



# UKRAINIAN AMERICAN BAR ASSOCIATION

## Асоціація Українських Правників Америки

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### The 2014 Russian War against Ukraine

In the past few weeks, what was painfully obvious from the very beginning to Ukrainians [that the terrorist conflict in Eastern Ukraine was artificially manufactured, clandestinely funded, militarily supplied with weapons and fighting personnel, and secretly orchestrated by the Kremlin] is now grudgingly acknowledged by the rest of the world. Russia has now openly invaded Ukraine and only Putin's generously paid Western apologists or the extremely naïve could argue otherwise. The Russian government's continuing boldfaced lies that the alleged Donbas "separatists" are self-reliant disgruntled Ukrainians who are Russian speakers seeking only to protect their rights can no longer be credulously accepted by the West. This ruse has run its course. Russia is and has for months been in a state of war against Ukraine -- its sole objective is to eradicate Ukraine's independence, and return it to a vassal state under the dictatorship of Moscow thus giving a rebirth to a new USSR-like empire.

Since the cataclysmic events of World War II, the world's nations have attempted to establish basic principles of international law and behavior to be adhered to by the governments of all nations so as to prevent future conflagrations on a global scale. The UN Charter, the Helsinki Final Act [the charter document of the Organization for Security and Cooperation in Europe] and the various organic documents of the European Union, have had as their linchpin the principle of territorial integrity and security and the inviolability of borders of independent states. NATO was created in part to protect the territorial integrity of its member states from outside military threats. Since 1994, when it entered NATO's Partnership for Peace Program, Ukraine has participated in NATO outreach programs and took part in NATO-led missions around the world and alongside American troops in such places as Iraq and Afghanistan. It was this principle - territorial integrity and sovereignty of independent states - that was solemnly invoked - jointly and severally - by the United Kingdom, the Russian Federation and the United States in the Budapest Memorandum of 1994 which fervently pledged assurances by these countries of the inviolability of Ukrainian borders, on which assurances Ukraine relied and voluntarily relinquished 1600 nuclear warheads - the then third largest nuclear arsenal on the globe.

It is now self evident that the Kremlin **has not and will not** adhere to any of its internationally made pledges regarding the territorial integrity and sovereignty of states thus undermining the bedrock upon which European peace is built in the aftermath of World War II. Rather, Russia has intentionally trampled upon Ukraine's political and economic sovereignty and its territorial integrity for quite some time in full view of the world. Regrettably, the response from the United States and the European Union has been a blinders-like muted scolding of Putin with tempered economic sanctions but specifically excluding any military assistance to Ukraine. This piecemeal approach has only emboldened Putin and has given him a strategic time-advantage to fully implement his invasion of Ukraine, which in turn, will directly affect the economic and political stability of the member states of the EU. In recent days, and to the world's astonishment, Putin has brandished not so veiled bellicose threats emphasizing the nuclear armament power that he has at his disposal. Clearly, it is in the long range self-interest of the West to take meaningful steps to stop and reverse Russia's aggression against Ukraine and thus protect its own political and territorial integrity from future jeopardy.

Towards this end, the United States and the United Kingdom have a particular responsibility under the Budapest Memorandum. There are those apologists that argue that the Budapest Memorandum is not a "treaty" [even though it was part of Ukraine's accession to the Non-Proliferation Treaty] and, according to their flawed logic, its breach is not enforceable nor has any consequential obligations for its other signatories. However, The Budapest Memorandum is clearly a contractual agreement under which three countries [Russia, the US and UK] **together** obtained a valuable and tangible concession from Ukraine for their joint benefit - i.e. the relinquishment of 1600 nuclear warheads - in consideration for which these three countries [Russia, the US and UK] **together** gave their joint assurances for the territorial integrity and economic independence of Ukraine. As such, since one of the beneficiaries of the Budapest Memorandum [Russia] egregiously breached its promise to respect Ukraine's territorial integrity, it is the obligation of the other two beneficiary signatories of the Budapest Memorandum [the US and UK] to make certain that Ukrainian territorial integrity is **fully** restored. Failure to do so will undoubtedly completely undercut any future negotiations with other nuclear powers in the hope of achieving nuclear disarmament and world peace.

The time has now come for the West to take strong and meaningful action in support of Ukraine's independence and territorial integrity. The West must stop moving the goal line in order to placate Putin in the unlikely Pollyanna-like expectation that he will take an "off-ramp" and deescalate the situation in Ukraine. The hard and uncontroverted evidence proves exactly the contrary - Putin only interprets such peace intended initiatives as a sign of weakness. He only respects decisiveness and power. Therefore, the West must face him with resolve and strength.

It is crystal clear that neither the United States nor the EU will put boots on the ground in Ukraine. However, as Ukrainian President Petro Poroshenko has expressed to world leaders, - Ukrainians have the resolve and will to defend their homeland – what Ukrainians need are military supplies and weaponry to aid them in their battle for national survival. Therefore, we strongly urge that the following steps be implemented immediately by the United States government, NATO, and its European allies.

- Military assistance in the form of lethal weapons and nonlethal military supplies, as well as advisors and related intelligence and equipment.
- The imposition of full sector sanctions, especially in the banking and fossil fuel industries, and the bank accounts of Russian governmental business entities frozen.
- Ukraine's accession to non-NATO ally status by the United States should be expeditiously granted.
- Increased humanitarian medical and other assistance by the international community for persons injured in the war and for the displaced persons from Eastern Ukraine and Crimea should be accelerated.
- All sales of military or dual use equipment should be immediately stopped - especially by France which is planning in the near future to transfer two Mistral type helicopter attack carriers to Russia.
- Additional monetary funding for the Ukrainian government in the form of guaranteed loans should be provided to help Ukraine weather the economic crisis caused by the Russian invasion.

The United States and Europe are at a historically crucial crossroad. America must take strong and decisive action and reaffirm its world leadership position now! If Western governments continue on the existing path of placating Putin and "doing business as usual", then they will condemn our children and grandchildren to a probable conflagration on the European continent that will be as great or even greater than the horrors of World War II [recall Putin's recent verbal flexing of his nuclear muscle] .....and from which America will have no escape.

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