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Who Violated Ukraine's Sovereignty?

By Ray McGovern

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Did Russia's annexation of Crimea on March violate the 1994 Budapest agreement among Ukraine, Russia, Great Britain and the U.S.? Specifically, in Paragraph One, Ukraine agreed to remove all nuclear weapons from its territory in return for a commitment by Russia, Britain and the US "to respect the independence and sovereignty and existing borders of Ukraine?"

I'm no lawyer, but I can read the words. And, taken literally, the answer seems to be Yes – despite a host of extenuating circumstances that can be adduced to explain why Crimea rejoined Russia, including the alarm among Crimean leaders over the unconstitutional ouster of Ukraine's elected president and the Russian government's fear about the possible berthing of NATO's nuclear-missile warships at the naval base at Sebastopol.

But there's also the item in Paragraph Three in which Russia, the UK, and the US also commit "to refrain from economic coercion designed to subordinate to their own interest the exercise by the Ukraine of the rights inherent in its sovereignty."

Might the EU's take-it-or-leave-it proposal last fall offering Ukraine "associate" status in return for draconian economic austerity imposed on the Ukrainian people come under the rubric of the "economic coercion" prohibited at Budapest? An arguable Yes, it seems to me.

Some will try to dismiss President Viktor Yanukovych's ill-fated rejection of these International Monetary Fund demands to make the hard lives of average Ukrainians even harder as "history," now that the EU and Ukraine's replacement President Petro Poroshenko signed on June 27 that "associate" status agreement – the same agreement that Yanukovich rejected in favor of what appeared to be a better deal from Russia.

Was Yanukovich also under pressure from Moscow to maintain Ukraine's historic, cultural and economic ties to Russia? Of course. Putin reportedly weighed in heavily with Yanukovich last October and early November when US and EU diplomats were pressuring the Ukrainian president as well.

But did Yanukovich expect to be overthrown if he opted for Moscow's offer? If he did not, he sorely underestimated what \$5 billion in US "democracy promotion" can buy. After Yanukovych's decision, American neoconservatives – the likes of National Endowment for Democracy President Carl Gershman and Assistant Secretary of State for European Affairs Victoria Nuland – pulled out all the stops to enable Ukraine to fulfill what Nuland called its "European aspirations."

The central problem confronting Ukraine, however, was not whether it leaned toward Europe or toward Russia. It was that after the collapse of the Soviet Union in 1991, some ruthless businessmen used their insider connections to snap up (or "privatize") the natural and industrial resources of the country. These handful of "oligarchs" then corrupted the political process, buying off politicians from both pro-EU and pro-Moscow perspectives.

Last fall, Yanukovych, who was elected from a political base in the more industrial Russian-ethnic east, was looking for how to bail Ukraine out of the financial and economic crisis that it was facing amid widespread unemployment and the hangover from the Great Recession.

In a layman's way of understanding what happened in Ukraine, Yanukovych issued what in the consulting world is called a Request for Proposal (RFP), i.e., a feeler to see who could offer the most promising plan for helping Ukraine escape insolvency. After initially tilting toward the EU proposal (before he learned of its draconian IMF small print), he later shifted to the less onerous offer from Russia.

In the world of contractors and RFPs, there are orderly procedures for firms whose bids are turned down to contest the selection of the eventual winner. But I know of no case where one of the losing firms turned around and violently removed the leadership of the RFP-issuing institution, installed new leadership and got the contract.

Abortive Feb. 21 Agreement

And, in assessing which side – the US/EU or Russia – is in the wrong on Ukraine, there was also the agreement, facilitated on Feb. 21 by the foreign ministers of Poland, Germany and France, in which then-President Yanukovich acceded to demands from the opposition by accepting limits on his powers and agreeing to early elections to vote him out of office.

Yanukovych also fatefully agreed to pull back the police, opening the way for right-wing militias, including neo-Nazis, to seize government buildings and force Yanukovych and his government officials to flee for their lives. With these paramilitary forces patrolling government offices, what was left of the Parliament voted to replace Yanukovych and install a new regime, giving four ministries to the far right and the neo-Nazis in recognition of their crucial role.

As the US and the EU hailed the “legitimacy” of this new regime — with Nuland’s hand-picked leader Arseniy Yatsenyuk appointed as the new prime minister – the Western “mainstream media” quickly forgot the Feb. 21 agreement (surprise, surprise!). But Russian President Vladimir Putin had a personal representative there, Russian Human Rights Commissioner Vladimir Lukin.

Yet, because the MSM was already parading Putin (and Yanukovych) around the op-ed pages and talks shows as the black-hatted villains of the Ukraine saga, few Americans got to hear Putin’s perception of what happened, as he explained at a Moscow press conference ten days after Yanukovich was overthrown:

“First of all, my assessment of what happened in Kiev and in Ukraine in general. ... This was an unconstitutional takeover, an armed seizure of power. Does anyone question this? Nobody does. ... The question is why this was done? ...

