

#STOPTHEWARINUKRAINA

DECLARATION ADOPTED BY THE ASSEMBLY OF THE EUROPEAN MOVEMENT IN ITALY

Faced with the enormous humanitarian crisis that has been taking place since the night of February 24th in Ukraine, caused by the illegal military invasion led by Vladimir Putin, the first objective of the international community and the European Union must be a truce with the immediate cessation of bombing and hostilities, especially against the civilian population. We must put an end to the massacres such as the one which took place in Bucha - a city that remained inaccessible to the Ukrainian army for a month - at the hands of the Russian army.

The cessation of military hostilities should facilitate and accelerate the creation of humanitarian corridors, giving priority to the protection of women and children within the framework of a common policy on assistance to refugees. Aid to ensure measures for the inclusion in the European Union of all asylum seekers from third countries must also be extended.

Beyond the temporary protection of refugees – of all refugees – the European Union must urgently adopt a legal framework to guarantee their rights on European territory in cooperation with civil society organisations, with reference to children and young people as requested by the European Parliament on April 7¹, 2022, and conclude the revision of the Dublin agreements.

Up until now, each attempt at dialogue has clashed with the impassable wall of the aggressor. The international community and the European Union must, however, continue to pursue this path with all the means at their disposal: the dialogue with Vladimir Putin must continue despite the circumstances, in order to impose a '*ceasefire*' as a matter of priority.

The European Movement has already proposed to follow other paths such as those provided for by the United Nations statute and by its Chapter VII. Chapter VII authorises both the Security Council with a majority of nine out of fifteen members (although permanent members, Russia, China, the United States, France and the United Kingdom maintain the right of veto) and the General Assembly in extraordinary session with a majority of 2/3 "in the event of a stalemate in the Security Council" to decide on *peace enforcement* measures that precede *peace-keeping interventions*.

These are the "*International Peace Forces*" that have been operating since 2008 on the basis of the document "*United Nations Peacekeeping Operations: Principles and Guidelines*".

The European Movement is also aware – and obviously does not underestimate this essential aspect – that said measures were never taken when there was a veto by one of the permanent members of the Security Council.

The European Movement recalls that in November 1950 the General Assembly of the United Nations - in an extraordinary session and to overcome the possible vetoes in the Security Council of the permanent members – adopted resolution 377a "*Uniting for peace*" which authorized the General Assembly itself to adopt by majority measures of *peace enforcement* or *peace keeping*, although this resolution has never been applied.

¹https://www.europarl.europa.eu/doceo/document/TA-9-2022-0120_EN.pdf

EUROPEAN MOVEMENT ITALIAN COUNCIL

Although it has not become customary law and its legitimacy has been challenged, to give a voice to the General Assembly today would give significance and authority to the international institution, since it has already adopted by a large majority two resolutions condemning the Russian aggression against Ukraine.

This road is obviously fraught with obstacles, but the immense humanitarian tragedy must push the international community to try to take even the most difficult roads.

The Organisation for Security and Cooperation in Europe (OSCE) would play a crucial role, as would the updating of the 2014 and 2015 Minsk Agreements, so far never implemented by Russia and Ukraine, which should be put on the table for diplomatic negotiations at the initiative of the OSCE itself in cooperation with the European Union. The EU has relied on, and has relied once again today, on individual Member States rendering its role of guarantee and mediation ineffective.

While we make this attempt at *appeasement*, the coercive initiatives to isolate the Vladimir Putin regime must continue, including economic and financial sanctions, as well as excluding Russia from international organisations such as the Council on Human Rights. All the necessary aids to Ukraine must also be provided. Russia's "cold" conflict is not against the Russian people, but against the new "Tsar" in power.

These sanctions must strike with a total embargo all Russia's energy resources (gas, oil, nuclear fuel and coal) - as the European Parliament requested on April 7, 2022¹ and as the Italian Prime Minister Mario Draghi also pointed out, placing the alternative between peace and the price of gas. Energy resource consumption must be programmed at European level both in the short and medium-term, consistently with the objective of the ecological transition and with the need to make the European Union autonomous in its energy policy and to hit a vital sector of Moscow's economy that contributes to financing its military apparatus.

The Prosecutor of the International Criminal Court, Karim Kahn, has already launched an investigation on March 2nd, while many European states have already opened dossiers for war crimes and crimes against humanity against Vladimir Putin and the other perpetrators of the aggression, making it possible to issue arrest warrants according to the rules of international law.

The European Movement underlines the agreement reached between the Member States and Ukraine to set up a joint investigation group to find evidence, with the assistance of Europol and Eurojust, in order to ensure the most complete and effective collection possible.

Ukraine has moreover accepted the jurisdiction of the International Criminal Court through an ad hoc declaration, in 2015, in relation to war crimes, crimes against humanity and acts of genocide perpetrated in its internationally recognized territories, including those illegally annexed by the Russian Federation (Crimea) and those illegally occupied by rebel forces supported by the Russian Federation (the so-called self-proclaimed Republics of Donbass).

In addition, the Ukrainian Parliament amended the constitution in 2016 by including a rule in which Ukraine accepts the jurisdiction of the International Criminal Court.

¹https://www.europarl.europa.eu/doceo/document/TA-9-2022-0121_EN.pdf

EUROPEAN MOVEMENT ITALIAN COUNCIL

In addition to the Prosecutor of the International Criminal Court, on March 16th, the order of the Court of Justice of The Hague ordered Russia to stop all military operations in Ukraine with immediate effect. The order saw thirteen votes in favour, while the Russian and Chinese judges voted against.

The European Movement underlines the request, adopted by the European Parliament on April 7, 2022, to establish a United Nations Special Court for War Crimes perpetrated by Russia in Ukraine.

It is up to humanitarian and non-governmental organisations operating in Ukraine and neighbouring countries to gather evidence of the crimes that are being committed on Ukrainian soil and send it to the Prosecutor of the International Criminal Court, quickly forming an international coalition and enriching the ad hoc website created by Ukraine.

The European Movement also believes that an international campaign should be launched to denounce the repression of freedom and fundamental rights in Russia.

We must also launch an information campaign aimed at the Russian people, the world of culture, academia, art, science, and sport, together with international non-governmental organisations to which Russian associations belong. This can be done using loopholes still available through the media and social media channels that have not yet been obscured by the regime, expressing active solidarity with all those who have demonstrated against the aggression in Russia since February 24, and forming a coalition of lawyers and international judges who support the defence of all those arrested.

The European Union must use all the instruments provided for in the Association Agreement with Ukraine, which entered into force in 2017, both by strengthening all aid to Ukraine and by providing for an extraordinary reconstruction and *peace-building* plan, and by helping it to launch internal reforms after the war in order to contribute to its integration into the European integration process.

In 1950, some European countries which had fought for decades found in the Community dimension the way to cooperation and peace for the well-being of their citizens and to contribute to peace in the world.

The end of the war in Ukraine should make it possible to convene a European Conference for Peace and Security. The conference should be modeled on the Helsinki Agreements (HELSINKI-2), the Paris Charter and the Budapest Memorandum - at the initiative of the European Union and the OSCE. Where necessary, and in particular in Ukraine, a model of coexistence must be adopted, similar to that which has been applied in Italy in the autonomous province of Bolzano - with the De Gasperi-Gruber agreements - and with the financial contribution of the European Union.

The Conference must be open to the participation of civil society and contribute to the relaunch of negotiations for arms reduction and control at international level. Arms cause conflicts, misery, destruction and suffering. We must pave the way for the reform of the United Nations within the framework of renewed multilateralism.

Rome, April 8, 2022