

Russia's Aggression against Ukraine: a Challenge to Democratic Values

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The topicality of this study is conditioned by contemporary geopolitical challenges to international security, the search for adequate responses to the changing world. Democratic values are the result of humanity's long journey to self-respect. Their institutional entrenchment at the beginning of the modern age (the Bill of Rights, or the first ten amendments to the US Constitution and the French Declaration of Human Rights and the Citizen of 1789) has become the basis of all-round achievements of human civilization over the last two hundred years. The issues of studying the value dimension of international relations in the face of the latest Russian aggression against Ukraine are of significant scientific and practical significance.

The purpose of this article is to highlight contemporary challenges to democratic values in the context of the Russian Federation's invasion of Ukraine. With this purpose in mind, two main tasks were pinpointed: to identify Russian threats in terms of international legal domain and to outline the contemporary challenges posed by the Russian Federation in the economic, political and information spheres.

The process of democratic values' consolidation was not straightforward and

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unequivocal. In particular, according to the Preamble to the North Atlantic Treaty, signed 70 years ago, its members, reaffirming their commitment to the purposes and principles of the United Nations Charter and their desire to live in peace with all peoples and governments, were determined to protect their liberty, common heritage, based on the principles of democracy, freedom of personality and the rule of law.⁽¹⁾ That is, the NATO establishment was based precisely on the shared values of liberal democracy. However, there were times when individual members of the Alliance (including Greece and Turkey) deviated from these values in their domestic policies, but remained faithful to the collective security, as reflected in Article 5. Under conditions of the Cold War, other members of the Alliance overlooked this situation. However, it was the Western world's commitment to these shared values that ensured the destruction of totalitarian regimes, at least in Europe, at the end of the twentieth century. At the time, it seemed that the liberal democratic foundations had finally won, and, according to F. Fukuyama, the "end of history" was coming. Yet it turned out that new challenges, such as international terrorism and Russian aggressive policies, delayed the so-called "end of history" indefinitely.

In March 2014, the Russian Federation violated at least 9 of the 10 fundamental principles of public international law (all jus cogens principles). In particular, the principles of sovereign equality of states, non-use of force and threat of force, inviolability of state borders, territorial integrity (inviolability) of states, peaceful settlement of international disputes, non-interference in internal affairs, universal respect for human rights, and honest fulfillment of international obligations. Most of these principles are enshrined in numerous international legal instruments: the UN Charter,⁽²⁾ the Declaration on the Principles of International Law as of 1970,⁽³⁾ the

(1) Північноатлантичний Договір від 4 квітня 1949 р. Портал Верховної Ради України. [Електронний ресурс]. – Режим доступу: http://zakon.rada.gov.ua/laws/show/950_008

Final Act of the 1975 Security and Co-operation Meeting in Europe,⁽⁴⁾ and others, of which the Russian Federation has been and remains a signatory.

In 1994 in Budapest, Ukraine, Russia, the United States and the United Kingdom signed a Memorandum of Security in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (France and China annexed this document in the form of public statements). The Parties have committed themselves to respect the independence, sovereignty and existing borders of Ukraine in accordance with the principles of the OSCE Final Act. Paragraph 2 of the memorandum stated: "The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America confirm their commitment to abstain from the threat of force or from using it against the territorial integrity or political independence of Ukraine, and no weapon of theirs will ever be used against Ukraine...".⁽⁵⁾ Should Ukraine become a victim of aggression, signatories to this memorandum are bound to demand immediate action by the UN Security Council to assist Ukraine as a party to the Treaty on the Non-Proliferation of Nuclear Weapons. Russia has disavowed the Budapest Memorandum of Guarantee of Security, Independence, Sovereignty and Existing Borders in connection with Ukraine's accession to the Nuclear Non-Proliferation

(2) Статут Організації Об'єднаних Націй. Видано Департаментом громадської інформації ООН. б/м, б/р.

(3) Декларація про принципи міжнародного права 1970 року. Офіційний портал Верховної Ради України. [Електронний ресурс] – Режим доступу : http://zakon1.rada.gov.ua/laws/show/994_055

(4) Заключний акт Наради з безпеки і співробітництва в Європі 1975 р. Офіційний портал Верховної Ради України. [Електронний ресурс]. – Режим доступу : http://zakon1.rada.gov.ua/laws/show/994_055

(5) Меморандум про гарантії безпеки. Офіційний портал Верховної Ради України. [Електронний ресурс]. – Режим доступу : http://zakon4.rada.gov.ua/laws/show/998_158

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Treaty, thus breaching its commitment to this memorandum.

