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INSIDE AND BEYOND THE RUSSO-UKRAINIAN WAR: THE PITFALLS FOR THE EUROPEAN UNION

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Disclaimer – The author of this paper advocates the resolution of conflicts through diplomacy and pacific means and rejects the resort to lethal force to settle international disputes.

In a time of universal deceit, telling the truth is a revolutionary act.

The Russo-Ukrainian conflict shows the limits and weaknesses of the European Union. More than this, the conflict reveals the inconsistencies between the EU principles and the policies implemented by the Union. Is not only the self-proclaimed role of the “global actor” that the EU imposed itself,¹ that is questioned, but also the role of advocate of fundamental human rights that the Union claims to defend. Finally, the conflict warns of the risks of a hasty EU accession of Ukraine.

Consistency of diplomatic measures and economic sanctions against Russia with EU values

In the aftermath of the war in Ukraine, that broke out on 24 February 2022, the European Union adopted a set of diplomatic measures and economic sanctions against Russia.² Notwithstanding the EU claims that restrictive measures (sanctions) are an essential tool through which the Union can intervene where necessary “to prevent conflict or respond to emerging or current crises”,³ so far the European Union proved to be ineffective in either preventing or settling a single armed conflict at its borders.⁴

Among the sanctions adopted in reaction to Russia’s “special military operation” against Ukraine, there is the freezing of assets and travel banning of individuals, and the suspension of broadcasting in the EU of state-owned *Sputnik* and *Russia Today* until they conduct “disinformation and information and manipulation” actions. It is worth noting that although there is no legal definition of disinformation and manipulation, there is a mixture of terms.

¹ European Commission. (2019). *The EU as a stronger global actor*, EC, COM (2021) 205 final; COM (2021) 206 final, 2021/0106 (COD).

² Council of the European Union/European Council. (2022). *EU restrictive measures in response to the crisis in Ukraine*, <https://www.consilium.europa.eu/en/infographics/eu-sanctions-against-russia-over-ukraine>.

³ European Commission, Directorate-General for Communication. (2022). *Restrictive measures (sanctions)*. https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en.

⁴ Marsili, M. (2019). *European Border Conflicts: Failures and Inabilities of EU Foreign and Security Policy*. ePoster 2399 displayed at Encontro Ciência 2019, Centro de Congressos de Lisboa, Portugal, 8-10 July 2019.

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Indeed, the EU provides the following definition of “disinformation”: a “verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public – distorts public debate, undermines citizens' trust in institutions and media, and even destabilises democratic processes such as elections”.⁵ Providing this definition – information *tout court* is not and cannot be included – the EU makes another mistake.

The UK Parliament and Her Majesty’s Government agree that disinformation is “the deliberate creation and sharing of false and/or manipulated information that is intended to deceive and mislead audiences, either to cause harm or for political, personal or financial gain”⁶ On the opposite, misinformation is “the inadvertent sharing of false information”.⁷ The same distinction can be found in a report drafted for the U.S. Congress.⁸ On the same line Libicki,⁹ who thinks that the expected outcome of misinformation is believing what is not true, while disinformation is aimed to lead the audience to be unable to believe what is true.¹⁰

That said, the censorship put in place by the EU against the Russian media outlets is inconsistent with the core values on which the Union is founded. The freedom of thought, expression, and information are granted under Art. 10 and 11 of the *Charter of Fundamental Rights of the European Union* (CFR). Drafted by the European Convention and proclaimed on 7 December 2000 by the European Parliament (EP), the Council of Ministers and the European Commission (EC), the Charter gained full legal effect after the entry into force of the Treaty of Lisbon on 1 December 2009, and therefore it has the same legal value as the EU treaties and applies to the institutions of the Union and its member states. Art. 11 of the CFR¹¹ states that everyone has the right to freedom of expression, which includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. Pluralism of the media is ensured under the same provision.

These principles, which are the basis of European values, have been embodied in the *European Convention on Human Rights* (formally the *Convention for the Protection of Human Rights and Fundamental Freedoms* or ECHR),¹² one of the most advanced instruments for the protection of fundamental human rights that was drafted after World War II, and which resulted in the recognition and codification of natural rights as basic human rights under positive

⁵ European Commission. (2018). *Communication on tackling online disinformation: a European Approach*, COM (2018) 236 final, 26 Apr. 2018. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0236&from=EN>.

⁶ UK Parliament, House of Commons, Digital, Culture, Media and Sport Committee. (2018). *Disinformation and 'fake news': Interim Report: Government Response to the Committee's Fifth Report of Session 2017–19* (HC 1630 17/19), 5th Special Report of Session 2017–19, p. 2; UK Parliament, House of Commons, Digital, Culture, Media and Sport Committee. (2019). *Disinformation and 'fake news': Final Report* (HC 1791 17/19), 8th Report of Session 2017–19, 2019: p. 10 § 12.

⁷ UK Parliament (2018), p. 2; 2019, p. 10 § 12.

⁸ Theohary, C.A. (2000). *Defense Primer: Information Operations* (IF10771), Version 6 Updated 14 Jan. 2020. Congressional Research Service, Washington, DC. <https://crsreports.congress.gov/product/pdf/IF/IF10771>.

⁹ Libicki, MC 2007, *Conquest in Cyberspace: National Security and Information Warfare*. Cambridge University Press, New York, NY, p. 50.

¹⁰ For a definition of disinformation and misinformation, see: Theohary (2018), p. 4; Arold (2016), p. 25-26.

¹¹ See the Charter in the latest (2012) consolidated version of the Lisbon Treaty.

¹² *Convention for the Protection of Human Rights and Fundamental Freedoms*, as amended by Protocols No. 11 and No. 14, signed in Rome on 4 Nov. 1950 and entered into force on 3 Sept. 1953, ETS 5; 213 UNTS 221.

