Dechert:** I'll defer to Mr. Sopuck.

**The Chair:** Mr. Sopuck, you have two and a half minutes, sir.

**Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC):** Thanks.

How is Canada thought of in Ukraine? The second part of that question is, does our opinion matter to the Government of Ukraine?

**Ms. Jillian Stirk:** Mr. Chairman, I think Canada is thought of very highly in Ukraine. Much of this goes back to the strength of the relationship between our peoples: the tremendous contribution that of course Canadians of Ukrainian origin have made in this country, but perhaps even more important, the contribution that many of them have made to the rebuilding of Ukraine. There are very strong ties at all levels of civil society. I would say that many of those organizations look to Canada as an example and feel that they could learn from our own experiences here in building a strong, robust civil society.

Civil society, I think, is very much engaged in.... I'm sorry, but what was the second part of the question?

**Mr. Robert Sopuck:** In terms of the government itself, does our opinion matter to the Government of Ukraine?

**Ms. Jillian Stirk:** I believe it does. Again, because of the close relationship and the support the Government of Canada and indeed the people of Canada have provided to Ukraine, I think the Ukrainian leadership does care when we deliver these kinds of tough messages. They are anxious to have Canadian parliamentarians visit their country. They're always made very welcome there. I believe they do take our messages seriously.

We know that during the course of the trial, at the time when our minister and Prime Minister were writing—and indeed, other political leaders from the United States and the European Union were doing the same thing—President Yanukovich did step back and let the trial take a longer period to play out, to give Madam Tymoshenko a greater period of time to prepare herself. Whether or not that was directly related to those messages is not clear, but I do believe we can have an impact.

● (0925)

**Mr. Robert Sopuck:** In your remarks, you talked about the continued pervasiveness of corruption. Once a culture of corruption takes hold, it's very difficult to root out. Is there hope for institutional reform in Ukraine? Do you see any progress toward that?

**Ms. Jillian Stirk:** Mr. Chairman, I absolutely believe that there is hope for institutional reform, and I believe that there's certainly a will among the Ukrainian people to see that reform take place.

We've seen progress over the years since independence, but it has been a halting progress and has sometimes been reversed. Putting in place democratic structures, real respect for human rights, and rule of law after 70 years of Soviet rule is not something that can be achieved easily or overnight. So it's perhaps not surprising that there's not a clearer trajectory, but rather that this is a process which will take some time. There will be setbacks, but certainly I remain hopeful.

**Mr. Robert Sopuck:** Thank you.

**The Chair:** Thank you.

I thank you, Mr. Sopuck.

We're going to finish up now.

Mr. Morin, you have five minutes, sir.

[*Translation*]

**Mr. Marc-André Morin (Laurentides—Labelle, NDP):** Thank you, Mr. Chairman.

I think it's hard to look at the present situation in Ukraine without putting it in the historical context of the collapse of the USSR. We've seen from history that the collapse of the Ottoman Empire caused World War I. There are also all the problems currently being experienced in the Middle East. The collapse of the USSR led to a host of events that were not very controllable.

Ukraine is unfortunately in an extremely uncomfortable geographic position. For hundreds of years, the Ukrainian people have always paid a heavy price in all the conflicts among the major international powers. The same is somewhat true today.



Russia is seeking to regain its political and military influence in the region. We also saw what happened in Georgia, for example, where the Western countries rushed in to support a regime. After 70 years of repression, those people had developed an animosity toward Russia and felt supported to the point where they could start a war. The end result is that tens of thousands of people were killed. That didn't do much to change the situation.

I wonder to what extent we're considering the actual welfare of Ukrainian citizens. Historically, they've been betrayed by all the major powers for 150 to 200 years. How far should we take that into account in our actions? For example, all the aid we can direct to Ukraine should be directed to civil society. That would have the effect of improving the well-being of Ukrainians directly instead of trying to disregard long-term philosophical, historical and political questions. We should be trying to act from a virtually humanitarian perspective.

The situation the people in Ukraine are currently experiencing is not a vacation. People are picking up old Russian military trucks and repairing them with whatever they have on hand. They deliver wheat to obsolete port facilities abandoned by the USSR. The hammer and sickle are still above the entrance to those facilities. These people get by through incredible creativity and ingenuity. I believe we have to find a way to help them directly in improving their living conditions.

That would be preferable to adopting the attitude of the Europeans and Americans. Our interests are different. We want to support the Ukrainian people because a lot of our citizens are of Ukrainian origin. We feel solidarity toward them. However, Europe does not have the same interest. Europe wants the Russian pipelines to cross Ukraine so they can get the natural gas they need to run their economy.

• (0930)

We should take a step back and look at the overall political context in order to see what we can do that would be more useful for those people.

[English]

**The Chair:** Just give us a quick response, please. We're almost out of time.

[Translation]

**Ms. Jillian Stirk:** Thank you, Mr. Chairman.

Yes, I believe that Canada's contribution is really based on support for the Ukrainian people, and we are continuing in that vein.

[English]

Canada is the fourth-largest donor of bilateral technical assistance to Ukraine, and of course we have been active in that area since 1991. We also support, for example, the Chernobyl fund for nuclear safety and for cleaning up the results of that terrible accident in 1986.

[Translation]

We've also done it with groups in civil society to support and improve the situation.

[English]

As I said, we try to direct our efforts to supporting the Ukrainian people.

[Translation]

You really are right. It's absolutely very important to consider the situation of the Ukrainian people.

[English]

**The Chair:** Thank you very much.

Peter, did you have one quick question before we wrap up?

**Mr. Peter Goldring:** Yes, I do. Thank you very much again.

We know that back during the Orange Revolution that... I was in the Rada and when I was leaving the Rada, somebody showed me pictures of what they said were Russians in Ukrainian uniforms who were surrounding Kiev. We know that the military was surrounding Kiev at the time and was ready to move into Independence Square. From reports, we know, too, that the president-elect was being supported at that time by Russia. Russia did have a fair amount of influence in Ukraine at the time, so it was interesting to hear your comments.

Your comments today are predicated on Russia disagreeing with this action of the President of the Ukraine. In other words, Russia today is not supportive of what is happening. Could you be very clear on that for me, please?

**Ms. Jillian Stirk:** Thank you, Chairman.

What I intended to point out here was simply that the Russian government had criticized the judicial process involving Madam Tymoshenko. There may be a variety of reasons for that. It's very difficult to speculate on exactly what the Russian motives might be in this instance. Of course, as I said, the relationship between Russia and Ukraine is a very complex one.