The Russian Federation has also effectively disavowed the Friendship, Cooperation and Partnership Agreement between the Russian Federation and Ukraine, under which the parties have pledged to respect each other's territorial integrity.⁽⁶⁾

After the occupation of Crimea, the second phase of the armed aggression of the Russian Federation against Ukraine began. In April 2014, armed forces controlled, administered and funded by the Russian Federation's special services declared the creation of the Donetsk People's Republic (further, DPR - April 7, 2014) and the Luhansk People's Republic (further, LPR - April 27, 2014).⁽⁷⁾ In fact, it was then when an armed international conflict began: a war in which the Russian Federation takes part directly and actively with their troops, mercenaries, supplies of weapons, equipment, and ammunition. And most importantly, there were created and started to operate the so-called "DPR" and "LPR", which were the exclusive product of the RF special services.

For the first time in history, the world's nuclear power (Russia) used the tactics of hybrid wars. This means that there was no longer a clear distinction between the state, the army and the people. Previously, states fought each other with the help of "official" armies, and were forced to take on certain obligations arising from international law. In today's Russian war against Ukraine, figuratively speaking, "everything is allowed", restrictions are lifted, the civilian population is used as a weapon, a "human shield". The Russian Federation did not declare war on Ukraine,

(6) Договір про дружбу, співробітництво і партнерство між Україною і Російською Федерацією Офіційний портал Верховної Ради України. [Електронний ресурс]. – Режим доступу: http://zakon4.rada.gov.ua/laws/show/643_006

(7) Заява Верховної Ради України. «Про відсіч збройній агресії Російської Федерації та подолання її наслідків». Офіційний портал Верховної Ради України. – [Електронний ресурс]. – Режим доступу: rada.gov.ua/news.

did not formally voice any demands and ultimatums, denied its participation (obvious to everyone) for one purpose - not to take responsibility for the actions of the “invading army”, the occupation regime, the fate of prisoners, terrorist actions, etc.

So, since the beginning of 2014, the issues of classical geopolitics, balance of power, struggle for territories and spheres of influence have become relevant again. This thesis is confirmed by the Russian annexation of Crimea and its invasion of eastern Ukraine. These events were the first, since the end of World War II, large-scale attempt to forcefully change the European borders. Since March 2014, the European Union, the US and their allies have begun to impose sanctions against the international lawbreaker.

With its foreign policy, Russia defiantly challenged the system of democratic values, which was enshrined in international law following the results of World War II as well as the Cold War. There is no doubt that European and world security in the future will depend on their response to Russia’s aggressive actions.

The world witnesses a new geopolitical situation, primarily related to the successful attempts to destroy a sustainable system of international relations and international law. In an effort to impede the will of Ukraine to the European future, the Russian Federation has occupied part of the territory of Ukraine - the Autonomous Republic of Crimea, the city of Sevastopol, some regions of Donetsk and Luhansk regions and is trying to destroy the unity of the democratic world, undermine the foundations of international security, to allow impunity internationally. The Russian aggression is complex and includes information-propaganda component, economic and diplomatic pressure, and military operations are carried out concealed, using illegal armed formations.

Sharing common values and strategic goals with Western countries, Ukraine considers accession into the North Atlantic Treaty Organization, into the political and economic structures of the European Union as a priority area of its foreign and

domestic policy, which was stated in the national Constitution in early 2019. The EU-Ukraine Association Agreement set strategic guidelines for systemic political and socio-economic reforms in Ukraine, large-scale adaptation of Ukrainian legislation to the EU rules and regulations. Ukraine will ensure gradual convergence in foreign and defense policy and develop synergies within the EU Common Security and Defense Policy to enhance the capacities of the security and defense sector, as well as maintain international security and stability.

Currently, hybrid weapons are used not only against Ukraine but also against Western countries and are being used successfully. The victims of hybrid aggression are not ready to admit that they were the victims of a hybrid war.⁽⁸⁾ According to A. Piantkovsky, “the Kremlin-imposed war on Ukraine is not a territorial dispute about the Crimea or about Donetsk and not an ethnic conflict. It is a decisive worldview collision of the heirs of Kievan Rus and the heirs of the Golden Horde, in which the Hordes were doomed.”⁽⁹⁾ In the EU and NATO countries, the Russian Federation’s powerful propaganda activities are almost unpunished. The mechanisms of implementation are different: in fact, pro-Russian misinformation, distortion of facts about the Donbas war, creation of pro-Russian organizations and relevant news sites that cover the news in the needed perspective. The main messages of propaganda are to create a hostile image of the United States and to spread misinformation about “Nazi” authorities in Ukraine and a large number of neo-Nazi organizations there. All the EU and Alliance countries are extremely vulnerable to Russian propaganda and misinformation, and they are trying to step up their efforts