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European law.¹³ The principles set forth by the Convention, one of the most advanced instruments for the protection of fundamental human rights, are the basis on which the EU was established, even if it was drafted in 1950 by the Council of Europe (CoE), a body completely separate from the Union and much larger¹⁴ – following the decision of the Committee of Ministers on 16 March 2022 the Russian Federation is no longer a member of the Council of Europe.¹⁵

The ECHR, which can be considered the European response to the *Universal Declaration of Human Rights* adopted by the United Nations General Assembly on 10 December 1948, can be seen as part of a wider response of the West in delivering a human rights agenda through which it was believed that the most serious human rights violations which had occurred during the Second World War could be avoided in the future. Europe, mindful of the dictatorships of the first half of the century, wanted to ensure the respect of those fundamental rights and freedoms that those regimes had denied.¹⁶ Article 10 of the Convention provides “the freedom to hold opinions, and to receive and impart information and ideas”. The aforementioned rights can be restricted on national security grounds but are hardly likely to be the case here.

The freedom of expression – often presented as the “fourth power” and sometimes as “counter-power” – is considered an essential feature of liberal democracy, and a fundamental human right.¹⁷ The role of the media in democratic societies, characterized by governments constrained by checks and balances, is that of a “watchdog”.¹⁸ In an ideal “free market of ideas,” the role of the media is to inform, criticise and stimulate debate, and that is why the media should be independent and free from economic and political influences (otherwise, it's only propaganda tool).¹⁹ This market further restricted the EU-boostered censorship of social media companies such as Google, Facebook/Meta, Twitter, Instagram, Telegram, and TikTok.²⁰ Both authoritarian and democratic states use censorship to control cyberspace.²¹

The asset freeze and travel ban decided by the EU further undermine the core principles of the Union. It is written in the preamble of the CFR that the EU “ensures the free movement of persons, services, goods and capital, and the freedom of establishment”. Even if this freedom of movement is guaranteed only to citizens of EU member states, it is presented among the

¹³ Marsili, M. (2018). The Protection of Human Rights and Fundamental Freedoms at the Origins of the European Integration Process. *Europea*, vol. 5, no. 1, p. 191.

¹⁴ Marsili (2018). *The Protection of Human Rights and Fundamental Freedoms at the Origins of the European Integration Process*, pp. 191, 196-197.

¹⁵ Committee of Ministers of the Council of Europe. (2022). *Resolution CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe*, adopted on 16 Mar. 2022. https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a5d7d9.

¹⁶ Marsili (2018). *The Protection of Human Rights and Fundamental Freedoms at the Origins of the European Integration Process*, p. 197.

¹⁷ Marsili, M. (2021). The Press: Fourth Power or Counter-power?. *Artciencia.Com*, no. 24-25, pp.1-11- DOI: <https://doi.org/10.25770/artc.18415>.

¹⁸ Marsili (2021). *The Press: Fourth Power or Counter-power?*, p. 9.

¹⁹ Marsili (2021). *The Press: Fourth Power or Counter-power?*, p. 9; Marsili, M. (2015). Propaganda and International Relations: An Outlook in Wartime. *Artciencia.Com*, no. 19, pp. 1-26. DOI: <https://doi.org/10.25770/artc.11095>.

²⁰ Human Rights Watch. (2022). *Russia, Ukraine, and Social Media and Messaging Apps. Questions and Answers on Platform Accountability and Human Rights Responsibilities*. HRW, New York, NY, 16 Mar. 2022. <https://www.hrw.org/news/2022/03/16/russia-ukraine-and-social-media-and-messaging-apps>.

²¹ Golovchenko, Y. (2022). Fighting Propaganda with Censorship: A Study of the Ukrainian Ban on Russian Social Media. *The Journal of Politics*, vol. 84, no. 2. DOI: <https://doi.org/10.1086/716949>.

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universal values on which the Union is founded. Nevertheless, EU sanctions against Russia over Ukraine include travel restrictions against individuals and entities.²² Furthermore, the measures adopted by the EU Council include an asset freeze of those sanctioned: no funds should be made available to them. This is a clear violation of the right to property enshrined in Art. 17 of the CFR. Who can rely on the protection of property in the EU from now on? What happened to the rule of law?

Political Considerations

Announcing in televised speech "a special military operation" in the Donbas region, Russian President Vladimir Putin said that the purpose was to purge it of "far-right nationalists and neo-Nazis supported by NATO countries" and "to demilitarise and denazify Ukraine", as well as "bring to trial those who perpetrated numerous bloody crimes against civilians, including against citizens of the Russian Federation".²³

While supporting the resolution of conflicts through diplomacy and peaceful means and rejecting the use of lethal force to settle international disputes, we cannot accept the neo-Nazi ideology and the killing of civilians. The European Union came to life at the end of a process that began in the aftermath of WWII, fought by the allies against the Nazi-fascist powers and nationalist regimes. What puzzles is the political and military support to a country, Ukraine, dominated by right-wing nationalists. The president of the EC, Ursula von der Leyen, cannot ignore the numerous reports on the situation in Ukraine when she offered Kyiv a fast track to joining the EU.²⁴ These reports have been known for years; some of them report violence against civilians in the Donbas region committed by the Separate Special Purpose Detachment "Azov" – military unit no. 3057 of the Eastern Operational-Territorial Command of the National Guard of Ukraine, an all-volunteer infantry military whose members, are ultra-nationalists. After being incorporated into the Ukrainian armed forces, the Azov Battalion was deployed in December 2014 in Kharkiv²⁵ where, according to an early report released in 2016 by the Office of the UN High Commissioner for Human Rights (OHCHR), was responsible for serious crimes against ethnic Russians, including sexual violence, gang rape, kidnapping, torture, and arbitrary detention.²⁶

²² Council of the European Union/European Council. (2022). *EU restrictive measures in response to the crisis in Ukraine*. <https://www.consilium.europa.eu/en/infographics/eu-sanctions-against-russia-over-ukraine>; European Commission, Directorate-General for Communication. (2022). *EU sanctions against Russia following the invasion of Ukraine*. https://ec.europa.eu/info/strategy/priorities-2019-2024/stronger-europe-world/eu-solidarity-ukraine/eu-sanctions-against-russia-following-invasion-ukraine_en#visa-measures; European Commission, Directorate-General for Communication. (2022). *Sanctions adopted following Russia's military aggression against Ukraine*. https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions/sanctions-adopted-following-russias-military-aggression-against-ukraine_en.