But I think it does underline one thing. I have to be careful how I put this. But when even Russia has concerns about the nature of the judicial process, I think it suggests to us that clearly this is politically motivated—

**Mr. Peter Goldring:** [Inaudible—Editor]...there as well.

**Ms. Jillian Stirk:** Certainly not with respect to this particular decision.

**Mr. Peter Goldring:** Thank you very much.

**The Chair:** Thank you very much.

To our witnesses, I want to thank you very much for taking the time to come out.

I'm not going to suspend the meeting, because we do want to take care of a little bit of committee business, so I'll just thank the witnesses once again for taking the time to be here this morning.

Committee, we have about 10 minutes before our next group comes in. You have a budget before you that really just pertains to the witnesses we have here for today, for the second part, and I also wanted to briefly discuss the possibility of what we could look at for next week, as we have a fairly light schedule. I want to get some suggestions on what or how we may handle that.

Does everyone have the budget in front of them? That should be the easy one to deal with. Are there any questions at all on the budget?

Okay? Then I'll just call the question: all those in favour of the budget?

**Some hon. members:** Agreed.

**The Chair:** Okay. Thank you very much. That was the easy part.

In terms of next week, I have a couple of suggestions and thought processes for that, but I also didn't want to take too much time to try to figure out what we may look at.

Ms. Laverdière.

• (0935)

**Ms. Hélène Laverdière:** For next week, my understanding was that on Thursday, October 27, we were going to hear from the Global Fund, from Christoph Benn and Svend Robinson. This is still on the agenda, isn't it?

**The Chair:** Yes. For the first hour, just one hour.

**Ms. Hélène Laverdière:** Okay.

Otherwise, for Tuesday, given the events of today in Libya, maybe it would be very interesting to have an update on the situation in Libya and what appears to be the new phase beginning with the potential death of Colonel Gadhafi. We would suggest that. It could help also launch our longer-term study on the Arab Spring. I think the UN Security Council is discussing Yemen this week and we note that in Syria things are still unfolding, so I think spending some time on Libya next Tuesday could be useful.

Thank you.

**The Chair:** Mr. Dechert.

**Mr. Bob Dechert:** Thank you, Mr. Chair.

I certainly don't have any concerns about having an update on Libya. I think that's a reasonable suggestion. There's something else that I think is perhaps a little more timely, and that I would like to see dealt with on Tuesday, and that is the recent events in Egypt with respect to the massacre that took place in Cairo last weekend.

We talked earlier in this session about having an update on Egypt from our officials in terms of the whole democratic situation in Egypt, the proposed elections, and what the status of the revolution was. Since that time, we've had this major event in Cairo. I know that a lot of Canadians are very concerned about that. I think maybe we could do an hour or an hour and a half on that on Tuesday.

The second thing that I think might be interesting to look at—and I would suggest that it's very timely—is that, as all of you know, the Commonwealth conference is taking place next week in Australia. A large Canadian delegation will be attending. We have the opportunity to have Senator Segal on the line on a video conference from the conference in Australia—I would suggest for maybe half an hour—to make a presentation and take some questions on what's going on at the conference.

If I could suggest this, maybe we could do that on Tuesday, and then move to Libya and Syria on Thursday.

**The Chair:** All right. We have a couple of suggestions there. We'll try to fit it in, then, based on availability of people. We have an hour on AIDS and tuberculosis on Thursday and then what we can

do is fill another hour. The other slot was the one for looking at the work plan for Africa, which we also want to discuss.

We have a couple of ideas now, so I'll work with the clerk and the researchers to come up with something based on availability of witnesses. Maybe the update on Libya would be better the week after, but we all agree that it may be possible to get an update.

So we have a couple of things here. I will work with the clerk and the researchers to fill in the schedule for next week based on the suggestions we have here. Okay?

Let's suspend for five minutes and get our next group of witnesses in here.

Thank you.

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\_\_\_\_\_ (Pause) \_\_\_\_\_

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• (0945)

**The Chair:** I will invite everyone to come back to the table. I want to welcome our witnesses for the second hour.

We have with us Lisa Shymko, executive director of the Canadian Friends of Ukraine and chair of the Canada-Ukraine Parliamentary Centre.

Welcome, Lisa.

We also have with us Taras Zalusky, the executive director of the national office for the Ukrainian Canadian Congress.

Welcome, sir.

Our last guest, appearing as an individual, is Taras Kuzio, senior visiting fellow, Center for Transatlantic Relations, Johns Hopkins School of Advanced International Studies, Johns Hopkins University.

Welcome to you, Taras.

I believe that you all have opening statements, so why don't I just start with Taras Zalusky?

**Mr. Taras Zalusky (Executive Director, National Office, Ukrainian Canadian Congress):** Thank you, Mr. Chairman, for the invitation to participate in this important meeting of the Standing Committee on Foreign Affairs and International Development as it examines the situation in Ukraine.

My name is Taras Zalusky. I'm the executive director of the UCC. The Ukrainian Canadian Congress is the voice of Canada's Ukrainian community. The congress brings together under one umbrella all the national, provincial, and local Ukrainian Canadian organizations.

Among others, one of the purposes and objects of the UCC is to support the democratic, civil, social, economic, and state development of Ukraine. By extension, the Ukrainian Canadian community wishes to see this great country and its talented people succeed in overcoming the legacy of its difficult past and continue to build a democratic, stable, prosperous, and harmonious society within Ukraine, based on respect for national and religious minorities and strong mutually respectful relations with its neighbours and beyond. The Ukrainian community in Canada wishes to foster positive relations between Canada and Ukraine.

● (0950)

[*Translation*]

Despite the numerous statements by the Ukrainian government, which denies the situation, there is abundant information and evidence that Ukraine is returning to an authoritarian governance model.

Consequently, there are a number of negative implications for stability in the region. There are also risks of physical confrontation between civil society and Ukrainian authorities as the government systematically proceeds to reverse the democratic gains resulting from the Orange Revolution.

[*English*]

Today, many in Ukraine feel that their future is at risk. The rule of law and democratic freedoms, such as freedom of the press, freedom of assembly, and freedom of speech, are being stifled. Opposition leaders are being arrested, jailed, and charged, and often in that order. Politically motivated selective justice is being meted out indiscriminately against opponents of the Yanukovich government.