(8) Горбулін В. Втрачені й невтрачені ілюзії. Україна у глобальних вимірах сучасного світу [Електронний ресурс]. – Режим доступу : <https://www.ukrinform.ua/rubric-world/2254046-vtraceni-j-nevtraceni-iluzii-ukraina-u-globalnih-vimirah-sucasno-svitu.html>

(9) Пионтковский А. Гибридная капитуляция [Електронний ресурс]. – Режим доступу : <http://obozrevatel.com/blogs/17405-gibridnaya-kapitulyatsiya.htm>

to counter them. Russia uses a variety of channels and tools, including cyberattacks and fake news.

At the same time, Russia is not always capable of spreading discrediting narratives against Ukraine directly in other countries. Russians, as a whole, do not enjoy confidence of the EU citizens. However, in Russia there are many networks, coalitions, partnerships at different levels, both political and non-governmental, which allow Moscow to distribute the necessary messages, which are then picked up by local European actors (politicians, journalists, experts). Most often, Russia has emphasized, and will likely emphasize, three main ideas: (a) nothing has changed in Ukraine for the better since the Revolution of Dignity; (b) the Ukrainian authorities provoke and uphold the right-radical sentiment in the society; (c) the Ukrainian authorities are not interested in peace. Obviously, Russia will try a lot of other messages that may find sympathy in a particular country. Russia continues to actively disseminate information that Ukraine is to blame for the Donbas war, and also accuses Kyiv of lacking political will to restore peace. This is partly the opinion of some EU diplomats. Moscow also imposes the view that Ukraine does not want to implement the Minsk agreements, and stirs up violence in the East, in order to avoid the beginning of implementing the political phase of the settlement. So, it is not surprising that illusions about Russia persist.

Pro-Russian and anti-Ukrainian ultra-leftist, nationalist and Eurosceptic (isolationist) parties in the European Union support Russia and speak against Ukraine. For example, the right-populist party Alternative for Germany (12.6%) was first included to the current body of the German Parliament and its electorate is concentrated mainly in the eastern lands (formerly GDR), where Russian influence remains quite powerful.⁽¹⁰⁾

(10) Вибори в Німеччині: найголовніше про партії, які пройшли до Бундестагу [Електронний ресурс]. – Режим доступу: <http://www.dw.com/uk/>

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In the face of the importance of political and propaganda efforts, an economic factor also plays a key role in Russia's destruction of sustainable democratic values. The relaxation of sanctions, or even their lifting, is demanded by individual representatives of big business interested in restoring normal trade and economic relations with Russia. Certain EU countries suffer export losses due to sanctions imposed on Russia because of its aggression in Ukraine. According to a study by the Institute of the World Economy in Kiel, among the Western countries, Germany's trade losses account for 40%, those of the United Kingdom amount to 7.9%, France losing 4.1%, and the United States - 0.6%.⁽¹¹⁾

The situation surrounding the construction of the Nord Stream-2 gas pipeline has quickly gone beyond economic relations, acquiring geopolitical meaning. Actually, this is not surprising, since Russia has been using energy weapons in the sphere of big politics for a long time. Since the early 2000s, the Kremlin has been trying to use its own hydrocarbon export capacities to solve political problems, seeking to make the West engage in dialogue on equal terms. Unlike the energy confrontation of the 2000s, the United States is trying to say its decisive word in the North Stream 2 situation. Polish journalist Z. Parafianovich points out that despite annexation of Crimea and Donbas in Ukraine, intervention in Syria supporting Bashar al-Assad, accused of war crimes, Russia's intervention in the US elections and use of chemical weapons in the UK, alleged isolation of the Russian president remains fictitious.⁽¹²⁾

Thus, in the present geopolitical situation, the basic values of the Free World

(11) Німеччина зазнає найбільших збитків через санкції проти РФ. [Електронний ресурс]. – Режим доступу: <https://www.euointegration.com.ua/news/2017/12/14/7075046/>

