



# Security Council

## Restoring sovereignty in East-Ukraine

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## Introduction

War has been going on in Eastern Ukraine for 5 years now. Ukrainians in the region are especially affected by the atrocities of the war, as well as young Ukrainians in the whole country, being recruited to take part in the fighting. Rouge Ukrainian militias have been formed, supporting both parties. Russia, on the other side, is claiming legitimacy over the actions due to the predominant Russian majority in the regions attacked. The conflict escalated at a global scale, with western countries imposing economic sanctions and Russia economically retaliating in response. The conflict needs to be ended and resolved.

## General Overview

The conflict in eastern Ukraine has transitioned to a stalemate after it first erupted in early 2014, but shelling and skirmishes still occur regularly, including an escalation in violence in the spring of 2018.

Violence in eastern Ukraine between Russian-backed separatist forces and the Ukrainian military has by conservative estimates killed more than 10,300 people and injured nearly 24,000 since April 2014. Although Moscow has denied its involvement, Ukraine and NATO have reported the buildup of Russian troops and military equipment near Donetsk and Russian cross-border shelling.

Ukraine has been the target of a number of cyberattacks since the conflict started in 2014, which caused until now over billions of dollar Damages.

The conflict in Ukraine risks further deterioration of U.S.-Russia relations and greater escalation if Russia expands its presence in Ukraine or into NATO countries. Russia's actions have raised wider concerns about its intentions elsewhere in Eastern



Source: Ukraine National Security & Defence Council, Ukrainian navy, Ukrayinska Pravda, Kommersant

Europe, and a Russian incursion into a NATO country would solicit a response from the United States as a NATO ally. The conflict has heightened tensions in Russia's relations with both the United States and Europe, complicating the prospects for cooperation elsewhere including on issues of terrorism, arms control, and a political solution in Syria.

## Major Parties Involved

### Russo-Georgian relationship

On August 29, 2008, in the aftermath of the Russo-Georgian War, Deputy Foreign Minister Grigol Vashadze announced that Georgia had broken diplomatic relations with . He also said that Russian diplomats must leave Georgia, and that no Georgian diplomat would remain in Russia, while only consular relations would be maintained. Russian foreign ministry spokesman Andrei Nesterenko said that Russia regretted this step. As of today, the Russian still don't have any official diplomatic relationship, but In February 2012, Georgia introduced visa-free regime for Russians visiting Georgia for short visits. In December 2012, Russian and Georgian representatives had the first two-way discussion after the war. On March 9, 2018, Georgian Prime Minister Giorgi Kvirikashvili made a statement about readiness of Georgia to normalize bilateral relations with Moscow.

### Russo-Indian-Chinese relationship

All three of them are members of BRICS- an association of emerging/developing countries which aims to forge better relations between its member states.

### The European Union

Bulgaria, Romania, France, Poland and The United Kingdom (still) are part of the European Union (the EU)- an economic and political organization which operates through a system of supranational institutions and intergovernmental-negotiated regulations.

### The Eastern Partnership (EaP)

The Eastern Partnership (EaP) is a joint initiative of the European External Action Service of the European Union (EU) together with EU, its Member States, and six Eastern European Partners governing its relationship, including Ukraine, Georgia and Belarus.

### The European Free Trade Association (EFTA)

The European Free Trade Association (EFTA) is a regional trade organization and free trade area consisting of four European states, including Switzerland.

## NATO



The US, Turkey and the present EU-member countries are members of NATO- an intergovernmental military alliance, constitutes a system of collective defence whereby its independent member states agree to mutual defence in response to an attack by any external party.

### **Switzerland**

Switzerland has been known for and is still part of major peace negotiations all over the Globe.

### **The Union State**

Russia is the largest and most important partner for Belarus both in the political and economic fields. The Treaty on Equal Rights of Citizens between Belarus and Russia was signed in December 1998, covering employment, and access to medical care and education. The two countries constitute the supranational Union State.

### **Russia-Turkey Relationship**

In mid-August 2018, Russia and Turkey backed one another in their respective disputes with the United States. Russia condemned U.S. sanctions against Turkey over the detention of Andrew Brunson, while Turkey started its opposition to U.S. sanctions on Russia over the annexation of Crimea and alleged interference in the 2016 U.S. elections.

## **Timeline of Events**

<b>Month Year</b>	<b>Event</b>
2013	The crisis in Ukraine began with protests in the capital city of Kiev in November 2013 against Ukrainian President Viktor Yanukovich's decision to reject a deal for greater economic integration with the European Union.
2014 February	After a violent crackdown by state security forces unintentionally drew an even greater number of protesters and escalated the conflict, President Yanukovich <u>fled</u> the country in February 2014
2014 March	In March 2014, Russian troops took control of Ukraine's Crimean region, before formally annexing the peninsula after Crimean's voted to join the Russian Federation in a disputed local <u>referendum</u> . Russian President Vladimir Putin <u>cited</u> the need to protect the rights of Russian citizens and Russian speakers in Crimea and southeast Ukraine. The crisis heightened ethnic divisions, and two months later pro-Russian