President Yanukovich has overseen a number of actions that constitute a rejection of the fundamental principles of democratic government. Previous restrictions on the powers of the president have been repealed. This has accelerated the concentration of power in the hands of the president. The distinction and separation of powers among the president, prime minister, the government, and Parliament have been significantly reduced, if not nullified. Checks and balances between the executive and the judiciary have also been eroded.

There has been a crackdown on opposition politicians, manifested in the ongoing prosecution and recent conviction of, among others, Yulia Tymoshenko, the former prime minister; the arrest and imprisonment of Yuriy Lutsenko, former interior minister; and the flight into asylum in the Czech Republic of Bohdan Danylyshyn, the former economy minister. In the Tymoshenko case, the decision to sentence her to seven years' incarceration precludes her from holding public office for years.

Over the past weeks, many political leaders have condemned her trial, highlighting its political nature and the attempt to eliminate Mrs. Tymoshenko as an opposition leader. On October 11, 2011, European Union High Representative Catherine Ashton issued the following statement:

The verdict comes after a trial which did not respect the international standards as regards fair, transparent and independent legal process, which I repeatedly called for in my previous statements. This unfortunately confirms that justice is being applied selectively in politically motivated prosecutions of the leaders of the opposition and members of the former government.

Similar statements were also made—strong statements—by Canada's foreign minister, the Honourable John Baird, and Canada's Prime Minister, both publicly and in correspondence to President Yanukovich.

There has also been an increasing use of coercion against journalists and threats to media freedom in Ukraine.

[*Translation*]

One of the major achievements of the Orange Revolution in Ukraine in 2004 was the establishment of truly independent media. The Ukrainians now have greater trust in the media than they have in their country's politicians, according to the polls conducted in 2010.

[*English*]

Independent media outlets have become a mainstay of the Ukraine civil society landscape and a trusted check on the government. However, since February 2010, a growing number of disturbing incidents have occurred that convey the impression that media freedoms are increasingly being jeopardized.

In July 2010, international media rights watchdog Reporters without Borders found documented cases of physical attacks on journalists, direct obstruction of their work, and acts of censorship of various kinds. According to the U.S. state department, the local elections of October 31, 2010 did not meet standards for openness and fairness set by the presidential elections earlier that year.

● (0955)

[*Translation*]

There are also serious fears about the next legislative elections in 2012. How can they be declared free and fair if the leaders of the two opposition parties, including the leader of the official opposition, are unable to take part in them?

[*English*]

As well, the government of President Yanukovich has targeted independent universities, research institutions, and others for harassment and intimidation, especially those working on restoring Ukraine's historical memory.

Last year, Prime Minister Harper visited the Ukrainian Catholic University and the National Lonsky Memorial Prison Museum, where both the rector of the university, Father Bores Gudziak, and the director of the museum, Ruslan Zabily, were subjected to government harassment and intimidation. In June of this year, Zabily and 16 staff members of the museum were interrogated by the secret police, despite messaging to the contrary from Prime Minister Azarov.

These are some of the latest actions demonstrating the efforts of the Government of Ukraine to step up actions against researchers and historians. These and other efforts to revert to Soviet-style tactics of intimidation need to be monitored, publicized, and addressed systematically.

What can Canada do? With respect to CIDA, the Canadian International Development Agency, its focus at present is on agriculture and food security and economic development for Ukraine.

**The Chair:** Mr. Zalusky, could you slow down just a bit so the interpreters can keep up? I know that you have to get in a lot in a short period of time, but just a touch more slowly...?

**Mr. Taras Zalusky:** How am I doing for time?

**The Chair:** You're about halfway there.

**Mr. Taras Zalusky:** I'll slow down, then.

We believe those priorities should be modified to include good governance, democratic development, judicial reform, and civil society support. Canada can help foster NGO sector development, especially groups working in the areas of human rights, education, and law reform, as a vibrant civil society is one of the best guarantors of Ukraine's long-term democratic evolution.

In the interim, we request that Canada use all of the diplomatic tools at its disposal to communicate both publicly and privately Canada's displeasure with some of the regressive developments in Ukraine, and to warn the Ukrainian government of the potential consequences of its divisive and anti-democratic actions.

We suggest that a Canadian parliamentary delegation visit Ukraine this fall to meet with Ukrainian parliamentarians and government officials to deliver a strong message that Ukraine can only be accepted in the international community if it has a functioning democracy and respects human rights.

We also call upon the government to attend important events and hearings, such as the trial of Yuriy Lutsenko, to signal that Canada, along with other western democracies, is closely following how justice is being dispensed under the Yanukovich government.

With respect to the free trade talks for Ukraine and Canada, which Madam mentioned earlier, we believe those negotiations should be made conditional upon the Ukrainian government committing to respecting democracy and human rights. Given the political context in Ukraine, we strongly encourage Canada to ensure that the proposed Canada-Ukraine FTA contains specific provisions guaranteeing human rights, rule of law, and adherence to fundamental democratic principles as a condition to the conclusion of such an agreement.

We similarly request that Canada use all of its influence within the Euro-Atlantic community and Euro-Atlantic agencies to maintain pressure on the government to respect democracy and human rights. European governments are now realizing that Ukraine's slide into authoritarianism does not serve their long-term interests, and they are beginning to respond accordingly. Canada should support European efforts to promote Ukraine's integration into European structures.

Finally, with respect to the 2012 elections, we call upon Canada to begin preparing now for the thorough monitoring of Ukraine's parliamentary elections in 2012.

In addition to sending a sizable delegation of Canadian short-term electoral observers, greater emphasis must be placed on long- and medium-term monitoring of the electoral process in Ukraine and on publicizing any anti-democratic machinations in the lead-up to the vote as they occur. It is recommended that greater emphasis be placed on these longer-term observations given the growing sophistication of Ukrainian politicians in manipulating the electoral

process to achieve a desired outcome, rather than engaging in blatant and massive fraud on election day.

Finally, there are serious concerns with these upcoming elections. How can they be declared free and fair if the leaders of two opposition parties, including the leader of the official opposition, are not able to participate?

Thank you for your time.

• (1000)

**The Chair:** Thank you, sir.

We're going to move to Ms. Shymko.

The floor is yours for 10 minutes.

[*Translation*]

**Ms. Lisa Shymko (Executive Director, Chair, Canada-Ukraine Parliamentary Centre, Canadian Friends of Ukraine):** Mr. Chairman, on behalf of our organization, Canadian Friends of Ukraine, I want to thank you for inviting us to take part in this hearing before your parliamentary committee.

