



КОНГРЕС УКРАЇНЦІВ КАНАДИ

UKRAINIAN CANADIAN CONGRESS

CONGRÈS DES UKRAINIEN-CANADIENS

**BRIEFING NOTE TO MEMBERS OF PARLIAMENT:
THE SITUATION IN UKRAINE AND CANADA'S RESPONSE**

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Call to Action

At the recent Munich Security Conference (Feb 6-8) Ukraine's President Petro Poroshenko made a compelling plea (<http://bit.ly/172Uzs9>) for support from the international community to end Russia's aggression in Ukraine. Two key points he made were:

1. This conflict must be resolved, not frozen.
2. Ukraine needs defensive weapons, and it is the lack of provision of defensive weapons to Ukraine that is fuelling Russia's escalation.

Canada, the US, EU and NATO allies must take four concrete measures in order to assist the people of Ukraine as they fight bravely to protect their country from foreign aggression:

1. Provide lethal, defensive military weapons, intelligence, equipment and military advisors to Ukraine.
2. Enact decisive sectoral economic sanctions against the Russian Federation's military, energy and financial services sectors.
3. Ensure the political isolation of the Putin regime.
4. Declare the so-called Donetsk and Luhansk "Peoples' Republics" as terrorist organizations, and designate the Russian Federation as a state sponsor of terrorism.

Situation Summary

- Thousands of regular and irregular Russian troops are in Ukraine along with tanks, missiles, heavy artillery, and are directly engaged in an invasion of sovereign Ukrainian territory. Despite having agreed to a ceasefire at Minsk in September, which the Ukrainian side has honoured, Russia continues to pour tanks, heavy weaponry and uniformed and irregular military personnel across the border into Ukraine and capture more territory. On 23 January, the National Security and Defence Council of Ukraine (RNBO) stated that there are over 9000 Russian troops in the eastern oblasts of Donetsk and Luhansk in Ukraine – the highest number since the beginning of the Russian invasion. This number does not include thousands of Russian troops deployed in illegally occupied Crimea or the 50,000 Russian troops at the ready on Ukraine's border. The threat of invasion further into Ukrainian territory is very real.
- On numerous occasions, Kremlin-backed terrorists have indiscriminately shelled residential areas. On 24 January, Kremlin-backed terrorists shelled residential areas of Mariupol, murdering more than 30 civilians and wounding more than 90 civilians.
- Kremlin-backed terrorists and Russian military re-launched offensive operations in January 2015 in violation of the Minsk agreements.
- Over five thousand people have been killed and tens of thousands more have been injured and wounded as a result of Russian aggression. More than a million people have been displaced from their homes, and there is a looming possibility of an even more serious humanitarian disaster in eastern Ukraine.
- Russia continues to blatantly disregard recent agreements where they committed to deescalate the violence in Ukraine by closing the Russia-Ukraine border and stopping the flow of weapons and soldiers into Ukraine (The Geneva Statement April, 2014, the Berlin agreement July, 2014). The Minsk

Protocol, signed in September 2014, which calls for the withdrawal of heavy weapons and fighters from Ukrainian territory, has also been violated by the Russian Federation;

- Russian President V. Putin has been emboldened by a slow and weak response from Western countries as they have neither implemented comprehensive sanctions against Russia, nor provided Ukraine the arms necessary to defend itself against Russian aggression. Further delay by the West to provide defensive weapons to Ukraine's forces will serve only to encourage Putin to further escalate his war on Ukraine.

The Ukrainian Canadian Congress calls on all Members of Parliament to support the people of Ukraine by providing them with the defensive military equipment they need to defend their homeland and the lives of innocent civilians.

Background

“There is a common expression in the Russian language: Call things by their own name. And in the context of what is happening in Ukraine today, the right way to characterize it is an act of war on the part of the Russian Federation. This means that there is going on in Ukraine today a literal invasion – it's not a proxy war.

It's a literal invasion by the Russian armed forces. It's a literal occupation of large parts, well beyond Crimea, of eastern Ukraine. And it is a virtual annexation of a lot of territory other than just Crimea. And in that respect, this is a major threat to the peace of Europe, to the peace of Eurasia. And, therefore, a threat to the interests of the United States and, I would say, a threat to the chances of a peaceful 21st century.”