(12) Dziennik Gazeta Prawna [Електронний ресурс]. – Режим доступу: <http://www.radiozgranica.pl/8/115/Artykul/362380>

seem to conflict with purely mercantile interests. In order to comprehend this, one must endure the same “loss” that Ukraine has experienced - to get rid of the illusions about Russia. First of all, one should stop treating the Russian Federation de facto as a democratic and civilized state, because it is not such by definition. Russia cannot be treated as a civilized state with an uncivilized, authoritarian power. The Russian Federation responds only to the specific manifestations of its opponents’ power, not to declarations, diplomatic demarches, etc. Western partners should become aware that Russia views Ukraine as its existential enemy, questions its right to exist as an independent state, and pursues the ultimate goal of total destruction of Ukraine as a subject of international law and geopolitical reality. Ukraine is responsible for European values to Europe, to the West by the lives of its soldiers, heavy civilian and military casualties.⁽¹³⁾ At the same time, since the beginning of the Russian aggression, the Ukrainian authorities have had to operate in a narrow range of opportunities, determined by the objective weakness of the country and the agenda imposed on it by Russia, as the initiator and promoter of the separatist movement, and by the West, as the only force to which Ukraine can aspire in its confrontation with the Russian invasion.

Today, the West’s readiness to counter serious armed conflict or direct military aggression is extremely low, as their security policy is based on applying normative instruments, i.e. “soft power”. It may be effective for maintaining stability, but it is completely unacceptable for counteracting tough security challenges. The absolute majority of NATO member states do not meet the requirement to have defense spending of at least 2% of GDP. In 2014, only 3 countries (the United States, the United Kingdom and Greece) fulfilled this requirement, now there are 8 countries

(13) Промова Євгена Бистрицького щодо історичної відповідальності «Німеччина та Україна в Європі: відповідальність за минуле – обов’язки на майбутнє» 13 липня 2017 р. [Електронний ресурс]. – Режим доступу: <http://bystrytsky.org/vidpov17.htm>

meeting this objective, and only by 2024, all Alliance members will have to fulfill this requirement.

The West's conciliatory position on Moscow's control over the Crimea and part of the Donbass will further undermine international law and the fundamental principles that underpin the current post-Cold War world order. In addition, practice proves that, from the point of view of international security, Eastern Europe is an area where there is no effective system for resolving military, political and economic conflicts, their preventing and maintaining peaceful coexistence. Donbass war, which began in 2014, continues. The annexation of Crimea, as well as the 2008 Russian-Georgian war, showed that neither the OSCE, the UN, the Council of Europe, nor the CIS, nor any other international organization (perhaps with the exception of NATO) could reliably secure the border inviolability.⁽¹⁴⁾ It is no coincidence that it is the countries of this region (above all, Poland and Lithuania) that most consistently remind their Western partners of the priority of shared democratic values.

There persists controversy between the democratic and liberal values that underpin the support of Ukraine in the face of Russian aggression and the desire to "understand Russia", in particular because of mercantile interests and the influence of Russian propaganda. The illusion of Russia's Europeanness in the eyes of the average French or German citizen has not yet dispelled, although the thesis has already become dubious. Considering the huge number of myths that have been produced in Russia since Catherine the Second and were broadcast to European countries, there are great historical, ideological and political-sociological discussions ahead. In this context, it is important to convey to the world the Ukrainian

(14) Минаков М. Жертвы геополитического оптимизма. Возможен ли долговременный мир в Восточной Европе Московский Центр Карнеги Россия [Электронный ресурс]. – Режим доступа: <https://carnegie.ru/commentary/76492>

vision of history, the Ukrainian interpretation of contemporary events in and around the country.

In the current situation Ukraine sets out conditions of settlement which Russia does not accept and is not going to review the military-supported status quo. The desired goal of Ukraine is to establish full control over its own territory. This can only be achieved in the long run by combining diplomatic and military means. Therefore, there is no reasonable alternative to further cooperation between the West and Ukraine, either through the existing EU and NATO mechanisms, or through bilateral cooperation.

Modern armed aggression is just one of the instruments in the Russian war against Ukraine, the last argument when all other means of subjugating Ukrainians have been exhausted. Aggression is conducted in several dimensions: military, political, economic, social, humanitarian, and informational. Elements of hybrid warfare have long included propaganda based on lies, manipulation and change of concepts, denial of the very fact of war and Russia's participation in it; accusing Ukraine of the Russian Federation's own crimes, distortion of Ukrainian history; trade and economic pressure and energy blockade; terror and intimidation of Ukrainian citizens; cyberattacks and attempts to destabilize critical infrastructure.