[*English*]

Thank you for the opportunity to address the foreign affairs and international development committee.

Thank you also to our parliamentarians for the emergency debate on the issue of Ukraine that took place a few days ago. As you know, that fact was reported quite widely in Ukraine's media in advance of the debate and following. I think it's essential that Ukraine's readers, both on the Internet and in official newspapers, have access to that information, and we're very happy that Canada took such an immediate stance in Parliament to have that debate occur.

My name is Lisa Shymko. I am here representing the Canadian Friends of Ukraine in my capacity as chair of the Canada-Ukraine Parliamentary Centre, which operates under the auspices of Canadian Friends of Ukraine.

I'd also like to acknowledge the presence of several of my colleagues from Canadian Friends of Ukraine, including our president, Margareta Shpir, and our director, Roman Waschuk. I thank them for being present today.

Canadian Friends of Ukraine 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. Since its creation, Canadian Friends of Ukraine has taken the lead in fostering interparliamentary and intergovernmental cooperation between our two countries.

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 Kiev. The state-of-the-art facility houses a collection comprising 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.

We're very proud of this centre. We feel that it's a showpiece for Canada. It has welcomed ambassadors from across the world, parliamentarians, and cabinet ministers. We've had several visitors, including not only visitors from western European states, but Canada's Minister of Foreign Affairs as well.

Canadian Friends of Ukraine is also the founder of the international statesmen dinner, which provides a Canadian forum for political leaders from Ukraine. In 2003, we hosted the visit of the former Prime Minister of Ukraine, Yulia Tymoshenko, to Canada and facilitated her meetings here in Ottawa with the Speaker, who hosted a luncheon for her. She also held meetings with the then foreign affairs minister, Mr. Bill Graham, and she also made a representation in front of representatives of CIDA and the Department of Foreign Affairs.

She subsequently addressed a very large audience at the Royal York Hotel, which included senators and ministers, parliamentarians from all parties, and media luminaries such as Peter Mansbridge and others. In her address, the audience heard Ms. Tymoshenko deliver an impassioned speech on the need to fight government corruption in a post-soviet Ukraine. It is ironic, as everyone before me has mentioned here, that eight years later Ms. Tymoshenko is now the subject of what Khrushchev's great-granddaughter recently called a modern-day Stalinist show trial.

A year ago, I and my colleague, the president of Canadian Friends of Ukraine, Margareta Shpir, had the honour of accompanying the Prime Minister on his historic trip to Ukraine, during which the Prime Minister so eloquently enunciated the democratic principles on which Canada's foreign policy is founded. We definitely never imagined, at least on the part of our NGO, that 10 months later my colleague and I would be sitting in a courtroom observing the trial of Ms. Tymoshenko. We did have an opportunity to speak to her briefly and she did want to thank Canada for monitoring the trial so diligently.

As you know, and as has been said prior to my addressing you today, the trial and the persecution of other officials have directly impacted the road map of priorities for Canada-Ukraine relations that was signed by the foreign ministers of Canada and Ukraine in 2009. Many of my comments are part of a 14-page brief that we have prepared for the members of the committee, which we hope to distribute to you later.

The emerging situation in Ukraine and its neighbouring country, Russia, have of course raised serious concerns not only about the future of Ukrainian democracy and political sovereignty, which if left unaddressed will have strategic geopolitical implications not only for Ukraine but for the entire region, but as the previous speaker alluded to, there are several troubling aspects to that erosion.

• (1005)

First is the persecution of opposition leaders and the selective justice. I won't repeat what you already know about Tymoshenko and other members of the former government, but I do want to indicate that in the area of impartiality, on the part of judicial proceedings Amnesty International has reported that only 0.2%—that's two in 1,000—of those indicted by the prosecution in Ukraine are found not guilty and set free. The average in the EU is over 40%.

I'd also like to draw attention to the fact that there are troubling violations of human rights and media freedom in Ukraine. In April of 2010, Ukraine's president abolished the national commission on freedom of speech and the rule of law, and that has been one of the questions from one of members of Parliament in terms of media freedom.

We are deeply concerned that there is a problem in terms of how the line between the state and media independence has been blurred. There is a media tycoon, for example, by the name of Valeriy Khoroshkovsky, who owns a pro-government TV channel known as Inter, and he was appointed head of the Security Service of Ukraine—a major conflict of interest. Now what we see is that the Security Service of Ukraine very often pressures the national television and radio broadcasting council and threatens to cut off their broadcasting licences if their television station interviews one too many opposition leaders.

It has also been mentioned today that Reporters without Borders has published a press freedom index and that has indicated a major deterioration in press freedom in Ukraine. Ukraine's ranking has fallen to 131st place, which is a sharp drop from its previous year's ranking of 89th place. To put this in perspective, Russia's rank remains notably worse, at 140th.

There are also many other issues that I'm not going to discuss today but are alluded to and discussed in detail in our brief in regard to an endemic police criminality. That is a big problem in Ukraine. There are countless cases of individuals who either have died in police custody or have been beaten by police officers and have not had follow-up investigations. Those cases are indicated in our brief.

There are, of course, other abuses of parliamentary democracy and the constitution, and a strong attack on national identity. These are also enunciated in our brief.

I'd also like to make reference to another issue that one of your members of Parliament asked about today, and that is what we call "the Russia factor". Russia has very specific political and economic objectives in Ukraine, and this is not surprising. We do believe that the current political crisis in Ukraine, coupled with Russia's ambition for greater influence in that part of the world, may herald some troubling geopolitical shifts. I'd like to draw attention to a few aspects.

First, as you know, Prime Minister Vladimir Putin is aggressively pushing for Gazprom, the Russian state-owned energy company to take over Ukraine's state energy company, Naftogaz, whose pipeline transports 80% of the natural gas used by the European Union countries. One of the commentators in the *National Review*, George Weigel, recently wrote that if this does happen, it is going to have profound implications for European energy security and for Russia's capacity to impose its will on Europe in the energy sector.

A second factor on the perspective of Russian influence is the fact that, as you know, Moscow is pursuing the creation of a Russian-led common market, customs union, and possible common currency. This would not only compromise Ukraine's sovereignty, but would also see Ukraine abandoning negotiations with the EU on association in a rather wide-encompassing trade agreement.

