

# Germany & Ukraine. Official Government Vocative

A prominent German jurist has sharply criticized the German government's anti-Russian declarations concerning the Crimea Crisis. As Reinhard Merkel, a law professor at the University of Hamburg, explains, the allegation of Russia having "annexed" the Crimea or having made a "land grab" must be unambiguously refuted. These allegations are not only false, from the standpoint of international law; they are also extremely dangerous, because annexation usually engenders war as a response. Merkel explicitly advocates being very skeptical of "official government vocatives insisted on from Berlin to Washington" concerning the Crimea Crisis. Simultaneously, the situation in Ukraine has further escalated. The government that illegally seized power has begun a "lustration" ("purge"), with the objective of removing all supporters of the party of the overthrown President Yanukovych from public office. This is said to affect "thousands." At the same time, Ukrainian oligarchs, against whose methods of reign the earlier Maidan demonstrations had been protesting, are being given new posts. The ex-boxer Vitaly Klitschko's, "Made in Germany," UDAR party has chosen a billionaire as its presidential candidate, rather than its hopeless leader. Fascist forces are positioning themselves to move against the increasingly marginalized pro-Russian segments of the population. The Berlin-supported Maidan opposition had effectively used the fascists' potential for violence to overthrow Yanukovych.

## No Annexation

The jurist Reinhard Merkel, professor of Criminal Law and Philosophy of Law at the University of Hamburg, is sharply criticizing the German government's declarations on the Crimea Crisis. As Reinhard Merkel writes in a recent newspaper

article, the first thing that must be clear is that the Crimea's integration into the Russian Federation had not constituted an "annexation" and no "land grab." It was more in line with "secession," ... "confirmed by a referendum"; ... "which was followed by a demand for admission to the Russian Federation, which Moscow accepted." None of this was in violation of international law; the secession had merely been forbidden under Ukrainian law. To make this affirmation is in no way splitting hairs, but rather of great significance. Ultimately, an annexation, a "theft of land by force," is nothing less than an "act of war." Only two aspects, of what took place in the Crimea, were in violation of international law. On the one hand, the presence of Russian soldiers outside of their military installations, however, this has no effect on the referendum's validity. The soldiers did not "guard polling stations," only secured the possibility of the referendum and the secession occurring, by preventing "the Ukrainian military from intervening under government orders to prohibit secession."

### **"Look at Own Record"**

Reinhard Merkel also points out that the West can hardly criticize the second violation of international law, i.e. recognition of secession after only two days. Admittedly, it is out of the question that this rapid recognition is in violation of "Ukraine's right to respect for its territorial integrity." However, the major Western powers, themselves, recognized the secession of Kosovo in February 2008, just as quickly – even though this, unlike the secession of the Crimea, actually had been a violation of (concrete) international law, "namely, the UN Security Council Resolution 1244 of June 1999," which had guaranteed "the inviolability of Serbia's borders." Therefore, "those angry Western governments" should, "now take a look at their own record." According to Reinhard Merkel, even though Russia had "violated international law," it had done so "in a modestly dramatic way

and not at all with the politics of a gambling gangster.” On the contrary, the integration of the Crimea has possibly “with all its unpleasantness, prevented a more serious conflict. Already in 2011, Reinhard Merkel had criticized NATO’s war on Libya as a clear violation of international law. That breach of international law had led to innumerable war casualties and destroyed the Libyan government. (german-foreign-policy.com reported.)

## **“Lustration”**

Whereas Reinhard Merkel is explicitly advocating “being very skeptical of official government vocatives insisted on from Berlin to Washington,” the situation in the Ukraine is escalating. The government, which had illegally seized power, thanks to Western support, and is still dependent on the West, is about to conduct an extensive “lustration” throughout the country. On Tuesday, the Ukrainian parliament adopted a law to that effect. According to Maidan activist Yegor Sobolev, Chair of the “Lustration Committee,” the “lustration” will start with a “life-long prohibition” of the overthrown Ukrainian President Viktor Yanukovych “and his closest officials from holding or running for office.” The complete judicial system will be “purged,” from the top-levels all the way down to district courts. Not only “the key officials coming from the soviet KGB system” must be removed from public office, but also “officials who served during Yanukovych’s presidency,” from the top officials down to those at the district level. “The Ministry of Justice is currently preparing to open the register of persons” for the “lustration.” Sobolev adds that “thousands” could be fired.

## **Oligarchs in Power**

Lustration should not be confused with ousting Ukrainian oligarchs, as was originally demanded at the Maidan, as the personnel-list of the West’s Ukrainian partisans indicates. Apart from the amnesty for oligarch Yulia Tymoshenko, the

current government has designated central posts in eastern Ukraine to several oligarchs. The German Foreign Minister is included in negotiations with them. (german-foreign-policy.com reported.[5]) UDAR, the Party led by Vitaly Klitschko, "Germany's man" in Kiev, has just named the oligarch Petro Poroshenko as its presidential candidate. The reason is obvious: Klitschko "made in Berlin" [6] may be popular in Germany, but he cannot hope to win more than 10 percent of the Ukrainian vote. Poroshenko, however, is one of the richest men in the country. He owns a TV station ("Channel 5") and several news magazines, which had systematically provided support for the Maidan protests. Owner of a multi-billion dollar candy company, Poroshenko is one of the few Ukrainian oligarchs, who would profit from the EU Association Agreement. He not only is a member of the "Advisory Council" of the EU think tank "European Policy Centre," whose cooperation partners include the German Council on Foreign Relations (DGAP); he had served also as Minister of Economics in the Yanukovych government. However, because of his pro-Western orientation, it is out of the question that the "Lustration" will prevent him from running for president.

## **Fascist Combat Squadrons**

Whereas the unrelenting political marginalization of large sectors of the eastern and southern Ukrainian populations has intensified pro-Russian protests over the past few days, fascist forces are increasingly mobilizing for a counter offensive. Already on Monday, a "Ukrainian People's Self-Defense" unit broke up a peaceful pro-Russian demonstration in southern Ukrainian Nikolayev, wounding ten.[7] In Donetsk, the "Pravy Sektor" (Right Sector) tried – in vain – to suppress the protests. According to several reports, activists of diverse fascist organizations are on their way to eastern and southern Ukraine to confront the demonstrations taking place there. Igor Krivoruchko, a speaker of the "Social-National Assembly" was recently quoted saying, that fascist activists

want to dispatch “Combat Squadrons” to eastern Ukraine.[8] The “Social-National Assembly” is often described as “neo-Nazi.” If these “Combat Squadrons” would actually be dispatched, it would be the second time that fascist militia find themselves at the side of Berlin and Brussels – after combat on the Maidan to overthrow President Yanukovych – now in the fight against the forces, refusing to submit to the rule of a Western-installed government.

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