ESY-EU-COMM

Unclassified

White House Counsel - Ethan Yoho

Distribution:

EU Representative
Secretary of State
Chief of Staff
President Widzer

Flash Bulletin

Subject: Clarification of the EU's international legal obligations regarding Ukraine.

Status: Developing/Ongoing

Event:

The EU asserts that its withdrawal of assistance does not simultaneously constitute international legal violation. We agree that legal obligations, however, must be evaluated according to their written provisions. Fortunately, in this regard, those provisions are publicly available, and the EU is party to them.

Firstly, the June 2024 Joint Security Commitments between the European Union and Ukraine explicitly establishes "long-term… security commitments to Ukraine, which will help Ukraine defend itself, resist destabilization efforts and deter acts of aggression in the future". Parties to this agreement now find themselves in the future. Art.I, para.I, §.I establishes "predictable, efficient, sustainable and long-term provision of military equipment". Art.II, para. III, §.I further commits the EU to ensuring predictable financial support for Ukraine's economic stability and reconstruction. Accordingly, Counsel finds it difficult to reconcile the EU's current hesitation to provide such aid with the language of its own legal commitments. A government or international organization cannot simply invoke the authority to establish its own policy priorities as though such authority intrinsically extinguishes international agreements it has voluntarily undertaken. The authority to

establish budgetary priorities does not include the authority to selectively disregard previously undertaken international commitments. Nor is it defined as a contingency for not abiding by the language set forth by the 2024 Joint Security Commitments between the European Union and Ukraine.

Secondly, the EU-Ukraine Association Agreement reinforces broader legal and political institutions. Art.I, para. IV states "strengthening international peace and security as well as engaging in effective multilateralism… to that end within the framework of the United Nations, the OSCE, and the Council of Europe". Counsel believes this arranges appropriate dispute-resolution mechanisms. Counsel also acknowledges limitations about the International Court of Justice (ICJ). However, this procedural limitation does not relieve the EU of its responsibility to address questions regarding its international commitments. Counsel would remind the EU that international commitments are not to be unilaterally reinterpreted when politically convenient given that multiple parties and peoples are at stake.

Summary:
The EU's announced withdrawal raises legitimate questions about compliance with expressly stated international commitments. The EU has an obligation to address these discrepancies substantively. Counsel is somewhat surprised that the EU requires assistance locating international commitments bearing its own signature.

Action:
White House Counsel remains entirely committed to legal consultation and diplomatic exchange. With this, Counsel recommends remaining committed to monitoring and documenting EU legal compliance.

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