•(1010)

The other issue is the troubling record of the decline of human rights in Russia, which we believe is having a spillover effect into Ukraine. According to the committee for the protection of journalists, 22 journalists and media personnel were killed in Russia between 2000 and 2010, and there have been multiple attacks on human rights activists, lawyers, and others. I won't read you all the examples.

I don't know how much time I have left, but I'm getting to my conclusion.

We do believe that the road map is at risk. We do believe that the loss of Ukraine as a strategic partner of Canada and the EU would have far-reaching global consequences, but we also believe that a business-as-usual approach is not going to be adequate at this time. We talk about constructive engagement. We'd prefer to call it conditional engagement, and we have 14 proposals and recommendations to the department and to Parliament. I am just going to read the first essential ones and then leave you in peace.

Our first recommendation is 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.

Second is 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.

Third, we believe that attempts to bar the opposition leader from participating in those elections should be considered as grounds for completely withdrawing from that process.

We also believe that Canada should take advantage of its participation at the upcoming G-20 Summit in Cannes to encourage world leaders, particularly those in the U.S. and Europe, as part of important leverage, to make future economic integration between Ukraine and EU countries conditional on the achievement of an impartial Ukrainian judicial system and open parliamentary elections. At the same time, we believe they should insist that Russia refrain from interfering in Ukraine's internal affairs.

We have many more recommendations, but I do want to say, since you spoke about NGOs, that it is important that you continue to engage with NGOs. We believe that the Canadian government, CIDA, and other bilateral channels should work more closely with Canadian NGOs that have a strong record of successfully implementing programs in Ukraine. We include our NGO in that group. We're very happy and pleased about our track record.

I thank you for the time.

**The Chair:** Thank you.

We'll move to Mr. Kuzio.

You have 10 minutes, sir.

**Dr. Taras Kuzio (Senior Visiting Fellow, Center for Transatlantic Relations, Johns Hopkins School of Advanced Interna-**

**tional Studies, Johns Hopkins University, As an Individual):** Mr. Chair, thank you for the invitation to give testimony to the committee.

My testimony is I think available to everybody, and what I've tried to focus on is a slightly different approach, because I think one of the main problems that western policy-makers have in dealing with the Yanukovich administration is to try to understand how they reach their decisions and their policies. How do we get inside their heads to try to act more decisively and correctly vis-à-vis them?

What I've done is divide up a ten-point step to try to understand the political culture and the mindsets of the current elites. Here we go.

Firstly, taking this term from the recent riots in Britain, Ukraine's elites are "feral elites", to a tenth degree. These are elites—and I'm sure there are some people here from Ukraine who would agree with me—who have little connection to Ukrainian society and don't really give much of a damn about Ukrainian society.

So when we have this factor raised in the west about why Ukraine's elites are putting such an important document as the association agreement with the EU potentially under threat, it's because what's more important to them is what is of importance to them individually, not to societies at all. They believe that the world is a Machiavellian place where the end justifies the means. There was only one occasion in the last 20 years of Ukrainian independence when Ukraine's elites were afraid of Ukrainian citizens, and that was during the Orange Revolution, when they fled abroad—some committed suicide—and others even fled to Moscow.

Why is all of this important? Well, it's reflected in very low public levels of trust in state institutions in Ukraine. The Ukrainian parliament has a level of trust of something like 5%, for example. It's the same with political parties. Most Ukrainians do not believe they live in a democracy. Eighty per cent of Ukrainians believe that the country is not heading in the right direction, while only 10% do.

Second is national interest. Personal and business interests are of far greater importance to Ukraine's feral elites than the national interests of the country. So revenge against Yulia Tymoshenko for removing the gas intermediary RosUkrEnergo in the 2009 gas contract is far more important than signing an association agreement with the European Union.

This plays out in many different areas. So it's not a question...I think sometimes it's very simplistically put forward that Yanukovich is pro-Russian or Yushchenko is pro-western. They are neither pro-Russian nor pro-western. They are "pro-me". That's very important to understand: "what do I get out of it?" Yanukovich has actually said that on a number of occasions: what do I get from this agreement?

Thirdly, Ukraine is a milk cow for a place where you can steal raw materials, finances.... Ukraine's level of corruption has already been discussed here. Sadly, there's a negative side to this from our point of view, in that much of this money goes into the west. For Britain, it's not a coincidence that journalists have described London as Londongrad or Moscow on the Thames. A lot of this money goes into Britain. It goes into western Europe. Two Ukrainian oligarchs in the last three years bought two of the most expensive properties in British history for a total of over \$400 million.

Cyprus, an EU member, is the largest foreign investor in Ukraine. Why? Because it's an offshore zone, where much of this corrupt money goes. I'll talk about this in the final conclusions about policy-making, but one needs to follow the money and, unfortunately, western Europe has been very bad in terms of not being stringent on the issues of money laundering.

Fourth is a banal question. I don't know whether the photographs of Viktor Yanukovich's mansion are on the brief that was translated, but his mansion near Kyiv was privatized when he was prime minister in 2006, illegally; this was a Soviet-era residence that was used to host foreign dignitaries in Soviet Ukraine.

This is his personal home—stolen—and it's something that's very dear to him. He believes that if Tymoshenko is released from prison and becomes president in 2015, she will nationalize it, take it back to the state—and she probably will. So that's already a personal reason for him not to want Tymoshenko to stand in elections.

•(1015)

The residence has become a scandal in the Ukraine just by the fact of how much money is being put in there. For example, recent reports talked of €300,000 spent on a bathroom and €80,000 spent on chandeliers. Obviously Yanukovich cannot afford to pay for this with his presidential salary. It undermines his claim that he's battling corruption with the sentencing of Tymoshenko

Next is “ostentatious”. Yanukovich comes from a different elite background than the previous Ukrainian presidents. Presidents Kravchuk and Kuchma both came from the Soviet *nomenklatura* elite. They therefore had a far higher level of education and far greater access to resources and advisers.

Yanukovich was twice convicted as a teenager and imprisoned. He comes from a very humble background. That's reflected in how he approaches things, reflected in many ways. Particularly, he has very narrow horizons, is not prone to compromise, and he has, I would say, a very uneducated response to western criticism.

Sixth is “machismo”. Again, don't underestimate these kinds of things. The Donetsk clan's Party of Regions shows heavy male machismo in terms of how it undertakes foreign policy decisions and domestic policy matters and how it reacts to foreign criticism.

