

Forum: General Assembly Third Committee

Issue: The Question of the Occupied Territories in Ukraine

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Introduction

Since the beginning of 2014, Ukraine and the Russian Federation have had a territorial dispute. The conflict began from a pro-Russian militia takeover of the Crimean Supreme Council building in late February of 2014, which then led to the dissolution of the Crimean parliament and the holding of a referendum on the position of Crimea.¹ Due to the duress put on the government and the lack of proper measures being taken during the referendum, it is mostly regarded as invalid.²

It all escalated when Russia annexed the Crimean Peninsula in March of 2014. This caused the political status of Crimea to become a subject of territorial dispute between the two countries. The area disputes were furthered when the pro-Russia separatist movements in Donetsk and Luhansk received supplies and financial aid from Russia.³ In July of 2014 cross-border shellings by Russia occurred in the region.⁴

¹ BBC News - Crimea Profile

² UN - General Assembly Adopts Resolution Calling upon States Not to Recognize Changes in Status of Crimea Region

³ Parliamentary Assembly - Humanitarian consequences of the war in Ukraine

⁴ Radio Free Europe - Open-Source Sleuths Document Extensive Russian Shelling Of Ukraine In 2014



⁵ Picture: Nationalia article “Donetsk, Luhansk offer to maintain links with Ukraine in exchange for recognition as republics”

Before the dispute began in early 2014, during both the Soviet Union era and afterwards, the Russian government and Ukrainian governments had had stable diplomatic relations, with both parties aiming to have friendly relations as seen by the president Yanukovich preferring to have closer ties to Russia via trade and military deals such as the deal regarding the port of Sevastopol.

Definition of Key Terms

Occupied territory

By international law a territory is considered occupied when said region is placed under the authority of a foreign army. The occupying power is obliged to comply with its human rights obligations in occupied territories.⁶ Humanitarian law

⁵ Nationalia article “Donetsk, Luhansk offer to maintain links with Ukraine in exchange for recognition as republics”

⁶ Doctors without borders - The Practical Guide to Humanitarian Law

has put the occupation definition under international armed conflict and it is regulated as such by the four Geneva Conventions.⁷

Annexation

Conquering something, especially a territory of another country. Annexation is the incorporation of new territory into the domain of a city, country, or a state.⁸

Referendum

A referendum is an option for the entire public to directly vote on a political question. The public can vote on what they wish the authority would do, but typically referendums are non-binding.⁹

Russo-Ukrainian War

The Russian military intervention in Ukraine, also called the Russo-Ukrainian War, is a series of military actions which started in February of 2014 and have continued until 2019.¹⁰

Cyber attack

Cyber attacks are attempts by hackers to damage or destroy a computer network or a system. Malicious codes are used to alter codes, logic or data which can result in disruptive consequences that can compromise data and lead to cybercrimes (e.g. information or identity theft).¹¹

⁷ The Practical Guide to Humanitarian Law

⁸ Merriam-Webster dictionary

⁹ Oxford Public International Law - Referendum

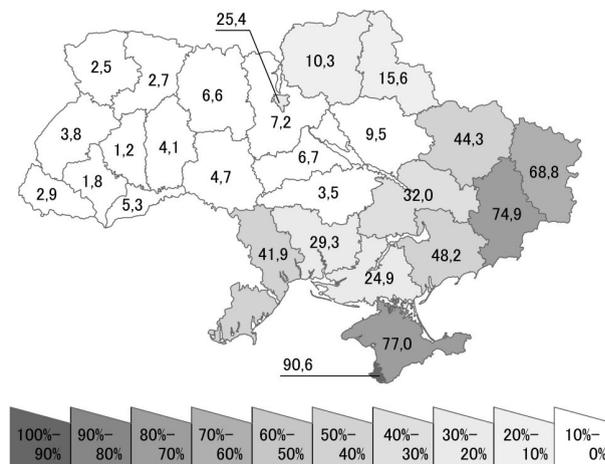
¹⁰ Global Security - Russo-Ukrainian War

¹¹ Britannica - Cybercrime

Explanation of the Question

The conflict began in Ukraine with a protest in the capital city Kiev in November 2013 against the Ukrainian president Viktor Yanukovych's decision to reject a deal for a greater economic integration with the European Union.¹² Quite a violent crackdown by the state security forces unintentionally drew an even greater number of protestors and escalated the conflict which caused the president Yanukovych to flee the country in February of 2014.