“President Yanukovich, through the mediation of the foreign ministers of three European countries – Poland, Germany and France – and in the presence of my representative signed an agreement with the opposition on Feb. 21. I would like to stress that under that agreement (I am not saying this was good or bad, just stating the fact) Mr. Yanukovich actually handed over power. He agreed to all the opposition’s demands: he agreed to early parliamentary elections, to early presidential elections, and to return to the 2004 Constitution, as demanded by the opposition.

“He gave a positive response to our request, the request of western countries and, first of all, of the opposition not to use force. ... he issued orders to withdraw all police forces from the capital, and they complied. He went to Kharkov to attend an event, and as soon as he left, instead of releasing the occupied administrative buildings, they [the opposition] immediately occupied the President’s residence and the Government building – all that instead of acting on the agreement.

“I ask myself, what was the purpose of all this? ... He had in fact given up his power already; and as I believe, as I told him, he had no chance of being re-elected. ... What was the purpose of all those illegal, unconstitutional actions, why did they have to create this chaos in the country? Armed and masked militants are still roaming the streets of Kiev. ...

“If you want, I can tell you even more. He [Yanukovich] called me on the phone and I told him not to do it. I said, ‘You will have anarchy, you will have chaos in the capital. Think about the people.’ But he did it anyway. And as soon as he did it, his office was seized, and that of the government, and the chaos I had warned him about and which continues to this day, erupted.”

If Putin's account of how the Feb. 21 agreement was violated the very next day is accurate, and by almost all indications it is, then we have the anatomy of an undisguised putsch – an unconstitutional overthrow of a duly elected president of a sovereign state. The apparent aim, to install a government friendlier to the EU, is relevant but not essential here. The *fact* of the coup is essential.

Guaranteeing Ukraine's Sovereignty

Friday's lead editorial in the neocon flagship Washington Post, "Potemkin drawdown: The West must hold Russia to a real withdrawal from Ukraine," charged that "the rebellion in the east is manufactured by Russia to undermine Ukraine's sovereignty. The United States and Britain guaranteed support for that sovereignty in 1994 when Ukraine gave up its nuclear weapons."

That claim brought my thoughts back to a conference of distinguished scholars at the US–Russia Forum in the Hart Senate office building on June 16. With Professors Stephen Cohen and Robert Legvold presenting, it was the most sensible discussion of the Ukraine imbroglio that I have witnessed to date.

The point was made that Russia had violated the Budapest agreement in annexing Ukraine. But were the Russians the only culprits? What about the rest of the story? Russia, the UK and the US all pledged "to respect the independence and sovereignty and existing borders of Ukraine?" Okay. Gotcha on Putin considering the "existing borders."

But what about the political destabilization supported by the US government, including the \$5 billion that Assistant Secretary of State Nuland publicly announced had been invested in Ukraine's "European aspirations" – or the scores of projects financed by the U.S.-funded National Endowment for Democracy, training activists, supporting "journalists" and organizing business and political groups.

During the crisis, US officials even showed up in Kiev's Maidan square to urge on the protesters seeking to overthrow Yanukovich. Sen. John McCain gave a speech on a platform of the right-wing Svoboda party under a banner hailing the late Nazi collaborator Stepan Bandera. Nuland went so far as to pass out cookies to the demonstrators and discuss with the US ambassador to Ukraine who should be take over after Yanukovich was ousted.

How does this overt and covert interference square with the Budapest pledge "to respect the independence and sovereignty ... of Ukraine?" And how do the strong-arm tactics of the EU square with the commitment "to refrain from economic coercion designed to subordinate to their own interest the exercise by the Ukraine of the rights inherent in its sovereignty?"

Luckily, at the U.S.-Russia Forum, I was able to go first during the Q and A. [To see my question and the answer, click [here](#) and go to the 2:01:00 point near the end.]

I said: "I have a brief question having to do with the Budapest agreement and also in the perspective of Vladimir Putin being more in a reactive mode than anything else. He's been accused, of course, of violating that agreement because of the Crimea [annexation]."

“I’m wondering, if you look at the putsch, if you look at the coup d’etat of Feb. 22nd, supported to the tune of \$5 billion by outside forces over the course of several years, of course, could that not also be regarded as a violation of the Budapest memorandum?”

Columbia University Professor Legvold’s answer was, I think, instructive – instinctive, perhaps. His first thought was to associate my point with an argument the Russians have made. For many listeners, that might put me in the category of some kind of apologist for Putin. I know Legvold well enough to doubt this was his intent. But still: Is Putin’s account of the Feb. 21-22 events to be dismissed out of hand simply because it is from Putin?

The main takeaway for me from the forum was the Cohen-Legvold common assertion that we have already entered a New Cold War. Cohen was very direct in exposing the extraordinary abuse regularly accorded to scholars and specialists who try to discern and explain honestly Moscow’s point of view.

Legvold suggested it would be “naïve” not to recognize that the new Cold War is already upon us, that it will be “immensely expensive and immensely dangerous,” and that all of us need to do whatever we can to make it “short and shallow.”

That endeavor of averting the costs and the risks of Cold War II might well start with a truthful narrative of what happened, not the one-sided account that the American people have been seeing and hearing in the US media.