This is especially important in the Tymoshenko case. Tymoshenko is unique in that part of the world as a woman who has reached the pinnacle of Ukrainian politics. There's simply nobody else like her in the former U.S.S.R., maybe not even in eastern Europe. Women who, for example, became leaders in the Baltic States were from the emigration, from the diaspora, including from Canada. She is even unique in western democracies. Very few women have reached the pinnacles of political power in western democracies.

When you have a culture as you have in the Ukraine, that relates to women in the sense of where our relationship to women was prior to the 1960s, very chauvinistic and very critical, then you can understand that Tymoshenko is seen as a personal threat to this very male-dominated society. For example, Yanukovich was supposed to have debated on state television, in the second round of the 2010 elections, with Tymoshenko. He refused. When he was asked why he refused, he replied that a woman's place was in the kitchen, not in politics.

The current government, which is of course pro-presidential, is the first of 14 Ukrainian governments without a single woman in the government. That culture very much has a problem, then, with Tymoshenko—as did Yushchenko, by the way, on that gender point.

Number seven is “power”. Power, in the minds of the current Donetsk clan's Party of Regions, should be maximized to the fullest extent in both politics and economics, and, once you have obtained power, you do not give it up. Threats to remaining in power indefinitely are very important, and therefore you need to remove those threats.

Tymoshenko was the main threat. Let's recall that she lost only by 3% in the 2010 elections, even though she was the sitting prime minister just after a global financial crisis. This shocked Yanukovich. He expected to win by more than 10% and yet he barely scraped through. He knows damn well that in 2015, if he were to face her, he would probably lose in a free election, because he would be five years in power and she would be then the opposition leader.

There have been many criticisms...and I'll go on to this question about next year's elections. The Venice Commission of the Council of Europe and the International Foundation for Electoral Systems both, in September-October of this year, condemned the new draft election law that's being put forward. The aim of the draft election law is to ensure that the Party of Regions receives a whopping constitutional majority, or a 50% majority, in next year's parliament.

As well, the sentencing of Tymoshenko is geared towards this. She's been sentenced deliberately for seven years' imprisonment and three years' banning from government. Why this configuration? Because it bans her from the next four elections, two parliamentary and two presidential. It means that Yanukovich has no threats from her for the next nine years, up until 2020.

•(1020)

Another factor is that it's bad for one's health to be out of power. That's the way they feel. They've opened a Pandora's box by laying charges against Tymoshenko and other leaders. If an ex-president or ex-prime minister can be put on trial now, then it could be the same, when they are out of power, against them, especially as they've corrupted the constitution and infringed numerous laws since they've been in power. So it's not a good idea to be no longer in power, especially in the mindset of these individuals.

The inferiority complex is very neo-Soviet. Just look at the kinds of counter-reactions we've had regarding criticism about this Tymoshenko sentence, such as, "How dare you interfere in our internal affairs?" and "This is all double standards", etc. We heard this when the Soviet Union still existed.

The EU ambassador to Ukraine this week said that what they seem to fail to understand is that integration into the European Union is not a case of an à la carte menu from which you just choose things you like and ignore other things. It's a fixed menu; you have to take what the EU is offering.

Finally, let me address the question of their possibly believing that the imprisonment of Tymoshenko might lead to a better gas contract. I have three policy recommendations that I would add to this.

First, going on from what I have said, I don't think Tymoshenko will be released. The key factor the west should be looking at is next year's parliamentary elections. The EU ambassador to Ukraine said that the door is practically closed, but the window is still open. I think the window will be open only until next year's elections.

So I would offer three policy recommendations.

Coordination is a key factor here. The Yanukovich administration has been saying repeatedly that the EU and the west—the U.S., Canada, and the EU—are divided in their approaches toward what's going on in Ukraine. It's very important that the EU, the U.S., and Canada have a coordinated position—even, I would say, a joint statement—to make it perfectly clear that they're all on the same page.

This is also true regarding the free trade agreement. The deep and comprehensive free trade agreement between the EU and Ukraine is now practically suspended; it's frozen. There was a belief that the Polish presidency of the European Council would lead to its negotiations being completed by December, but then ratification would not take place. It's very unlikely that even the final step of negotiations will be completed. If the EU is not likely to sign a deep free trade agreement with the Ukraine, then I don't think Canada should either. There should be a coordination of the same position on this. It would look rather odd if Canada went ahead and the EU didn't.

Finally, let's come back to my question of money. If you really want to hurt the Yanukovich administration, you can do so far more than you can hurt Belarus. Belarus doesn't have oligarchs; the Ukraine has. Those oligarchs from Ukraine have homes and businesses in London, in Monaco, and elsewhere. They have children in private schools. They travel to western Europe.

You need to, first, start thinking about a visa blacklist. That will really hurt them. The oligarchs in Ukraine, we are being told, are pro-European. They're afraid of Russia and Russian economic imperialism. Yet the oligarchs have been very silent and passive until now. If the oligarchs start to feel that their own personal interests are threatened, they will then impact upon the Yanukovich administration.

Thank you.

•(1025)

**The Chair:** Thank you very much.

I want to point out to the members that we have about 24 minutes left and that we're going to have bells at 10:40. I'm going to suggest we still go to 10:45 since they're half-hour bells, if that's okay, which means that we're probably going to have time for just one round. We'll go from there.

We're going to start with Ms. Sims.

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Thank you very much.

First of all, thank you for your presentations. My heart goes out both to you and to the Ukrainian diaspora who are feeling this pain, as well as to those of you who are working very closely in the Ukraine, and of course, to the people of Ukraine as well.

I want to ask a really concrete question about CIDA right now.

You asked specifically, Taras, that CIDA modify its mandate to the Ukraine so that we're looking more at good governance, democratic development, judicial reform, and support of civil society. From you, we've heard that there should be more support for NGOs so that we can build a stronger civil society. Can you elaborate on why this is important? Also, can you give examples of what Canada could be doing and where the focus should be?

I also want to comment that most of our CIDA projects that were in the area of governance, democracy, and the judiciary either have finished or will be finished in the next couple of months. This is a great concern to us as we now look at what's happening in the Ukraine.

**Mr. Taras Zalusky:** Just to begin, Canada has a record of training, for example, members of the central electoral commission. In fact, Mr. Davidovich, the former head of the electoral commission, and the one who called fraud in 2004, actually participated in our programming on the need for that independence.

We have had programs on the role of an independent judiciary and the transition from a Soviet-style judicial system. These have been moderately successful but probably need to be continued.

