



# UKRAINIAN AMERICAN BAR ASSOCIATION

## Асоціація Українських Правників Америци

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Press Release December 2, 2018

### **Statement by the Ukrainian American Bar Association (UABA) Condemning the Russian Federation's Most Recent Acts of Aggression and Urging the President to Take Necessary Action for Russia to Comply with Its Treaty Obligations**

The Ukrainian American Bar Association (UABA) and its members throughout the United States strongly condemn the outrageous and continuing violations by Russia of international law and its own treaty obligations. The actions of Russia's FSB (and not the Russian Navy) in intentionally ramming a Ukrainian vessel; shooting upon other Ukrainian vessels and taking members of Ukraine's Navy as captive prisoners; and, blockading free passage through the Strait of Kerch cannot go unaddressed by the United States, its allies and those who respect the Rule of Law. We also note that photos of the FSB personnel committing the acts of piracy show them all wearing masks, in keeping with their task.

*Russia's intentional and unjustified actions, together with its on-going war in the Donbas and occupation of Crimea violate all of the following international agreements and treaties to which Russia is or has been a party:*

- **The United Nations Charter** (the USSR was a Charter Member since 1945 and Russia is the self-chosen successor to the USSR).
- **The Helsinki Accords** (effectively signed by Russia in 1975 as the self-chosen successor to the USSR; which enumerated 10 points including fulfillment in good faith of obligations under international law).
- **The United Nations Convention on the Law of the Sea** (effectively signed by Russia in 1982 as the self-chosen successor to the USSR).
- **The Budapest Memorandum on Security Assurances**, signed by Russia, Ukraine, the United States and the United Kingdom in 1994 (Russia signed the Memorandum in return for Ukraine voluntarily giving up its nuclear arsenal; and, the agreement provides assurances against threats or use of force against the territorial integrity or political independence of Ukraine).

- **The Partition Treaty on the Status and Conditions of the Black Sea Fleet** (one of three treaties signed in 1997 between Russia and Ukraine on the parameters on the division of the Black Sea Fleet and conditions of the presence of the Russian Fleet on the territory of Ukraine).
- In the **Partition Treaties**, Russia was allocated 81.7% of the the Black Sea Fleet and Ukraine 18.3%, with Russia maintaining the right to use the Port of Sevastopol in Ukraine for 20 years until 2017, under a lease arrangement. The treaty allowed Russia to maintain up to 25,000 troops, 24 artillery systems, 132 armored vehicles and 22 military planes on the Crimean Peninsula. **Russia was also bound to “respect the sovereignty of Ukraine, honor its legislation and preclude interference in the internal affairs of Ukraine...”**
- **The Treaty of Azov** entered into between Russia and Ukraine, in December 2003, whereby Russia agreed to treat the Sea of Azov and the Strait of Kerch as shared internal waters. The Treaty of Azov was signed on behalf of Russia by Vladimir Putin himself.
- **The Kharkiv Pact**, entered into between Russia and Ukraine extended the 1997 Partition Treaty lease agreement until 2042, with possible extension for an additional five year term; and, was signed by Russian President Dimitry Medvedev and ratified by the Parliaments of both countries on April 27, 2010.
- On March 28, 2014, following Russia’s Annexation of Crimea, Vladimir Putin submitted legislation to the State Duma terminating various Treaties with Ukraine including the Partition Treaty and Kharkiv Pact, which was unanimously approved by 433 members of the Duma on March 31, 2014.
- **The Minsk Protocol and Minsk II Protocol** between Russia and Ukraine (dealing with a halt in Russia’s aggression in the Donbas region of Ukraine) can, of course, be added to this list of on-going violations by Russia and its surrogates in Donbas.

The time has come for the United States and its allies around the world to finally say, “Enough is enough,” and take all of the following measures:

1. As a first step, ban Russia’s use of the SWIFT banking system to access funds tied to the BRICS Contingent Reserve Arrangement. Russia should be put on notice that continuing occupation of Crimea by Russia and continued conduct of war in Donbas or future acts of aggression in the Sea of Azov will lead to a permanent ban on Russia’s use of the SWIFT banking system.
2. The imposition of heightened sanctions against individuals, business, and financial entities and banks working for or under the supervision of Russia’s FSB (the “Illicit Operators”). The heightened sanctions should include an immediate ban on the use of the SWIFT banking system by these Illicit

Operators. These sanctions are especially appropriate given the history of the FSB's activities in London, Kyiv and other places.

3. The United States should inform Russia that if requested by Ukraine, the United States Navy and NATO vessels will escort and otherwise secure the right of Ukrainian vessels to travel and have "safe passage" in international waters; the Sea of Azov; and, pass freely and unhindered through the Strait of Kerch.
4. Increased military aid and support to Ukraine's army, air and naval forces. Specifically, the *FY 2018 National Defense Authorization Act*, signed into law on December 12, 2017; and authorizing U.S. naval security assistance to Ukraine for the first time.
5. Develop a strategic approach amongst the United States, NATO and other allies for dealing with Russia in order to assure that the Rule of Law, as embodied in international treaties, laws and principles is not allowed to be destroyed by dictatorial power in this, the 21<sup>st</sup> Century.

The United States and our allies must recognize that Russia's target is not only Ukraine and its developing democracy but Vladimir Putin's total disdain for international law, treaties and civilized conduct by democratic nations everywhere- which will not stop with Ukraine. As history should teach us, the failure to take strong action against Russia now will only increase the likelihood of further confrontation in the future.

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