²³ Putin, V. (2022). *Address by the President of the Russian Federation*, 24 Feb. 2022, The Kremlin, Moscow. <http://en.kremlin.ru/catalog/countries/UA/events/67843>.

²⁴ European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations. (2022). *Statement by President von der Leyen with Ukrainian President Zelenskyy at the occasion of the President's visit to Kyiv*, Brussels, 8 April 2022. https://ec.europa.eu/neighbourhood-enlargement/news/statement-president-von-der-leyen-ukrainian-president-zelenskyy-occasion-visit-kyiv-2022-04-08_en.

²⁵ OSCE Special Monitoring Mission to Ukraine. (2014). *Latest from OSCE Special Monitoring Mission (SMM) to Ukraine based on information received as of 18:00 (Kyiv time), 18 December 2014*, 19 Dec. OSCE, Vienna. <https://www.osce.org/ukraine-smm/132776?fbclid=IwAR0CsSRdsjgA6aN4eyVG1o4PFNwYZIVr8gtHS3fs5Mm9d2TxHP0vKEffrg>.

²⁶ Office of the United Nations High Commissioner for Human Rights. (2016). *Report on the human rights situation in Ukraine 16 February to 15 May 2016*. OHCHR, Geneva/New York, NY, §49, p. 18 §59, p.

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A report published in September 2019 by the Organization for Security and Co-operation in Europe (OSCE)²⁷ warns about the threat to the basic values and freedoms of Europe coming from the growing influence of extremism in Eastern European countries. The OSCE claims that “despite neo-Nazis, ideology is blamed in Europe in terms of political discourse, representatives of the far-right movements [...] are ‘accepted’ at the official level more and more often”, especially in Eastern European nations. The report cites the Azov Regiment and the affiliated National Corps (*Natzionalnyy Korpus*) political party as one of the brightest examples of it: they are pictured as “neo-Nazis and racists” with which “any kind of cooperation [...] is impossible”. The release concludes that despite all these “political parties, representatives of the armies and military departments of Eastern and Western Europe maintain friendly and close ties with Azov and the National Corps, accepting their representatives at their sites and participating in the events organized by Azov”.

Known for flying Nazi battle flags from their tanks and uniform markings that resemble the *wolfsangel*, or “wolf’s hook” – a symbol used by the Nazi military and Panzer tank divisions – the notorious Azov Battalion has been accused of ethnic racism, “ISIS-style” war crimes, and torture.²⁸ Reportedly, the Azov Regiment²⁹ is associated with white supremacists and neo-Nazi ideology and insignia like the Black Sun.³⁰ These values conflict with those on which the Union declared to be founded, and laid out in Art. 2 and 3 of the Lisbon Treaty and the CFR. However, neither the EU nor the CoE ever cast a spell to denounce this situation that is also known to US allies.

Congressional hearings held in 2019 have disclosed to US lawmakers that the Azov Battalion recruits foreign fighters motivated by white supremacy and neo-Nazi beliefs, including many from the West.³¹ In 2018, the Federal Bureau of Investigation (FBI) had already reported that white supremacists from Scandinavia, northern Europe, Brasil Russia, and the US were training as foreign fighters with the Azov paramilitary group in Ukraine.³² An article published by *Time* magazine in 2021³³ unveils that the Azov battalion is accused by

20. https://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf?fbclid=IwAR19GxG6S0ffw8wJEW7XbgN9I8rgTvTztjx7arlpZuCiIF6PuhNjrzABAPA.

²⁷ OSCE. (2019). *OSCE Human Dimension Implementation Meeting 2019, Warsaw, Poland, 16-27 September 2019*.

https://www.osce.org/files/f/documents/5/1/430004_0.pdf?fbclid=IwAR1V_S_5wPSICEx4GpOkSpbBiNVQwcCOKWzkoKVLasuft6u3NpneG-iauWU.

²⁸ Picciolini, C. (2019). *Meeting the Challenge of White Nationalist Terrorism at Home and Abroad*. Congressional Testimony. Joint hearing before the House Committee on Foreign Affairs Subcommittee on the Middle East, North Africa, and International Terrorism, and the House Committee on Homeland Security Subcommittee on Intelligence and Terrorism. Washington, DC, 18 Sept. 2019, p. 9. <https://homeland.house.gov/imo/media/doc/Picciolini%20-%20Testimony%20REVISED.pdf>.

²⁹ Azov Regiment official website. <https://azov.org.ua>.

³⁰ Center for International Security and Cooperation. (2022). *Mapping Militant Organizations: Azov Battalion*. Stanford University. <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/azov-battalion>.

³¹ Soufan, A.H. (2019). *Global Terrorism: Threats to the Homeland*. Congressional Testimony before the House Committee on Homeland Security. Washington, DC, 10 Sep. 2019, pp. 5, 11-12. <https://homeland.house.gov/imo/media/doc/Testimony-Soufan.pdf>. Nazarian, S. (2019). *Meeting the Challenge of White Nationalist Terrorism at Home and Abroad*. Congressional Testimony. Joint hearing before the House Committee on Foreign Affairs Subcommittee on the Middle East, North Africa, and International Terrorism, and the House Committee on Homeland Security Subcommittee on Intelligence and Counterterrorism. Washington, DC, 18 Sept. 2019, p. 10. <https://homeland.house.gov/imo/media/doc/Nazarian-Testimony.pdf>.