More or equally important are the civil society groups. There were, in the past, groups such as the Committee of Voters of Ukraine and other groups that were civic activists, were favourable to democracy, and actually did training among young people to teach them about their rights as citizens and as voters.

In addition, right now there is at least one project I'm aware of in which some training is being done at the administrative level to try to help with the independence of the public service. But obviously that's a difficult row to hoe right now.

•(1030)

**Ms. Lois Brown (Newmarket—Aurora, CPC):** On a point of order, I would like to correct the record for the member, just to let her know that quite a number of CIDA projects are ongoing in the Ukraine. Many of them have only just been signed, going right through to 2015 at this point, and I have a list of the projects if she'd like to see it.

This is just to correct the record to note that there are projects that are ongoing and are not finishing in the next couple of months.



**Ms. Jinny Jogindera Sims:** As a quick response to that, again on a point of order, I have a list of the full projects. The ones I was specifically concerned about were: the one on judicial cooperation, which ends in 2011; the one on building democracy, which will end in 2011; strengthening the election process, which ends this year as well; and the one that ended in 2008, which was assistance for the term prior to parliamentary elections.

I know that we have a number of others, but I was specifically referring to democracy and judiciary.

**The Chair:** Go ahead.

**Ms. Jinny Jogindera Sims:** I'm going to pass it over to Alexandrine.

[Translation]

**Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP):** Thank you, Mr. Chairman.

I also want to thank our witnesses for their interesting presentations today. I'm pleased that we've discussed support for civil society. I believe that should be the cornerstone of our action in Ukraine. I particularly agreed with the statement by Mr. Zalusky, who said that a dynamic civil society was a guarantee of a country's democratic progress.

I know there currently are provisions facilitating access to student visas for Ukrainians who want to come and study in Canada. I see that as a good opportunity to promote and encourage youths and students wishing to study here to come to Canada. That would enable them to take a close look at the way our democratic institutions operate and then to report that back to Ukraine. I would like to hear your opinion and comments on the impact that kind of program could have on Ukrainian civil society.

[English]

**Dr. Taras Kuzio:** The best response to this is in comparing Georgia and Ukraine. The average age of a member of the government in Georgia is 30, while the average age in Ukraine is 60. This means that the Brezhnev generation is in government in Ukraine. The generation in government in Georgia is a generation whose members were all trained and educated in the west. They all speak English, from the president down.

The consequences of that are profound. Georgia today has one of the lowest levels of corruption in the world, on a par with those of Canada, the U.S., and many western European countries, if you go to Transparency International, for example—and in other areas, such as rule of law, as well. So generation, language, and education are key. Bringing young Ukrainians to Canada, to America, and to western Europe is absolutely important, because hopefully one day they will be in power.

[Translation]

**Ms. Alexandrine Latendresse:** Earlier you provided a list of the reasons why you thought it was highly unlikely Ms. Tymoshenko would be released. Are there any opportunities or is there something concrete that could be done to democratize the process to a higher degree? What could bring about fewer political trials such as this one and what in concrete terms could perhaps be done to help her?

[English]

**Dr. Taras Kuzio:** In Washington I organize a monthly Ukraine policy forum. In June of this year, a few months ago now, the former ambassador to Ukraine, Steven Pifer, in an off-the-record meeting, suggested that it's time the west leaked potential ideas for visa blacklists. They don't have to be concrete lists yet, but you can imagine that the impact of such a potential visa blacklist would be massive in Ukraine.

The west has far greater potential leverage over Ukraine than Belarus, because in Belarus there are no oligarchs. There are no people with huge houses in London, but in the Ukraine there are. These oligarchs are the main financial and political base of Viktor Yanukovych. If they begin to rebel against him, he's had it.

I think it needs to be a coordinated response to the effect that Canada, the U.S., and the EU will be participating. It doesn't have to be real yet, but if it's just leaked that we are discussing this possibility, it would have a big impact.

• (1035)

**The Chair:** Thank you.

Mr. Goldring.

**Mr. Peter Goldring:** Thank you.

Thank you for being here today. I do hope it's not a problem if I admit to being over the age of 60 myself.

**Voices:** Oh, oh!

**Mr. Peter Goldring:** There is another forum that this issue probably should be taken to, and it's of course the OSCE, which has been very much involved in elections over the years. I have been in Ukraine myself with them, I believe six times now. It's an organization of 56 countries: Canada and the United States, of course, and 54 European countries. Ukraine is a member and Russia is a member.

I was in Kazakhstan—in Astana—at one of their forums when the delegation from Ukraine put forward a resolution on the Holodomor. As an indication of what happens at these forums, once again Russia was in a bit of difficulty. Russia, through several of the countries, wanted to water down that resolution and effectively neutralize it, to change it from being a resolution that the Holodomor was the act of one man, Stalin, which it was, to its being an act of nature, which it was not.

I had the opportunity to work with the delegation from Ukraine, to stand on my chair and confront the actions that Russia was aggressively taking through several other countries. We were able to get that resolution through unchanged. Not a single word changed in it at the end of the plenary, and they went back to Ukraine with it completely intact, but this is an indication of Russia's influence, whether it's influencing Ukraine from the inside or from the outside.

So you really do have quite a handful in this scenario. I'm wondering if you shouldn't be taking this issue to the OSCE and having it discussed at one of their upcoming meetings, because this will be an ongoing scenario. I would think that it would be well worthwhile having it out in the forum of 56 countries, with a resolution perhaps being passed and accepted. It's a message.

But with that in mind, perhaps you could tell us what you envision as some of the influences coming from Russia, including influence by Russia on other countries, in the upcoming election expected in 2012. What could we expect and what should we be watching for? I'm sure many Canadians will be returning for a monitoring of that election. What can we expect?

**Dr. Taras Kuzio:** I don't think it is necessarily a question of Russian bad influence that's going to lead to fraud in an election. Most people already believe that next year's elections will be fraudulent in Ukraine. They've already rigged the draft election law to suit them, and they're going to move from a full proportional to a mixed election system, with 50% elected in proportional and 50% in single mandate districts. That, they hope, will give them 50% to 60% of seats. Currently they're running at 15% popularity, so this is a big jump, which will of course marginalize the opposition.