The fleeing of the president caused chaos, in which the Crimeans decided to hold a referendum to join the Russian Federation. The referendum was not only because Crimea is a pro-Russian region but the majority of the population there, which makes up to 77%, spoke Russian as their mother tongue or their ethnic background was Russian.¹³ The crisis heightened ethnic divisions, and two months after the annexation, pro-Russian separatists in the Donetsk and Luhansk regions of eastern Ukraine held a referendum to declare independence from Ukraine.^{14, 15}



¹⁶ Picture: Percentage of Ukraine's population (by region) that indicated Russian as their unique mother language, according to the 2001 census

¹² BBC News - "Ukraine protests after Yanukovych EU deal rejection"

¹³ Wikimedia - Percentage of Ukraine's population (by region) that indicated Russian as their unique mother language, according to the 2001 census

¹⁴ Britannica - Ethnic Conflict

¹⁵ BBC News - Crimea Referendum

¹⁶ Percentage of Ukraine's population

The referendum was largely seen as problematic since before holding it, the regional administration buildings in Crimea and several other districts had been taken over by pro-Russian militia, and the members of the administration were believed to have agreed under duress. This takeover of regional administration buildings occurred from the 1st of March to the 11th of March, and involved the regions of Donetsk, Luhansk, Sevastopol and Crimea, Kharkiv and Odessa.

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There have been violations of international law and territorial treaties by the Russian Federation.¹⁹ This includes treaties such as the European Charter for Security and the Treaty of Friendship, cooperation and partnership between the Russian Federation and Ukraine.²⁰

The conflict with the two countries risks further deterioration of U.S.-Russian relations and it could escalate if Russia expands its presence in Ukraine or in to NATO countries. The Russian Federation's actions have raised concerns about its intentions elsewhere in eastern Europe, and a Russian invasion into a NATO country could lead to a response from the United States as a NATO ally.

¹⁷ Britannica - Ethnic Conflict

¹⁸ BBC News - Crimea Referendum

¹⁹ U.S. Mission to the OSCE - "Ongoing Violations of International Law by the Russian Federation in Ukraine"

²⁰ Charter of European Security

Key Member States and NGOs Involved and Their Views

Ukraine

The majority of people of Ukraine are aggravated by the annexation of Crimea and the Russian influence on their nation. They see the referendums held in the country to be illegal, false, and unfair.²¹ The ethnically Ukrainian people want to get rid of Russian influence on their soil. The Ukrainian government has not seen the referendums held in Sevastopol and Crimea as legal and heavily condemn the annexation by the Russian Federation.

