



UKRAINIAN AMERICAN BAR ASSOCIATION

Асоціація Українських Правників Америки

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Appeal to the OSCE Ministerial Council

On December 5, 2013, representatives of 57 states will be participating in the Organization for Security and Cooperation in Europe (OSCE) Ministerial Council meeting in Kyiv, Ukraine, now under the chairmanship of the Ukrainian government. Over 35 years ago, many signatory countries to the 1975 Helsinki Accords were defending the human rights of a small group of individuals - known as the Ukrainian Helsinki Monitoring Group - who braved arrest, persecution, and incarceration in the Gulag by the Soviet government for attempting to exercise their individual rights that the principles of the Helsinki Accords expounded -- and which the Soviet government summarily ignored and viciously violated. As fate would have it, the representatives of OSCE countries are now eyewitnesses to the overwhelming desire of the Ukrainian people to exercise their individual human rights, especially the freedom of speech and assembly, and the right to self-determination of their nation's economic freedom. Regrettably, they are also witnessing the desperate attempts by governments to quash these basic freedoms of the Ukrainian people

The Helsinki Final Act envisioned that true and lasting peace and security in Europe – and in the world – can only be achieved if **all** signatory governments respected and were guided by certain linchpin principles among which are respect for the rights inherent to sovereignty, respect for human rights and fundamental freedoms of the individual, and equal rights and self-determination of peoples. The Final Act also envisioned that lasting peace can only be achieved if signatory states undertook efforts to promote trade and to remove obstacles to trade development.

It is beyond reasonable doubt that the vast majority of the Ukrainian people and the Ukrainian government had, as their primary national objective, accession to the Association Agreement with the European Union. Ukrainian President Viktor Yanykovich himself on numerous occasions has made this fact self evident. This goal was a reflection and exercise of the Ukrainian nation's sovereignty and self-determination of its economic future. No one can quarrel with the fact that this goal of economic self-determination was about to be achieved a few weeks ago but for the wrongful interference of another signatory state – Russia. Again, the Ukrainian president himself admitted that it was the drastic economic threats and pressure from Russia that dashed the hopes and aspirations of the Ukrainian people and tragically reversed the Ukrainian government's decision to sign the Association Agreement with the European Union. Russia's actions were a direct affront and violation to the basic principles enunciated by the Helsinki Accords. Rather than promoting trade in order to achieve peace in Europe – Russia has thrown draconian economic obstacles in Ukraine's path with the admittedly specific intent of interfering with Ukraine's right to economic self-determination and sovereignty.

As a result, with their national economic aspirations thwarted, the Ukrainian people - not merely a small group of individuals – are now exercising their basic human rights of freedom of speech and assembly as guaranteed by the Helsinki Accords that the Ukrainian government as a

signatory has promised to protect. Regrettably, rather than protecting these human rights, recent events have shown that the Ukrainian government is doing the exact opposite and, by their brutal behavior in suppressing the EuroMaidan, are making a mockery of the Final Act.

It is incumbent upon the OSCE Ministerial Council during its meeting in Kyiv, Ukraine, to take firm and strong action to condemn the behavior of the Ukrainian government in cruelly attempting to silence its people and to take such steps as are within OSCE purview to have the Ukrainian government refrain from further violations of the Helsinki Principles. Likewise, the OSCE Ministerial Council **must also** - in clear and uncertain terms and without mincing words - condemn the economic threats and actions of Russia as a violation of the Helsinki Principles and to have it refrain from further interfering with the economic self-determination and sovereignty of Ukraine. If such an egregious behavior by the Ukrainian and Russian governments is permitted to continue and goes unchallenged, not only will the Helsinki Final Act be eroded, but peace and security in Europe will be undermined and threatened for generations to come.



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