³² Picciolini, pp. 4, 8-9.

³³ Shuster, S. & Perrigo, B. (2021). How a White-Supremacist Militia Uses Facebook to Radicalize and Train New Members. *Time*, 7 Jan. 2021. <https://time.com/5926750/azov-far-right-movement-facebook>.

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the FBI of training prosecuted US citizens, supporting terrorism, and violating the UN International Convention on the Prohibition of the Recruitment, Use, Financing and Training of Mercenaries.³⁴ The recruitment of mercenaries by the Azov group was already disclosed in 2014³⁵ when the media denounced that the battalion enlisted racists, ethnic nationalists, negationists, and neo-Nazis.³⁶

Following a letter of 28 March 2019 from the chairman of the House Committee on Foreign Affairs, Rep. Eliot Engel, Secretary of State Mike Pompeo, suggested a list of “white supremacist extremist” (WSE) groups to consider for designation as foreign terrorist organizations (FTOs),³⁷ on 5 April 2021, Rep. Elissa Slotkin, chairwoman of the House Homeland Security Subcommittee on Intelligence and Counterterrorism and former CIA officer, sent a letter to Secretary of State Antony Blinken asking that 13 radical-right extremist groups and movements, including the Azov Battalion, be officially designated as FTOs.³⁸ This designation would, in theory, ban any American from providing “material support or resources” to any of these designated organizations, ban foreign members of these groups from entering the US, and freeze funds held in American banks belonging to these groups. Reportedly, Azov members were trained by Canada³⁹, and is likely they received training also from the US and NATO personnel.⁴⁰

A previous attempt to proscribe the violent WSE Ukrainian group was unsuccessful. On 16 October 2019, Rep. Max Rose, then top Democrat on the House Homeland Security Subcommittee on Intelligence and Counterterrorism, addressed a letter, co-signed by 39 members of Congress, including Engel, which urged Secretary Pompeo to blacklist the Azov Regiment.⁴¹

The deep link between nationalism and right-wing extremism is a feature of Ukrainian politics and is rooted in Ukrainian history, culture, and society. In late March 2019, living former members of irregular Ukrainian nationalist armed groups that were active during WWII and the first decade after the war were officially granted the status of veterans.⁴² The law, passed by the Verkhovna Rada, the unicameral parliament of Ukraine, and enacted by pro-

³⁴ UN General Assembly. (1989). Resolution A/RES/44/34, International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted on the 72nd plenary meeting of 4 Dec. 1989. *Treaty Series*, vol. 2163, p. 75. United Nations, New York, NY.

³⁵ Newman, D. (2014). *Ukraine conflict: 'White power' warrior from Sweden*. BBC News, 16 July, <https://www.bbc.com/news/world-europe-28329329>.

³⁶ Walker, S. (2014). Azov fighters are Ukraine's greatest weapon and may be its greatest threat. *The Guardian*, 10 Sept. 2014. <https://www.theguardian.com/world/2014/sep/10/azov-far-right-fighters-ukraine-neo-nazis>.

³⁷ Information Department of the Verkhovna Rada of Ukraine Secretariat. (2019). *MPs civilly request U.S. officials to exercise restraint and adopt measured approach in their statements with respect to 'Azov Battalion'*, 31 Oct. 2019. Verkhovna Rada of Ukraine, Kyiv. <https://www.rada.gov.ua/en/news/News/183790.html>.

³⁸ Slotkin, E. (2021). *Letter to Secretary of State Antony Blinken*. 5 Apr. 2021. <https://s3.documentcloud.org/documents/20615179/rep-slotkin-letter-on-foreign-terrorist-orgs.pdf>.

³⁹ Coutu, S. (2022). *Le Canada a formé des éléments d'un régiment ukrainien lié à l'extrême droite*. Radio-Canada, 11 Apr. 2022. <https://ici.radio-canada.ca/nouvelle/1873461/canada-regiment-ukrainien-lie-extreme-droite-azov?depuisRecherche=true>.

⁴⁰ Garamone, J. (2022). *Ukraine-California Ties Show Worth of National Guard Program*. 18 Mar. 2022. DoD News. <https://www.defense.gov/News/News-Stories/Article/Article/2971781/ukraine-california-ties-show-worth-of-national-guard-program>.

⁴¹ Rose, M. (2019). @RepMaxRose, 16 Oct. 2019. <https://twitter.com/RepMaxRose/status/1184518558392504321>.

⁴² Ponomarenko, I. (2019). Former WWII nationalist guerrillas granted veteran status in Ukraine. *Kyiv Post*, 26 Mar. 2019. <https://www.kyivpost.com/ukraine-politics/former-wwii-nationalist-guerrillas-granted-veteran-status-in-ukraine.html>.

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Russian President Petro Poroshenko in late December, includes the following armed formations: the Ukrainian Insurgent Army (UPA), led by Stepan Bandera, active in 1942-1956; the Ukrainian Insurgent Army *Polissia Sich*, led by Taras Bulba-Borovets, active in 1941-1944, which became the Ukrainian People's Revolutionary Army in 1943; the Armed formations of the Organisation of Ukrainian Nationalists (OUN), active in the late 1920s-1950s.