They're already past masters at undertaking this fraud. One has to remember—and this is something that western policy-makers often have ignored—is that Viktor Yanukovich has never admitted to election fraud in 2004. He believes the Orange Revolution was a CIA operation designed to prevent his coming to power. You might laugh, but that's what he believes. That conspiracy mindset is very deeply Soviet and part of that world. It's the mindset of Vladimir Putin also.

Viktor Yanukovich, as governor, as prime minister, and as president, has overseen four elections since 1999. In all four elections there was election fraud. Free elections are just not part of his culture. You need to have a massive OSCE presence on the ground, as there was in 2004, and you need to spell out the concrete results of election fraud to them, not in the very diplomatic terms that the EU has been using until now, but in concrete terms, including what we talked about: potential visa blacklists.

As the EU ambassador to Ukraine says, if elections are fraudulent, then the window closes. Ukraine will then be perceived as a second Belarus and Viktor Yanukovich as a second Lukashenko. That will be the impact of fraudulent elections next year.

We can also expect, if the elections are fraudulent, that this would lead to potential protests and potential street violence. We have a very different scenario from 2004. When a president is leaving office, as in 2004, he's not likely to want to use violence to prevent the Orange Revolution from taking place because he doesn't want to leave office with blood on his hands, but these guys are not planning to leave office. They want to maintain office, and for them the most important thing is to ensure a massive parliamentary majority next year so that he can be re-elected in 2015.

• (1040)

**Mr. Peter Goldring:** You comment on the manipulation of the election law in their favour. Understandably, Ukraine is a sovereign country. Who would have the authority or have the wherewithal be able to criticize laws in and out of the country? Has that issue been examined by any kind of body of people, inside or outside of the country, who can give some kind of an opinion on a methodology and whether that is going to be a negative factor in the upcoming election? Has there been any paper done on this?

**The Chair:** What I am going to do here, Taras, is let you finish the question. Bells are ringing now, but I'm also going to let Mr.

LeBlanc finish up with a couple of questions as well. Go ahead, Taras.

**Dr. Taras Kuzio:** Yes, I did include an article in my testimony that I published this week on this question. The Venice Commission of the Council of Europe has condemned the draft law. The Ukrainians asked the Venice commission themselves to comment on their draft law.

One of the major criticisms has been not only that they're going to increase the threshold to 5%, but also that the draft law was drafted by the president. The EU ambassador to Ukraine said that there is no European country where election laws are drafted by presidents. This just doesn't happen in a democratic country. Election laws are drafted by parliaments.

Also, the draft election law was not drafted with discussions with opposition parties. Opposition parties and civil society—and in effect, the west—have been ignored in the drafting of its election law. The aim of the law is to create a large majority in their favour.

**The Chair:** Mr. LeBlanc.

**Hon. Dominic LeBlanc:** Mr. Chairman, I'll be brief.

Thank you to the three witnesses. It has certainly been very interesting and very informative, and I appreciate the perspectives that all three of you offered.

I have two specific questions for Mr. Zalusky. In your comments, you reflected on the most recent election in the Ukraine. I heard you express some concern about the transparency or the legitimacy of the most recent election. I wonder if you could expand. We've heard a lot about some of the fears of the future election. I think all of those are well founded, but I wonder if you want to expand on your comments with respect to the most recent election.

A second question is on your brief, which I read. You talked about specific things that you think the Government of Canada should be looking for in any discussions around a potential free trade agreement. I wonder if you could expand on that as well and give us a sense, even more broadly, of specific things that the Government of Canada can do in the free trade agreement context or with respect to other initiatives. Some of your comments in the brief referred to work CIDA is doing. I wonder in the minute or two left if you want to expand on that.

Thank you.

**Mr. Taras Zalusky:** With respect to the 2010 local elections, which took place about a week after Prime Minister Harper's visit, we have evidence of several dozen incidents. The Ukraine local elections are massive undertakings. Every mayor, reeve, councillor, and dogcatcher—I think there were hundreds of thousands of people—is on the ballot.

But for the important oblast administrative posts, there was intimidation. The candidates were being visited by their local, friendly Party of Regions representatives and told that if they were to run for a different political party—and we have documented cases of this, at least 30 or 40—the prosecutor general's office would be opening up criminal proceedings against them and making their lives and the lives of their families and loved ones difficult.

So it's understandable that the Party of Regions therefore won those elections in about 80% of the cases. This is something that Robert Mugabe would be proud of.

With respect to the issues on a free trade agreement, first of all, I think that Canada has a principled position. As we've had with the free trade agreement signed with Colombia, there was a rider for the protection of human rights. I think that in this case what is more fundamental is that if we're signing free trade agreements, we do that with democracies, and there was a fundamental understanding, even in our agreement with Colombia, that the country was democratic.

I take the points of my two colleagues here that unless there is a demonstration of a commitment to democracy, the rule of law, and the minimum standards for democratic and fair elections, we should hold off, as well as inserting those types of protections in any negotiations.

With respect to additional engagement, one of the services that CBC International and Radio-Canada previously had provided was a service similar to what Radio Free Europe and Radio Liberty do, which is Ukrainian-language programming. That was probably a small budget item, but it would be very useful for the Canadian perspective to be broadcast in Ukraine in the Ukrainian language. It's actually sad that the BBC recently cut that service—and yes, we still do the Russian-language programming.

I think we should do some work on long-term election monitoring. The types of fraud that may be perpetrated involve some insidious things. But also, if the mass media is controlled, as Ms. Shymko

suggested—for example, by the head of the secret police, the SBU—it's very daunting that he owns television stations and that in the most recent distribution of cable licences he got another seven or eight licences. Also, other cabinet ministers got licences for their private companies. I think we need to be very cognizant that the media and the state-controlled media aren't broadcasting what's happening at the level of the international community. The response to Ms. Tymoshenko's conviction, luckily....

● (1045)

[*Translation*]

Ms. Latendresse asked a question in the House of Commons the other night—I was there for four hours. She asked whether everything we were talking about here in Canada was of any value in Ukraine. The results are very clear. Hundreds of articles have been published in Ukrainian newspapers, on the Internet, in *Ukrayinska Pravda*. Many have publicly reported the fact that there was an emergency debate and that ministers and representatives of all parties unanimously condemned what has happened in Ukraine with regard to Ms. Tymoshenko.

[*English*]

**The Chair:** I'm sorry, but we have to wrap up. We have votes, so I'm going to have to call the meeting to a close. We have less than 20 minutes to get over there.

Thank you very much. I apologize for the restricted time.

The meeting is adjourned.

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