Strobe Talbott, President, Brookings Institution and former Deputy Secretary of State (Feb 2, 2015, Washington D.C.)

After its invasion and occupation of Crimea in March 2014, destabilization of Donetsk and Luhansk oblasts (April-July 2014) and the invasion of Donetsk and Luhansk oblasts of Ukraine with regular combat troops and sophisticated military equipment in late August 2014, the Russian Federation once again escalated the conflict (January 2015), by sending additional irregular and regular combat troops as well as heavy weapons and military equipment into Donetsk and Luhansk oblasts. This was done despite unilateral declarations by the Ukrainian side of a “regime of quiet,” where for several weeks Ukrainian forces held their fire in an attempt to reach a diplomatic solution to the hostilities.

Russia and the Kremlin-backed terrorists have consistently and flagrantly violated the terms of the ceasefire declared in the Minsk agreements and continue to shell, fire upon and attack Ukrainian positions on a daily basis. They have resumed offensive operations towards Debaltsevo and other cities, operating far beyond the demarcation line agreed upon in Minsk, and have met stiff resistance by Ukrainian forces bravely defending their country.

The Kremlin-backed terrorists continue a campaign of terror against the civilian population in the Donbas. On 13 January, they shelled a Ukrainian checkpoint near Volnovakha, Donetsk oblast, murdering 10 civilians and injuring 13 civilians aboard a civilian bus. On 22 January, Kremlin-backed terrorists shelled a bus stop in Donetsk city, murdering 8 civilians and injuring 7 civilians. On 24 January, the day after terrorist

leader Zakharchenko declared the renewal of offensive operations towards Mariupol, Kremlin-backed terrorists indiscriminately shelled residential areas of Mariupol, murdering more than 30 civilians and wounding more than 90 civilians.

The Russian Federation, which supplies, finances and coordinates the provision of heavy artillery and other weapons to the Kremlin-backed terrorists that are used to target civilians, must be held responsible for these indiscriminate attacks, which have become a daily occurrence in the Donbas. On 4 February, 2015, Ukraine's Parliament recognized the jurisdiction of the International Criminal Court "regarding commission of crimes against humanity and war crimes by high-ranking officials of the Russian Federation, and leaders of the terrorist organizations Donetsk and Luhansk 'Peoples' Republics,' which have led to particularly grave consequences and mass killing of Ukrainian citizens," under Paragraph 3 Article 12 of the Rome Statute.

After offensive operations against Ukrainian positions at the Donetsk airport resumed in January 2015, video footage was released of Kremlin-backed terrorists torturing and abusing captured Ukrainian soldiers. These acts constitute a war crime.

On 2 February, the Atlantic Council, Brookings Institution and the Chicago Council on Global Affairs, issued a report, authored by 8 former high-ranking US officials and diplomats, *Preserving Ukraine's Independence, Resisting Russian Aggression: What the United States and NATO Must Do*. The report argues that,

*"The United States and NATO should seek to create a situation in which the Kremlin considers the option of further military action in or against Ukraine too costly to pursue. [...] The administration should request, and Congress should immediately authorize and appropriate \$1 billion in assistance to bolster Kyiv's defense and deterrence capabilities as rapidly as possible in 2015, with additional tranches of \$1 billion to be provided in FY 2016 and FY 2017. [...] [T]he US government should immediately change its policy from prohibiting lethal assistance to allowing provisions of defensive military assistance, which may include lethal assistance, most importantly, light anti-tank armor missiles."*¹

On 5 and 6 February, 2015, German Chancellor A. Merkel and French President F. Hollande travelled to Kyiv and Moscow with a "new peace plan." The details of this plan are unknown, though Hollande stated that it is based on "Ukraine's territorial integrity." Any peace plan requires two sides to be implemented. While Ukraine has shown a willingness to negotiate, and has honoured all commitments it has made, the Russian Federation has consistently and flagrantly violated its commitments and promises. Recent events have shown that the Russian Federation has been emboldened by concessions and continues to violate all its commitments. Appeasement of Putin will have grave consequences for the future not only of Ukraine, but also for European and global security.