OUN is a Ukrainian ultranationalist and fascist political organization established in 1929 in Vienna whose strategies to achieve Ukrainian independence included violence and terrorism against perceived foreign and domestic enemies.⁴³ In 1940, OUN split in two, ONU-M and ONU-B, both enthusiastically committed to the new fascist Europe, and the latter pledged loyalty to Adolf Hitler.⁴⁴ In 1942, the organisation established the Ukrainian Insurgent Army as the primary perpetrator of the ethnic cleansing of Poles and Jewish civilians in Volhynia and Eastern Galicia.⁴⁵ The Polish Parliament⁴⁶ and some scholars⁴⁷ argue that, although the anti-Polish action was ethnic cleansing, it also meets the definition of genocide.

The death toll among civilians killed by the Ukrainian nationalists – most of the victims were women and children⁴⁸ – ranges between 60,000 and 100,000.⁴⁹ A study on *Crimes Perpetrated Against the Polish Population of Volhynia by the Ukrainian Nationalists, 1939-1945*, published by the Main Commission for the Investigation of Nazi Crimes in Poland of the Institute of National Remembrance, estimates the number of victims as high as 300,000.⁵⁰ The atrocities committed by the gangsters led by Stepan Bandera were unspeakable:⁵¹ Poles were burned alive, flayed, impaled, crucified, disembowelled, dismembered, and beheaded; women were gang-raped and had their breasts sliced off, children were hacked to pieces with axes,

⁴³ Rudling, P.A. (2013). The Return of the Ukrainian Far Right: The Case of VO Svoboda. In: Wodak, R. JE Richardson J.E. (eds.). *Analysing Fascist Discourse: European Fascism in Talk and Text*. Routledge, New York, NY, p. 229.

⁴⁴ Rudling (2013), p. 229.

⁴⁵ McBride, J. (2016). Peasants into Perpetrators: The OUN-UPA and the Ethnic Cleansing of Volhynia, 1943-1944. *Slavic Review*, vol. 75, no. 3, pp. 630–665. DOI: 10.5612/slavicreview.75.3.0630.

⁴⁶ Sejm of the Republic of Poland. (2009). Resolution of 15 July 2009 on the tragic fate of Poles in the Eastern Borderlands. *Monitor Polski*, no. 47, p. 684.

⁴⁷ Zajac, P. (2008). Prześladowania ludności narodowości polskiej na terenie Wołynia w latach 1939–1945 – ocena karnoprawna zdarzeń w oparciu o ustalenia śledztwa OKŚZpNP w Lublinie. In: Ignatiew, R. & Kura, A. (eds.). *Zbrodnie przeszłości. Opracowania i materiały prokuratorów IPN, Vol. 2: Ludobójstwo*. Instytut Pamięci Narodowej, Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu, Warsaw.

⁴⁸ Kulińska, L. (2010). Przebieg eksterminacji ludności polskiej Kresów Wschodnich w latach czterdziestych XX wieku. In Hryciuk, G. & Palski, Z. *Wołyń 1943 – Rozliczenie*, Proceedings of the scientific conference on the 65th anniversary of the extermination of the Polish population in the Eastern Borderlands by Ukrainian nationalists, Warsaw, 10 July 2008, *Konferencje IPN*, vol. 41. Instytut Pamięci Narodowej Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu, Warsaw, pp. 27-30.

⁴⁹ Ferguson, N. (2006). *The War of the World*. Penguin Press, New York, NY, p. 455; Motyka, G. (2016). *Wołyń'43 Ludobójcza czystka – fakty, analogie, polityka historyczna*. Wydawnictwo Literackie, Cracow, p. 83; Rudling, P.A. (2006). Theory and Practice. Historical representation of the wartime accounts of the activities of OUN-UPA (Organization of Ukrainian Nationalists-Ukrainian Insurgent Army). *East European Jewish Affairs*, vol. 36, no. 2 (December), pp. 163-179; Piotrowski, T. (1998). *Poland's holocaust: ethnic strife, collaboration with occupying forces and genocide in the Second Republic*. McFarland, Jefferson, NC, p. 251.

⁵⁰ Turowski, J. & Siemaszko, W. (1990). *Zbrodnie nacjonalistów ukraińskich dokonane na ludności polskiej na Wołyniu 1939-1945*. Główna Komisja Badania Zbrodni Hitlerowskich w Polsce, Instytut Pamięci Narodowej, Środowisko Żołnierzy 27 Wołyńskiej Dywizji Armii Krajowej w Warszawie, Warsaw.

⁵¹ Rudling, P.A. (2011). The OUN, the UPA and the Holocaust: A Study in the Manufacturing of Historical Myths. *The Carl Beck Papers in Russian & East European Studies*, no. 2107 (November). University Center for Russian and East European Studies, University of Pittsburgh, PA, p. 17.

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babies were impaled on bayonets and pitchforks or bashed against trees.⁵² They were slaughtered by the OUN-B/UPA with no consideration for age or gender.

Bandera is still a popular and celebrated figure in Ukraine and somehow he is considered a national hero,⁵³ while he was only a killer. On 22 January 2010, on the Day of Unity of Ukraine, Ukrainian President Viktor Yushchenko awarded Bandera the title of Hero of Ukraine. The European Parliament urged the Ukrainian leadership to reconsider such a decision and to “maintain its commitment to European values”.⁵⁴ Eventually, on 2 April 2010, an administrative Donetsk region court ruled the presidential decree awarding the title to be illegal on grounds that Bandera was not a citizen of the Ukrainian Soviet Socialist Republic; the award was annulled by pro-Russian President Viktor Yanukovich, who took over from the pro-Western Yushchenko, only after a cassation appeal was rejected by the Higher Administrative Court of Ukraine on 12 January 2011; Yushchenko called the move a “gross error”.⁵⁵ Another attempt to confer the award on Bandera was introduced in the Ukrainian Parliament on 5 December 2018 but was rejected on 29 August 2019.⁵⁶ Notwithstanding, in late 2018, the Lviv Oblast Council decided to declare the year 2019 to be the year of Stepan Bandera,⁵⁷ and in January 2021 the government of Kyiv included Bandera and other Nazi collaborators that perpetrated massacres of local populations, including Jews, during the Holocaust, in a memorial run by the Ministry of Culture.⁵⁸