The Russian Federation

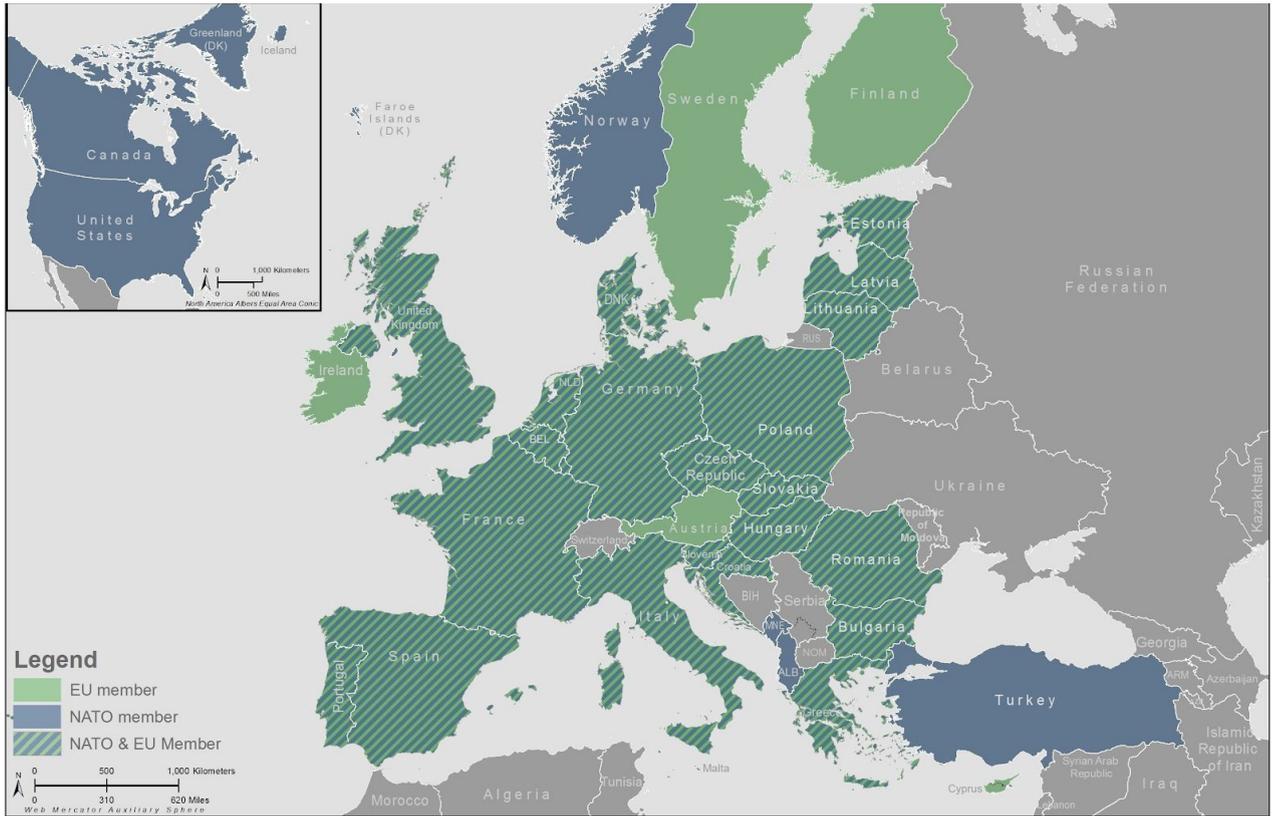
The areas annexed by the Russian Federation starting from March 2014 are currently Russian districts.²² They see those regions as rightfully theirs, since they are heavily populated by ethnic Russians and as such should be allowed to belong to the corresponding country. As such, Russia decided to incorporate the Republic of Crimea into the Russian Federation following the referendum.

North Atlantic Treaty Organization (NATO)

NATO is an intergovernmental organization (IGO). Their involvement isn't heavy nor is it significant as of now, but if the Russian Federation is to e.g. attempt to annex an area in the Baltic States, they would be obligated to lend a helping hand.

²¹ The Guardian - Crimea votes to secede from Ukraine in 'illegal' poll

²² City Population - Russia's different districts



²³ The European Union and NATO currently have 22 member countries in common (July 2019)

Baltic States

The Baltic States are not connected to the dispute between Russia and Ukraine, but it has caused terror in those regions. The Baltic countries are afraid of Russian annexation and are relying themselves heavily on NATO, which in hope will keep the Russian Federation at bay.

