

Russia's Invasion of Ukraine and International Law.

Prof. Francis Boyle

By [Prof. Francis A. Boyle](#) and [Dennis Bernstein](#)

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Today, the dangers of military escalation are beyond description.

What is now happening in Ukraine has serious geopolitical implications. It could lead us into a World War III scenario.

It is important that a peace process be initiated with a view to preventing escalation.

Global Research condemns Russia's invasion of Ukraine.

A Bilateral Peace Agreement is required.

Below is a transcript of the interview of Prof. Francis Boyle by Dennis Bernstein from Pacifica Radio.

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Dennis: From Pacifica Radio in San Francisco, this is Flashpoints. I'm Dennis Bernstein. Today on the show, Russian forces seize control of the Chernobyl nuclear meltdown site, risking triggering a dangerous nuclear explosion. And the danger still hovers over the expanding conflict. Also international legal scholar and author, Francis Boyle, paints us a bit of a different picture of Putin than the corporate press, which has now taken to calling Putin unstable, unhinged, another Hitler, a Stalin. All this, coming up, straight ahead on Flashpoints. Stay tuned.

And you're listening to Flashpoints on Pacifica Radio. My name is Dennis Bernstein. We

broadcast every weekday from 5:00 to 6:00 over the Pacifica Radio Network. We broadcast out of the San Francisco Bay Area on KPFA and also, of course, welcome KPFK in the Los Angeles area. It is good to have you all with us today. There is so much going on and we have a lot to talk about.

First of all, this from the nation. War is a tragedy, a crime, and a defeat. The nation condemns the decision of Russian President, Vladimir Putin to abandon the path of diplomacy by attacking and undertaking a special military operation or operations in Ukraine. These actions violate international law and fuel a dangerous escalation of violence. We urge all parties to immediately cease hostilities to deescalate and seek a diplomatic solution to mitigate the risk of full-scale war and an unthinkable direct conflict between the world's two largest nuclear powers.

Now, our guest who is coming up to join us in just a minute, Francis Boyle, writes and wrote today or said today: Obviously a case can be made that Russian's actions violate international law, but we need to look at the actual circumstances of the case. And joining us to do just that is Professor Francis Boyle who is Professor of International Law at the University of Illinois. And Professor Boyle, it's been a while. It's good to have you back with us.

So, I mean, it is a fact, nobody can deny that the United States bombed Iraq illegally under—in the first Bush and then they bombed Iraq illegally under the second Bush. Joe Biden made sure that illegal war happened based on false weaponry. And included in that operation against Iraq, we carried out an extreme attack on their infrastructure leading to the deaths of tens of thousands, perhaps over a hundred thousand children. You might say, two wrongs don't make a right or two rights don't make a wrong.

Francis Boyle, what's your perspective on the invasion? Clearly he's invaded a civilian areas and great risks have been against human life.

Francis: Well, Dennis, thank you very much for having me on my best here listening audience. We really have to go back here to the agreements made by Jim Baker and Secretary General Gorbachev and the other European leaders at that time that if Gorbachev agreed to the reunification of Germany, NATO would not extend one inch farther to the east.

Now, that was not put into writing, but under basic principles of international law that I teach to my students, oral commitments made by high level government officials such as Secretary of States, Prime Ministers, etc., are binding under international law. So, the Soviets had a binding commitment from the United States and several of these other European states that NATO would not move to the east.

What happened then was Clinton came into power and under the influence of Strobe Talbott, his so-called Soviet expert, proceeded to expand NATO to the east. Right up to the borders of Russia where they are today. And Ukraine is part of that project.

Second then came the 2014 coup d'état that was paid for and sponsored and organized by the United States against the democratically elected government in Ukraine under Yanukovich and put into power a gang of Neo-Nazi thugs that are still there today. And proceeded to engage in ethnic cleansing and pogroms against Russian speakers in Ukraine.

As for this statement by the Nation, you know, that they should return to negotiations, in

2014 and 2015, Russia went along with the Minsk Accords and yet what happened was, the United States did absolutely nothing to encourage the Ukrainian government to negotiate in accordance with the Minsk Accords in good faith. The Minsk Accords could have resolved this problem but we did not want it to be resolved. We still wanted to maintain our Neo-Nazi military platform there in Russia to be used—sorry, in Ukraine, to be used against Russia.