Several contemporary far-right Ukrainian political organizations claim to be inheritors of the OUN's political traditions, including VO Svoboda,⁵⁹ Right Sector, the Ukrainian National Assembly – Ukrainian National Self Defence, and the Congress of Ukrainian Nationalists (KUN).⁶⁰ The OUN celebrates the 14th Waffen Grenadier Division of the SS (1st Galician), a Ukrainian collaborationist formation established by Reichsführer-SS Heinrich Himmler in 1943.⁶¹

⁵² Davies, N. (2006). *Europe at War 1939-1945: No Simple Victory*. Pan Books, London, p. 544.

⁵³ Katchanovski, I. (2009). *Terrorists or National Heroes? Politics of the OUN and the UPA in Ukraine*. Paper prepared for presentation at the Annual Conference of the Canadian Political Science Association, Montreal, 1-3 June 2010. <http://www.cpsa-acsp.ca/papers-2010/Katchanovski.pdf>.

⁵⁴ European Parliament. (2010). *Resolution of 25 February 2010 on the situation in Ukraine*, P7_TA(2010)0035, §20.

⁵⁵ Reuters. (2011). *Yushchenko: No Bandera—no statehood*. *Kyiv Post*, 12 Jan. 2011. <https://www.kyivpost.com/article/content/ukraine-politics/yushchenko-no-bandera-no-statehood-94632.html>.

⁵⁶ Verkhovna Rada of Ukraine. (2019). *Draft Resolution No. 9368 on the appeal to the President of Ukraine to confer the title of Hero of Ukraine on Bandera Stepan Andriyovych (posthumously)*, included in the agenda 2679-VIII of 7 Feb. 2019. http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=65070.

⁵⁷ Interfax-Ukraine. (2018). Israeli ambassador 'shocked' by Lviv region's decision to declare Year of Bandera. *Kyiv Post*, 13 Dec. 2018. <https://www.kyivpost.com/ukraine-politics/israeli-ambassador-shocked-by-lviv-regions-decision-to-declare-year-of-bandera.html>.

⁵⁸ Sharon, J. (2021). Nazi collaborators included in Ukrainian memorial project. *Jerusalem Post*, 21 Jan. 2021. <https://www.jpost.com/diaspora/antisemitism/nazi-collaborators-included-in-ukrainian-memorial-project-656253>.

⁵⁹ As party symbol, VO Svoboda chose a mirror image of the so-called *Wolfsangel*, or Wolf's hook, which was used by several SS divisions and, after the war, by neo-Nazi organizations (Ruding 2013, p. 235).

⁶⁰ Rudling (2013); Umland, A. & Shekhovstov A. (2013). Ultraright Party Politics in Post-Soviet Ukraine and the Puzzle of the Electoral Marginalism of Ukraine Ultrationalists in 1994–2009. *Russian Politics and Law*, vol. 51, no. 5, pp. 33–58. DOI: 10.2753/rup1061-1940510502.

⁶¹ Rudling (2013), p. 244-245.

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How odd is that countries, such as Germany, which have suffered from the Nazi dictatorship supply weapons to groups that claim openly their roots in the Third Reich?⁶² With a lexical stunt, the EU defined the military aid to Ukraine as a “supply of defensive weapons”.⁶³ What is true, is that is a historic about-turn the Union providing direct arms deliveries to a non-member state which is involved in a conflict. What is “unprecedented” in the EU reaction to the Russian war on Ukraine, is the mobilisation of €1 billion from the European Peace Facility to fund and coordinate EU military assistance and to deliver military (even lethal) equipment to the Ukrainian armed forces (including the Azov Battalion).⁶⁴ Established in March 2021 by Council Decision (CFSP) 2021/509 based on Articles 30(1) and 41(2) of the Treaty on European Union (TEU), the European Peace Facility is an off-budget instrument aimed “to preserve peace, prevent conflicts and strengthen international security”.⁶⁵

The paradigm on which post-WWII Europe has been based up to now is rapidly changing. It is not just the entire EU, including Germany, that is supplying lethal weapons to the Ukrainian armed forces. Some historically neutral non-aligned states also shift toward militarisation.⁶⁶ In light of the conflict in Ukraine, NATO strengthened cooperation with partner countries Sweden and Finland, with a particular focus on ensuring security in the Baltic Sea region.⁶⁷ Is likely this way the tensions between Russia and Western powers will increase; it is well known that Moscow is seeking to regain control over the sphere of influence defined by the Helsinki Accords that the Atlantic Alliance and the EU have gradually challenged and that the accession of Ukraine to the Western institution is perceived by Russia as a major geopolitical defeat, a catastrophe, while the Kremlin is looking for an opportunity for a re-integration.⁶⁸ From this point of view, the Russo-Ukrainian conflict is the inevitable consequence of previous political choices.

Ukraine's accession to the EU can destabilize the Union by integrating the ultra-nationalist Visegrád Group (Poland, Hungary, Czech Republic, and Slovakia). Representatives from the Visegrád Group were the first to rush to Kyiv in support of the local government. On 15 March 2022, Slovenian Prime Minister Janez Janša, Polish Prime Minister Mateusz Morawiecki and Czech Prime Minister Petr Fiala, met Ukrainian President Volodymyr

⁶² Möckel, A. (2022). *Over EUR 100 billion for the Bundeswehr—and for our security*. Federal Ministry of Defence, Berlin, 27 Feb. 2022. <https://www.bmvg.de/en/news/over-eur-100-billion-for-the-bundeswehr-and-for-our-security-5362626>.