The United States of America

The United States of America and the Russian Federation don't have stable international relations. Since the Pro-Russian militants shot down a Malaysian Airlines flight over Ukrainian airspace, killing all 298 onboard. An investigation that lasted for two years found out that they were supplied by Russia. This forced the US to enforce stricter sanctions on the Russian Federation. The Trump Administration

²³ Nato Review - Strengthening EU-NATO relations

has pressured Russia over their involvement in eastern Ukraine and in January of 2018 imposed further sanctions on twenty-one individuals and nine companies linked to the conflict.²⁴

Timeline of Events

Date	Description of event
February, 2014	Revolution in Ukraine which caused the president Yanukovich to flee the country, causing the nation to fall down into further chaos.
February, 2014	<p>Pro-Russian militia forces took over the building of supreme council of Crimea. The militia forces took over on the 27th of February.</p> <p>The Russian forces annex Crimea and thus causing the biggest East-West showdown since the Cold War. This caused the European Union and the US to inflict even stricter sanctions on the Russian Federation. The first sanction by the EU was put in order on the 17th of March.²⁵</p> <p><i>The events of March can be divided into three separate sectors:</i></p> <ol style="list-style-type: none"> 1. The Crimean referendum was to be held on March 6th, but got modified and the date got changed by the Supreme Council. So instead of the 6th, it was during the 16th of March with a different purpose. 2. The referendum choice was changed from greater autonomy to accession to the Russian Federation. And the results were 78 votes in favour and 8 absentations (note, no votes against).
March, 2014	

²⁴ Brookings - On the record: The U.S. administration's actions on Russia

²⁵ European Union Newsroom - EU sanctions against Russia over Ukraine crisis

3. Crimea seceded into the Russian Federation on the 18th of March 2014.²⁶

April, 2014	Pro-Russian armed groups took over parts of Donetsk and Luhansk regions on the Russian and Ukrainian border. This is response launched a government military operation.
September, 2014	NATO acknowledges and confirms Russian troops and heavy military equipment entering eastern Ukraine. ²⁷
February, 2015	At talks in Belarus, Germany and France broker a new Donbass deal which resulted in a weak ceasefire in the conflict. ²⁸
May, 2018	The president of Russia, Vladimir Putin, officially opened a bridge linking southern Russia to Crimea. Ukraine calls this action by the president illegal. ²⁹
September, 2019	There was an exchange of prisoners captured in the wake of Moscow's seizure of Crimea and intervention in Donbass between Russia and Ukraine. ³⁰

²⁶ President of Russia - Agreement on the accession of the Republic of Crimea to the Russian Federation signed

²⁷ Boston Globe - "Russian artillery units in Ukraine, NATO says"

²⁸ BBC News - "Ukraine ceasefire: New Minsk agreement key points"

²⁹ Reuters - Trucker Putin opens Russia bridge link with annexed Crimea

³⁰ New York Times - Russia and Ukraine Swap Dozens of Prisoners, in a 'First Step to Stop the War'

UN Involvement, Relevant Resolutions, treaties and Events

The United Nations got involved with the conflict after the Malaysian Flight 17 (MH17) was shot down in Ukrainian airspace by Russian missiles, killing each and every passenger on board.³¹ This put Russia and majority of the EU countries at odds and also led to heavy sanctions being put on the Russian Federation.³² The conflict between Ukraine and the Russian Federation has caused large scale disruption in the lives of civilians in the areas affected and has caused multiple other eastern European and Baltic States to become concerned for their sovereignty, which has led to the involvement of UN and NATO.

- Adoption of resolution **S/RES/2166** 21.07.2014 calling for an investigation into the downing of Malaysia Airline flight 17. ³³
- Presidential statement **S/PRST/2018/12** 06.06.2018 condemning the violations of the ceasefire.³⁴
- Adoption of resolution **A/RES/68/262** 27.03.2014 regarding the territorial integrity of Ukraine.³⁵
- A draft resolution **S/2014/189** 15.03.2014 was proposed regarding the situation in Ukraine, however it was not adopted due to a veto by Russia.

Possible Solutions

One of the key suggestions in achieving peace in the area is for Russia to withdraw forces from areas that are recognized as territories of Ukraine according to treaties such as the treaty of friendship, cooperation and partnership between Ukraine and the Russian Federation.