So, basically, what happened was that Putin issued his ultimatum in December, starting what could only be called a Cuban Missile Crisis in reverse. Taking the same position on the US NATO military Nazi regime in Ukraine that JFK took towards the Soviet missiles in Cuba. And they tried to negotiate in good faith with the Bidenites for two months and got absolutely nowhere. Their demands were quite simple, their main demands, 1, NATO must not expand anymore. And 2, Ukraine must not join NATO. The Bidenites refused to give them any of those commitments, even though the United States government was bound to give them those commitments as far back as Jim Baker and Gorbachev.

So, I should point out that during the Cuban Missile Crisis, that was 13 days. Here, it was two months. Putin gave us two months. And President Kennedy was fully prepared to invade Cuba if he had not been able to negotiate through back channels, the agreement was with Khrushchev to remove the Soviet missiles from Cuba which he was able to do and there was no invasion. By contrast here, Bidenites refused to negotiate on the critical points, so Putin treated this like Kennedy would've treated Cuba with the Soviet missiles still there and invaded.

It's a terrible situation, but you have to understand that the front lines there at Donetsk, the front lines to this Neo-Nazi regime forces at Donetsk were 400—are 460 kilometers from Stalingrad, Volgograd.

Now, Dennis, I toured the front lines, World War II front lines at Leningrad, where the Germans starved a million Leningraders to death, including killing Putin's brother. The front lines at Moscow that basically ended right where the trolley lines enter the city, where they ended and I have been to Stalingrad, now called Volgograd. The sheer genocidal savagery of the Germans took my breath away.

Now, that's who was 460 kilometers away from Stalingrad. So, under these circumstances, I think Putin saw this as an existential threat to Russian and the Russians and he is acted the way he has. It's regrettable that it's come to this, but there were numerous ways to prevent it by the United States government and we provoked it.

Dennis: You are listening to Flashpoints on Pacifica Radio, that's the voice of Professor of International Law at the University of Illinois, Francis Boyle. Author of many good books, an expert on international law and on many things legal. We're always happy to have him on the air.

Now, as you point out, Putin is no Gandhi, but it's doubtful that any Russian leader would tolerate the—sort of the way in which NATO is moving in on Russia.

Francis: That's correct, Dennis. As a matter of fact, I offered both Soviet politics and Russian history for my PhD oral exams at Harvard and passed and that qualified me to teach both Soviet politics and Russian history to Harvard undergraduates. So you know, I've studied, you know, their entire history here—

Dennis: Yes.

Francis: -from the get-go. Indeed, going back to Ukraine, when I—I was invited to lecture there and met a lot of their peace leaders, lawyers, government officials and even asked for a tour of the monastery where Nestor wrote his chronicles. Both the Russians and the Ukrainians there said, yes, this is the start of Kievan and Russian civilization.

So, I'm acutely aware of the history of both people here. I don't see how Putin could've done anything differently because NATO would've continued to expand. We were already pumping in billions of dollars of weapons, equipment, supplies, trainers, to this Neo-Nazi regime that we installed.

And let me say, you know, Dennis, we both know that the United States government has covertly cooperated with Nazis going back to Operation Paper Clip. And you're free to correct me if I'm wrong, but this was the first time, certainly in my lifetime, that we overtly and proudly cooperated with, armed, equipped, supplied and trained an overtly Neo-Nazi regime. And of course, you have no idea the Soviet Union suffered 27 million people dead and they're just 460 kilometers from Stalingrad and I've been there. It's—it just took my breath away to see what happened there.

Dennis: Can I just throw this thing in here, people say and I've heard this, how can you say Neo-Nazi, it's led by a Jew? You know, is this Jew supporting a Neo-Nazi regime?

Francis: Well, he's a figure head, but if you don't take my word for it, you cited The Nation. Today, there is an article on The Nation documenting in detail, just hit their webpage, on the Nazi, Neo-Nazi control and domination in Ukraine. Right. It's all there in The Nation today.

Dennis: Say a little bit more about—I mean, the dual standard, people say, oh you can't—comparison kills and all that stuff, but the dual standard, just for instance, let's take the US relationship with the Saudis. You know, they've demonstrated that they're willing to kill you as journalists and shred them in an Embassy, yet you've got the United States government fueling in the air Saudi planes that are committing slaughters in Yemen and creating a famine.

Francis: It's outright genocide.

Dennis: It's hard for the United States to talk morality, isn't it?