⁶³ Press and Information Office of the Federal Government. (2022). *What is the EU doing for Ukraine?*. The Federal Government, Berlin, 17 Mar. 2022. <https://www.bundesregierung.de/breg-en/search/what-is-the-eu-doing-for-ukraine-2017556>.

⁶⁴ Bilquin, B. & Immenkamp, B. (2022). *European Parliament, Russia's war on Ukraine: The EU's financing of military assistance to Ukraine*, PE 729.301. European Parliamentary Research Service, Brussels/Strasbourg/Luxembourg, 30 Mar. 2022. [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729301/EPRS_ATA\(2022\)729301_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729301/EPRS_ATA(2022)729301_EN.pdf).

⁶⁵ Council of the European Union/European Council. (2021). *Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528*, Document 32021D0509, ST/5212/2021/INIT, OJ L 102, 24 Mar. 2021, p. 14–62. ELI: <http://data.europa.eu/eli/dec/2021/509/oj>.

⁶⁶ Norwegian Armed Forces Media Centre. (2022). *Norway sends military equipment and weapons to Ukraine*. Norwegian Armed Forces, Oslo, 1 Mar. 2022. <https://www.forsvaret.no/en/news/articles/equipment-and-weapons-to-ukraine>.

⁶⁷ NATO. (2022). *Relations with Sweden*. NATO, Brussels, 14 Apr. 2022. https://www.nato.int/cps/en/natohq/topics_52535.htm.

⁶⁸ Marsili, M. (2021). The Russian Influence Strategy in its Contested Neighbourhood. In: Mölder, H., Sazonov, V., Chochia, A. & Kerikmäe, T. (eds.). *The Russian Federation in Global Information Warfare. Influence Operations in Europe and Its Neighborhood*. Springer, Cham, pp. 150; 163-4. DOI: https://link.springer.com/chapter/10.1007/978-3-030-73955-3_8.

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Zelensky and Ukrainian Prime Minister Denys Shmyhal in Kyiv.⁶⁹ The absence of the Hungarian Prime Minister Viktor Orbán is noteworthy. Nationalism is divisive even among the members of the Visegrád group themselves; guess the outcome of such block reinforced by Ukraine.

We assisted attempts by some Visegrád countries to provide military assistance to Ukraine, while others keep aloof. Poland wanted to hand off 28 MiG-29 fighter jets to Ukraine via US Rammstein Air Base in Germany, but the United States rejected the proposal.⁷⁰ The Slovak government decided to supply an S-300 air defense system to Ukraine.⁷¹ Deputy PM of Poland and leader of the Law and Justice ruling conservative party, Jarosław Kaczyński, criticised Orbán as Hungary being the only EU country neighbouring Ukraine which has refused to supply the government of Kyiv with weapons and has not allowed their transfer across the border.⁷² Lastly, Orbán said his cabinet is prepared to meet Moscow's demands for Russian gas to be paid for in roubles,⁷³ this way challenging the position adopted by many EU member states to reject Vladimir Putin's attempts to shift the terms of energy contracts – Poland introduced a full embargo on Russian energy sources, including natural gas, oil, and coal.⁷⁴ Bizarrely, Poland stands by Ukraine, despite the massacre of Poles that took place during the Second World War. Probably, the common hatred for the Russians – the Soviets exterminated more than 100,000 Poles between 1937 and 1941⁷⁵ – unites the governments of Warsaw and Kyiv, more than the slaughters carried out by the supporters of Bandera divide them.⁷⁶

These countries undermine the fundamental values of the European Union. The EC launched an infringement procedure against Poland for breaches of the fundamental rules – the rule of law – that are provided by the EU Treaties.⁷⁷ A joint infringement procedure was filed against Poland and Hungary for violations of fundamental rights enshrined in EU law, the

⁶⁹ Communication Office of the Government of the Republic of Slovenia. (2022). *Prime Minister Janša in Kyiv: Ukraine is part of the European family*. GOV.SI, Ljubljana, 16 Mar. 2022. <https://www.gov.si/en/news/2022-03-16-prime-minister-jansa-in-kyiv-ukraine-is-part-of-the-european-family>.

⁷⁰ Kirby J.F. (2022). *Pentagon Press Secretary John F. Kirby Holds a Press Briefing*. U.S. Department of Defense, Washington, DC, 9 Mar. 2022. <https://www.defense.gov/News/Transcripts/Transcript/Article/2961792/pentagon-press-secretary-john-f-kirby-holds-a-press-briefing-march-9-2022/source/pentagon-press-secretary-john-f-kirby-holds-a-press-briefing-march-9-2022>.

⁷¹ TASR. (2022). *Premiér: Slovensko darovalo Ukrajine systém protivzdušnej ochrany S-300*. Official website of the Government Office of the Slovak Republic, Bratislava, 8 Apr. 2022. <https://www.vlada.gov.sk/premier-slovensko-darovalo-ukrajine-system-protivzdusnej-ochrany-s-300>.

⁷² Scisłowska, M. (2022). Poland's Kaczyński unusually bashes right-wing ally Orbán. *Associated Press*, 8 Apr. 2022. <https://apnews.com/article/russia-ukraine-putin-zelenskyy-europe-european-union-5108fa440d35db36bc203f2dc86d163e>.

⁷³ Cabinet Office of the Prime Minister/MTI. (2022). *Best result of all time scored*. Cabinet Office of the Prime Minister, Budapest, 7 Apr. 2022. <https://miniszterelnok.hu/best-result-of-all-time-scored>.