In the last decades the Ukrainian crisis has become the most powerful factor for destabilizing the European project, but the five-year period has not brought any real awareness of this. The majority of European political and intellectual elites has not passed their examination on fostering the democratic liberal values regarding the East of Europe. The crisis of European identity is only gaining momentum, and events in Ukraine have become a certain catalyst. Russia, with its inherent eschatological approach, believes that it is a war for all of great Russia and the entire "Russian world". There is no doubt that the Moscow political leadership has chosen the path of restoring the Russian empire, and V. Putin personally took the role of

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a collector of Russian lands, the idea much cherished in the Russian society.

Of course, there are forces in the West that root on democratic liberal values trying to counter Russian aggressive policies. The assistance that Ukraine will receive from the US and European countries (first, verbally and then in more tangible form) is the result of the awareness in the national capitals on both sides of the Atlantic that Ukraine occupies a key geopolitical position in Eastern Europe, and in no way can a “new democracy” be sacrificed. Because by and large it is a value war for the future of humanity.

The West's collective strategic mistake was to negotiate with the Kremlin as equals. Instead of recognizing Russia as an aggressor in fact, they acted to believe in its declared status “above the fight” and, consequently, agreed with the Kremlin's positioning itself as a mediator, along with the FRG and France, in the “internal Ukrainian civil conflict”. Such a position indicates the diffusion of values, reflecting the fact that in any sustainable Western society, there is a certain percentage of citizens who do not share the institutionalized democratic foundations and are ready to embrace populism. All the more so is the case for such a young democracy as Ukraine. This was proven by the 2019 national presidential and parliamentary elections.

According to the Atlantic Council think-tanks, Ukraine should declare a state of emergency throughout the whole territory, terminate diplomatic relations with the Russian Federation, introduce a visa regime, terminate the treaty on Azov and other political treaties with Russia, stop the movement of Russian citizens across the Ukrainian-Russian border, suspend imports from Russia, neutralize the fifth column in Ukraine. The West have to finally consolidate and suspend the participation of the Russian Federation in the activities of the Council of Europe, and tighten economic sanctions. It is not about imposing focused sanctions on individuals or institutions, but about sectoral ones. In particular, to exclude Russia from the

SWIFT financial system, to ban exports of high-tech products to the Russian Federation, especially for the oil and gas industry and dual-use goods, to ban Aeroflot flights to the EU and NATO, to freeze assets of Russia's Sberbank, VTB Bank, Gazprom Bank, impose sanctions on the export-import of goods from Russian ports in the Black and Azov Seas, prohibit ships under the US and EU flags from entering Russian ports, and ban Russian vessels stationed there from entering the EU and US ports, and to stop "Northern Stream-2". The military steps should include enhancing the military presence of NATO member states in the Black Sea, introducing a large-scale land-lease program for Ukraine to rearm the Armed Forces and providing them with state-of-the-art military weapons.⁽¹⁵⁾

However, practice shows that there are no such actions. On the contrary, by returning Russia to the Parliamentary Assembly of the Council of Europe and other concessions, the West demonstrated its readiness to further renounce its own values. But this is the path to nowhere. It is hard to disagree with a Ukrainian diplomat and writer Yuri Shcherbak, who convincingly maintains: "Everything that happened in Ukraine during and as a result of Russian aggression is an event of no local or regional importance. It is a phenomenon of world-historical, global significance. It is a clash of two civilizations: a civilization of the past, a medieval despotism <...> and a civilization of the future based on respect for human rights and peoples' rights to free existence."⁽¹⁶⁾

(15) Відрізати SWIFT і закрити небо – Огризко сказав якими мають бути санкції проти РФ. Інформаційна агенція Укрінформ. [Електронний ресурс]. – Режим доступа: https://www.ukrinform.ua/rubric-politics/2589866-vidrizati-swift-i-zakriti-nebo-ogrizko-skazav-akimi-maut-buti-sankcii-proti-rf.html?fbclid=IwAR2RlauioJc74dI_EHlHIWQqMyQORMP6Z-sWenADV-i9sGMnUHAAGPjWa4; MinskMonitor: Russian Escalation in Kerch <https://medium.com/dfrlab/minskmonitor-russian-escalation-in-kerch-d634bd7d6d98>

(16) Щербак Ю. Україна в епіцентрі світового шторму: оцінки, прогнози, коментарі / Юрій Щербак. – .: Ярославів Вал, 2017. - С. 12

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Thus, the value dimension of international relations in today's context has raised for the democratic world the foremost issue of an adequate response to Russia's impudent policy. Challenges to democratic values in the context of the Russian Federation's invasion of Ukraine include international legal, economic, political and informational aspects. The prospect of stopping the Russian invasion and the future victory over the aggressor is possible only through the consolidation of the West on the basis of shared liberal democratic values.