Francis: It's outright genocide what the Saudis are doing to the Houthis in Yemen. And yes, we are arming, equipping, supplying and assisting the Saudis and basically, aiding and abetting their genocide against the Houthis in Yemen in violation of the 1948 Genocide Convention.

Let me return to Ukraine and what could be done now. I mean, this is a very dangerous situation. If, you know, President Biden, I listened to his press conference today, basically, announcing economic warfare against Russia. If he really wanted to solve this problem, and deescalate, first he could announce that NATO will not be expanding, period. That's the end of it. You know, we are NATO. NATO does what we tell them to do. NATO will not be expanding. Second, he can definitely announce that Ukraine will not be joining NATO. Third, that they will go back in good faith to the—to try to negotiate under the Minsk Accords.

Biden said nothing like that today. He just escalated it. If you're reading the news media,

following the wire services today sending more and more military equipment, surrounding Russia on all sides, under the pretext, well he has to bolster the NATO states when Russia has not threatened any of these NATO states. They're problem is Ukraine, because as they see it, Ukraine is an American/NATO dagger, pointed right at the heart of Mother Russia.

And so, they had to do something about it. It still can be deescalated now if Putin—sorry, if Biden wanted to do it. I don't believe that is the agenda here on the Biden administration. Also, I would say to some extent, Biden and the Bidenites are wagging the dog here, because, as you know, they have not controlled this pandemic. The economy is in the toilet. And rather than dealing with the very serious problems we have here at home, he's just wagging the dog all over again and saying, he wants to promote democracy in Ukraine.

How many times have we heard US military invasions of countries saying, well, we're out there to promote democracy. I mean, Woodrow Wilson said that on the First World War and yet, as we know his Secretary of State, William Jennings Bryant quit and said, it's all a lie, Wilson's been scheming to get us into the First World War from the get-go.

So, you know, this could get out of hand over there if it's not brought under control immediately, this could be a tinder box for—even Zelensky pointed out, it could become a pan-European war and it could be, yes.

Dennis: And you know, we're about to get into this big time, but what happened today in terms of the Russians taking back Chernobyl and you know, like please, nobody light a match. That is such a risky moment in history. You've got the bulletin of the Atomic Scientist, they don't even have any more room, we're past midnight. And what's going on there in Ukraine obviously is extremely dangerous for so many different reasons. But nukes are [crosstalk]

Francis: You know, I think they have twelve more nuclear reactors in Ukraine. I think the Russians were concerned that the Ukrainians, you know, Zelensky twice now threatened to get nuclear weapons. I think they were concerned that they might manufacture some type of dirty bomb there at Chernobyl, so they secured Chernobyl and you're right, it was very dangerous. It could get worse.

Dennis: It's its own dirty bomb waiting to happen. We all know that about nuclear power plants. We're gonna have to leave it right there. Francis Boyle, I always appreciate having you on the show. You are Professor of International Law at the University of Illinois. Written wonderful books about the law, beautifully written. You've even written poetry about resistance. We appreciate you, Professor Boyle. We hope you'll come back soon.

Francis: Well, thanks Dennis. And since the KPFA fund drive is on, I do hope everyone will pitch in something.

Dennis: All right. Thank you.

Francis: So they can all continue to hear progressive voices on this station. Thank you, Dennis.

Dennis: Thank you so much. Thank you so much.

Francis: Sure.

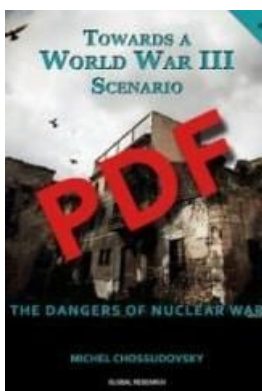
Dennis: You're listening to Flashpoints on Pacifica Radio. We're gonna take a short musical break.

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Francis Boyle is a professor of international law at the University of Illinois Urbana-Champaign. Among his many books is ["Destroying World Order."](#)

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["Towards a World War III Scenario: The Dangers of Nuclear War"](#)

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Reviews

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Michel Chossudovsky exposes the insanity of our privatized war machine. Iran is being targeted with nuclear weapons as part of a war agenda built on distortions and lies for the purpose of private profit. The real aims are oil, financial hegemony and global control. The price could be nuclear holocaust. When weapons become the hottest export of the world's only superpower, and diplomats work as salesmen for the defense industry, the whole world is recklessly endangered. If we must have a military, it belongs entirely in the public sector. No one should profit from mass death and destruction.

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