⁷⁴ Chancellery of the Prime Minister of Poland. (2022). *Premier Mateusz Morawiecki: dzisiaj przedstawiamy najbardziej radykalny w Europie plan odejścia od rosyjskich węglowodorów*. Chancellery of the Prime Minister, Warsaw, 30 Mar. 2022. <https://www.gov.pl/web/premier/premier-mateusz-morawiecki-dzisiaj-przedstawiamy-najbardziej-radykalny-w-europie-plan-odejscia-od-rosyjskich-weglowodorow>.

⁷⁵ Karski, K. (2013). The Crime of Genocide Committed against the Poles by the USSR before and during World War II: An International Legal Study. *Case Western Reserve Journal of International Law*, vol. 45, no. 3, pp. 703-760.

⁷⁶ Karski (2013), pp. 703-760.

⁷⁷ European Commission. (2021). *Rule of Law: Commission launches infringement procedure against Poland for violations of EU law by its Constitutional Tribunal*, IP/21/7070. EC, Brussels, 22 Dec. 2021. https://ec.europa.eu/commission/presscorner/detail/en/ip_21_7070.

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Treaties, and the CFR over LGBTIQ discrimination.⁷⁸ In November 2021, the Commission referred Hungary to the Court of Justice of the European Union over its failure to comply with a court ruling about EU rules on asylum and return⁷⁹ that were breached also by the Czech Republic.⁸⁰ Since 2015, the EC has opened six infringement procedures against Hungary for non-compliance with EU law, in particular, the Asylum Procedures Directive (Directive 2013/32/EU) interpreted in light of the *Charter of Fundamental Rights*. Previous procedures against Hungary involved the violation of fundamental rights such as the right to freedom of association and the right to protection of private life and personal data.⁸¹

To finish, a note on the shadows surrounding the Ukrainian president: In October 2021, the Pandora papers, leaked to the International Consortium of Investigative Journalists (ICIJ), revealed Zelensky's offshore connections and business ties with Russia and Belarus.⁸² Verkhovna Rada deputy Volodymyr Arieu (Bloc of Petro Poroshenko - BPP) said that some \$41 million in PrivatBank were transferred to the accounts of an offshore company belonging to Zelensky. Arieu said funds were transferred when Ukrainian-Israeli-Cypriot billionaire, businessman, and politician, Ihor Kolomoisky owned the bank.⁸³ In 2021 the U.S. banned Kolomoisky and his family from entering the country due to "significant corruption".⁸⁴ Secretary of State Antony J. Blinken claimed that the oligarch was "involved in corrupt acts that undermined rule of law and the Ukrainian public's faith in their government's democratic institutions and public processes, including using his political influence and official power for his benefit" and that he "poses a serious threat to the future of Ukraine". Zelensky did nothing to reduce the influence of neo-Nazi groups in Ukraine and intensified relations with his patron Kolomoisky.

Conclusions

The EU is supporting the Eastern enlargement of US-led NATO disrespecting its core values and principles. The race to supply arms to Ukrainian ultranationalists betrays these

⁷⁸ European Commission. (2021). *EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people*, IP/21/3668. EC, Brussels, 15 July 2021. https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668,

⁷⁹ European Commission. (2021). *Migration: Commission refers HUNGARY to the Court of Justice of the European Union over its failure to comply with Court judgment*, IP/21/5801. EC, Brussels, 12 Nov. 2021. https://ec.europa.eu/commission/presscorner/detail/en/ip_21_5801.

⁸⁰ European Commission. (2017). *Relocation: Commission launches infringement procedures against the Czech Republic, Hungary and Poland*, IP/17/1607. EC, Brussels, 14 June 2017. https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1607.

⁸¹ European Commission. (2017). *Hungary: Commission launches infringement procedure for law on foreign-funded NGOs*, IP/17/1982. EC, Brussels, 13 July 2017. https://ec.europa.eu/commission/presscorner/detail/ES/IP_17_1982.

⁸² Cunningham, E. & Francis, E. (2021). Pandora Papers: Leaks prompt investigations in some countries – and denial in others. *The Washington Post*, 9 Oct. 2021. <https://www.washingtonpost.com/world/2021/10/09/russia-ukraine-jordan-lebanon-pandora-papers>. Harding, L., Loginova, E. & Belford, A. (2021). Revealed: 'anti-oligarch' Ukrainian president's offshore connections. *The Guardian*, 3 Oct. 2021. <https://www.theguardian.com/news/2021/oct/03/revealed-anti-oligarch-ukrainian-president-offshore-connections-volodymyr-zelenskiy>.

⁸³ Interfax-Ukraine. (2019). *Some \$41 mln transferred from PrivatBank to accounts of Zelensky's Kwartal 95 Studio – MP Arieu*. Interfax-Ukraine, 4 Mar. 2019. <https://en.interfax.com.ua/news/general/570044.html>.

⁸⁴ Blinken, A.J. (2021). *Public Designation of Oligarch and Former Ukrainian Public Official Ihor Kolomoisky Due to Involvement in Significant Corruption*. Department of State, Washington, DC, 5 Mar. 2021. <https://www.state.gov/public-designation-of-oligarch-and-former-ukrainian-public-official-ihor-kolomoisky-due-to-involvement-in-significant-corruption>.

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values. Europe is sliding towards militarist, nationalist and far-right politics. The EU and the U.S. ignored facts revealed to them, respectively by 2010 and 2019, about white suprematism, racism, neo-Nazism, and anti-Semitism that permeate Ukrainian politics and society. These facts have been ignored for years by Western governments to pursue a political-military goal. Furthermore, sanctions adopted against Russian entities and individuals in the context of the Ukrainian war further affect the Western and EU basic principles by restricting fundamental rights.

Lastly, by contravening its principles and values, the EU commits a serious mistake that undermines the solidarity and the future of the Union itself. The EU accession of Ukraine would strengthen the ultra-nationalist block which has proved to be “allergic” to European aims and values. Political decisions adopted in this context will be decisive for the future of the Union.

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