³¹ BBC News - MH17 Ukraine plane crash: What we know

³² Reuters - Malaysian flight MH17 downed by Russian-made missile: prosecutors

³³ UN Resolution 2166 (2014)

³⁴ UN S/PRST/2018/12

³⁵ United Nations S/2014/189

Defining and making it clear who the occupied territories in Ukraine belong is a good start. This can be conducted by holding a legitimate referendum in Crimea, since the one before has been deemed illegal. This has the option of returning to the 1992 Crimean Constitution, which allowed Crimea to become an Autonomous Republic. Also there is an option to continue with the 1998 constitution, which means that everything will be as usual, so no change in autonomy; Crimea would be a region in Ukraine or then secede to Russia.

Bibliography

1. <https://www.bbc.com/news/world-europe-18287223>
2. <https://www.un.org/press/en/2014/ga11493.doc.htm>
3. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24432&lang=en>
4. <https://www.rferl.org/a/ukraine-russia-cross-border-shelling-2014-documented-bellingcat/28189372.html>
5. <https://guide-humanitarian-law.org/content/article/3/occupied-territory/>
6. <https://www.britannica.com/topic/cybercrime/Identity-theft-and-invasion-of-privacy>
7. <https://www.britannica.com/topic/ethnic-conflict>
8. <https://www.bbc.com/news/world-europe-26606097>
9. <https://www.britannica.com/topic/ethnic-conflict>
10. <https://www.bbc.com/news/world-europe-26606097>
11. <https://osce.usmission.gov/ongoing-violations-international-law-russian-federation-ukraine-3/>
12. <https://www.osce.org/mc/17502>
13. <https://www.ssrn.com/abstract=2150260>
14. <https://www.bbc.com/news/world-europe-25162563>
15. https://commons.wikimedia.org/wiki/File:Ukraine_census_2001_Russian.svg#/media/File:Ukraine_census_2001_Russian.svg
16. <https://www.theguardian.com/world/2014/mar/16/ukraine-russia-truce-crimea-referendum>

17. <http://citypopulation.de/en/russia/>
18. <https://www.brookings.edu/blog/order-from-chaos/2018/09/25/on-the-record-the-u-s-administrations-actions-on-russia/>
19. https://europa.eu/newsroom/highlights/special-coverage/eu-sanctions-against-russia-over-ukraine-crisis_en
20. <https://www.bostonglobe.com/news/world/2014/08/22/ukraine-calls-russian-aid-convoy-direct-invasion/yfkav9zQIJ4iG4Va03TuiN/story.html>
21. <https://www.bbc.com/news/world-europe-31436513>
22. <https://www.reuters.com/article/us-ukraine-crisis-crimea-bridge/trucker-putin-opens-russia-bridge-link-with-annexed-crimea-idUSKCN1IG1TH>
23. <https://www.nytimes.com/2019/09/07/world/europe/russia-ukraine-prisoner-sw.html>
24. <https://www.bbc.com/news/world-europe-28357880>
25. <https://www.reuters.com/article/us-ukraine-crisis-mh17/malaysian-flight-mh17-downed-by-russian-made-missile-prosecutors-idUSKCN11Y0WN>
26. <https://verfassungsblog.de/the-legal-status-and-modern-history-of-crimean-autonomy/>
27. <https://guide-humanitarian-law.org/content/article/3/occupied-territory/>
28. <https://www.unian.info/politics/10393950-russian-fortifications-on-ukraine-crimea-de-facto-border-not-to-change-peninsula-s-status-hrymchak.html>
29. <https://www.bbc.com/news/world-europe-18010123>
30. https://en.wikipedia.org/wiki/Timeline_of_the_annexation_of_Crimea_by_the_Russian_Federation
31. http://www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/s_res_2166.pdf
32. http://www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/s_prst_2018_12.pdf
33. https://www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/a_res_68_262.pdf
34. http://www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/s_2014_189.pdf