Speaking at the Munich Security Conference on 7 February, US Vice President J. Biden stated,

"Together, we agreed that countries would never again be able to redraw the map of Europe by force. That's what we said. That's what all of you said. [...] And Russia needs

¹ The full report is available at <http://www.atlanticcouncil.org/publications/reports/preserving-ukraine-s-independence-resisting-russian-aggression-what-the-united-states-and-nato-must-do>.

to understand that as long as it continues its current course, the United States, and, God willing, all of Europe, and the international community will continue to impose costs on their violation of basic international norms. Chancellor Merkel and President Hollande have just traveled to Kyiv and then to Moscow to pursue a diplomatic resolution to this conflict. The President and I, we agree, we must spare no effort to save lives and resolve the conflict peacefully. As Chancellor Merkel said today, it's worth the attempt. It's very much worth the attempt. But we must judge the existing agreement — Minsk — or any future agreement with Russia by the actions Russia takes on the ground, not by the paper they sign. And given Russia's recent history, we need to judge it by its deeds, not its words. Don't tell us. Show us, President Putin. Too many times President Putin has promised peace, and delivered tanks, troops, and weapons. So we will continue to provide Ukraine with security assistance, not to encourage war but to allow Ukraine to defend itself.

Ukrainian President P. Poroshenko, speaking at the Munich Security Conference, stated,

"It must be clear that there are no temporary solutions. This conflict must be resolved, not frozen. It is now clear that if Ukraine does not succeed in restoring peace and its territorial integrity, the revision of borders, spread of terrorism, humanitarian and technological disasters, flexing of nuclear muscles will continue. [...] Today, Ukraine has to fight for its independence and its freedom. We must defend our land. But from the very beginning Ukraine has been committed to peace and has remained coherent and consistent on the peace process. [...] I would like to stress that a non-military and diplomatic solution remains the only remedy to this situation. And I would like to reiterate that the Minsk Protocol and the Minsk Memorandum are still on the table. We want to stop the bloodshed and are ready for an immediate – but bilateral – ceasefire, to be monitored and verified by the OSCE. [...] I would simply like to reiterate that the Ukrainian question will remain unsolved as long as the hearts of people and politicians in the West are closed to providing solid, practical support to strengthen Ukraine's independence politically and economically, but also militarily. Ukraine greatly needs defensive military support to ensure the ceasefire and contain the aggression. I know many experts have argued that enhancing us militarily would provoke further aggression. On the contrary, we have seen that the lack of defense capabilities triggers offensive operation against Ukraine and spins the escalation. Over the course of the conflict we have proven to be responsible and that we will not use the defensive equipment to attack. The stronger is our defense – the more convincing is our diplomatic voice. We stand ready for comprehensive and immediate cease-fire. So should be Russia, without any precondition. Unfortunately, we do not see its readiness so far."

Canada's Policy to Date

The Government of Canada has responded strongly to Russia's aggression against Ukraine. Canada has been an unequivocal supporter of Ukraine's territorial integrity and sovereignty in the international community and has consistently condemned Russia's policy of aggression against Ukraine. Canada has imposed sanctions against both Russian individuals and entities, given financial and technical assistance to Ukraine, and provided non-lethal military equipment and aid to Ukraine's armed forces and border patrol.

On 2 February, Canadian Minister of National Defence R. Nicholson announced that Canada will join the US-Ukraine Joint Commission on Defence Reform and Bilateral Cooperation “in order to better coordinate Canada’s ongoing provision of assistance to the Ukrainian Armed Forces. The US-Ukraine Joint Commission is the most effective and efficient venue for Canada to ensure the donations and training opportunities provided to Ukraine are appropriate, coordinated and synchronized with Canada’s ally the United States.”

The United States Congress passed the Ukraine Freedom Support Act in December, 2014. US President B. Obama signed the bill into law on 18 December. The legislation authorizes the President, among several measures, to increase sanctions on Russia, to provide defensive weapons to Ukraine “including anti-tank and anti-armor weapons, crew weapons and ammunition, counter-artillery radars.”

To date, the Obama Administration has not provided Ukraine with the defensive weapons that it needs. A decision by the Government of Canada to provide defensive weapons to Ukraine would demonstrate and reiterate Canada’s commitment to Ukraine’s territorial integrity and sovereignty and would serve to encourage Canada’s allies in the West and NATO to also provide Ukraine with the weapons it needs to protect itself.

Policy Response

Despite the continued escalation of violence against Ukraine in the last eleven months, Canada, the US and the EU have thus far been unwilling to take the necessary steps to assist Ukraine to defend against Russia’s aggression. President Putin has been emboldened by the West’s slow response. Continued indecisiveness will serve only to encourage further escalation by Putin. This aggression can only be stopped with a strong, coordinated and unwavering response from Canada, its NATO allies and the G7 countries.

This response should include:

1. *Decisive sectoral economic sanctions* - particularly against Russia’s financial, defense and energy sectors. These measures must be broadened to increase the cost to Russia for its aggression. Russia must be removed from the SWIFT bank transfer payments system, as this one action will have an immediate and profound impact on Russia’s economic elites and their ability to conduct business dealings with the rest of the world.
2. *Further Political isolation of Putin*: FIFA should expel Russia and revoke its privilege to host the 2018 World Cup. The NATO-Russia Founding Act should be suspended. NATO and its allies must ban the sale of all services, dual-use and military equipment to Russia. The G-20 should follow the lead of the G-7 and refuse Russia participation until it ceases its aggression against Ukraine.
3. *Military support* - As part of the Budapest Memorandum of 1994, Ukraine gave up the third-largest nuclear arsenal in the world in exchange for guarantees of its territorial integrity. Russia, one of the signatories and recipient of the nuclear devices from Ukraine, has violated these commitments. The Ukrainian military was neglected, demoralized and looted systematically by the Yanukovich administration. In recent months, the Ukrainian government has rebuilt the military into a competent and committed force that, while having the will to fight, needs the military hardware to do so more effectively. The volunteer detachments and National Guard units,

as well as the regular army, receive direct support in supplies and funding from a patriotic citizenry. However, Ukraine's combined military forces need anti-tank and anti-BTR systems to combat the armour and heavy weaponry Russia has flooded into Ukraine. It is imperative that Canada and her allies provide lethal, defensive military assistance to Ukraine in order for the country to be able to effectively combat further Russian aggression and invasion.

4. *Designation of terrorist organizations and state sponsor of terrorism* - Russia has coordinated, sponsored and led terrorist organizations that continue a campaign of terror against the civilian population of the Donbas. Kremlin-backed terrorists shot down MH17 killing 298 innocent passengers in July 2014. The so-called Donetsk and Luhansk "Peoples' Republics" must be designated as terrorist organizations. The Russian Federation must be listed a state sponsor of terrorism.

In the months before the direct Russian military invasion of Donetsk and Luhansk oblasts in August, Ukrainian military and volunteer forces waged a successful campaign to take back territory controlled by Kremlin-backed terrorists in the two oblasts. However, the direct invasion by Russian forces enabled the terrorists to mount counter-offensives. In mid-January, as Russian military equipment and regular and irregular troops began to pour over the border again in great numbers, the Kremlin-backed terrorists resumed offensive operations. These offensives have been met with stiff resistance by Ukraine's armed forces. Ukraine's armed forces, decimated by the previous regime, have quickly become an effective fighting force. However, they remain underequipped. Ukraine's military urgently needs equipment and support, including:

- Air defense, anti-radiation (eg HARM) and anti-armour systems;
- Unmanned aerial vehicles;
- Armoured personnel vehicles and all-terrain vehicles;
- Tactical communications and navigation hardware with advanced capabilities of cryptographic security;
- Surveillance resources and night vision devices;
- Material assets (military uniforms, especially winter uniforms, helmets, flak jackets and tactical gear);
- Food (ready-to-eat military rations) and fuel;
- Electronic warfare means;
- Engineering reconnaissance and mine clearance support;
- Emergency medical assistance supplies, including a staffed MASH unit;
- SpecOps and counter-insurgency training-Satellite-based theater surveillance and intelligence;
- Military advisors and trainers

The provision of direct, lethal, defensive military support to Ukraine will act as a strong deterrent to any ideas Putin may have for further invasion into Ukraine.

The argument against providing military aid to Ukraine – that providing military aid will lead to escalation by Russia – is discounted by the fact that Russia has already, on numerous occasions, increased its aggression without military supplies being provided to Ukraine. The provision of military aid would deter further Russian aggression by escalating the costs of such aggression.