	separatists in the Donetsk and Luhansk regions of eastern Ukraine held a referendum to declare independence from Ukraine.
2014 July	In July 2014, the situation in Ukraine escalated into an international crisis and put the United States and the European Union (EU) at odds with Russia when a Malaysian Airlines flight was shot down over Ukrainian airspace, killing all 298 onboard
2015 October	Dutch air accident investigators <u>concluded</u> in October 2015 that the plane had been downed by a Russian-built surface-to-air missile.
2016 April	In April 2016, NATO <u>announced</u> that the alliance would deploy four battalions to Eastern Europe, rotating troops through Estonia, Latvia, Lithuania, and Poland to deter possible future Russian aggression elsewhere in Europe, particularly in the Baltics.
2016 September	In September 2016, investigators said that the missile system was provided by Russia, <u>determining</u> it was moved into eastern Ukraine and then back to Russian territory following the downing of the airplane.
2017 June	In June 2017, government and business computer systems in Ukraine were hit by the <u>NotPetya cyberattack</u> ; the crippling attack, <u>attributed</u> to Russia, spread to computer systems worldwide and caused billions of dollars in damages.
2017 September	The NATO battalions were joined by two U.S. Army tank brigades, <u>deployed</u> to Poland in September 2017 to further bolster the alliance's deterrence presence.
2018 January	In January 2018, the United States imposed new <u>sanctions</u> on twenty-one individuals and nine companies linked to the conflict.
2018 March	In March 2018, the State Department <u>approved</u> the sale of anti-tank weapons to Ukraine, the first sale of lethal weaponry since the conflict began
2018 July	In July 2018 the Department of Defense announced an additional \$200 million in <u>defensive aid</u> to Ukraine, bringing the total amount of aid provided since 2014 to \$1 billion.
2018 October	In October 2018, Ukraine joined the United States and seven other North Atlantic Treaty Organization (NATO) countries in a series of large-scale air <u>exercises</u> in western Ukraine. The exercises came after Russia held its annual military <u>exercises</u> in September 2018, the largest since the fall of the Soviet Union.



2018 November	On the 26 <sup>th</sup> of November 2018 two Ukrainian gunboats and a tug were sailing towards the Kerch Strait, the only route for ships to enter the Sea of Azov from the Black Sea. Those ships later got seized by Russian forces Russia's FSB border guard force said the flotilla violated Russian territorial waters. But coordinates released later by the FSB and Ukraine confirm that the Russian attack happened in international waters near the strait. Ukraine calls it Russian aggression, because the Black Sea is free for shipping and annexed Crimea belongs to Ukraine.
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## Treaties and Resolutions

- **Resolution 68/262**, March 27, 2014

Being in response to the Russian annexation of Crimea and entitled "Territorial integrity of Ukraine", the non-binding resolution, which was supported by 100 United Nations member states, affirmed the General Assembly's commitment to the territorial integrity of Ukraine within its internationally recognized borders and underscored the invalidity of the 2014 Crimean referendum. Eleven nations voted against the resolution, while 58 abstained, and a further 24 states were absent when the vote took place.

## Evaluation of the Previous Attempts to Resolve the Issue

By Resolution of 27 March 2014, the United Nations (UN) General Assembly condemned the violation of Ukraine's territorial integrity (A/RES/68/262). The Security Council remained, however, powerless to impose against Russia economic sanctions which all UN member States would have had to implement. In the absence of such "multilateral" sanctions, the European Union (EU) and the United States have put in place the broadest spectrum of "unilateral" sanctions against the Big Bear since the end of the Cold War.

Since March 2014, the EU has steadily reinforced its sanctions program. Measures so far imposed encompass the freezing of assets of individuals and entities connected to Russia's executive, trade restrictions on military and dual-use equipment and technology, a limited access to European capital markets, a prohibition to grant certain categories of loans and credit, and a prohibition to supply services necessary for certain types of oil exploration and production. The EU sanctions program also prohibits the satisfaction of any claim arising out of a party's compliance with this program and ensuing non-performance of its contractual obligations.



As a measure of retaliation, Russia has, in turn, limited imports of food and agricultural products from Europe, and is now reported to be threatening to adopt new measures, including restrictions on Western car and textile imports. These EU and Russian measures, which already affect the conclusion of new contracts and/or the performance of pre-existing ones – directly or indirectly, as in the case of France’s suspension of the delivery of a Mistral warship to Russia – will likely give rise to a wave of new contractual disputes. In the absence of a resolution on multilateral sanctions passed by the Security Council, that is, of sanctions falling within the realm of transnational public policy, the question remains whether arbitrators may – perhaps even ought to consider themselves bound to – give effect to unilateral sanctions and reject a party’s claim for compensation for the loss sustained as a result of its contractual partner’s non-performance.

A distinctive feature of sanctions is that they prohibit the performance of all transactions falling within their scope, irrespective of the law governing these transactions. As such, they fall into the category of *lois de police*, namely rules that proclaim themselves applicable to all situations within their purview, outside the operation of rules of conflict of laws. This, however, is not to say that foreign courts and arbitral tribunals will necessarily endorse a sanction’s claim that it is to be given effect irrespective of the applicable law.

As of yet, there are no open discussions between involved parties in this conflict. The measures have proven themselves inefficient.

## Possible Solutions

- Ukraine could reaffirm the commitment made in its original Declaration of Independence to its status as a “permanently neutral state, which does not participate in military blocs.” As such, it could be independent, militarily neutral and thus, not a member of NATO or a Russian-led counterpart.
- Ukraine’s central government could decentralize power to the states, allowing them to elect governors (as many countries do) and make political choices close to the people from whom political power is derived.
- Ukraine could provide legal guarantees to meet the highest European standards for minority rights embodied in EU charters and conventions, including the right of individual regions to use Russian as a second language in schools and official business.
- With the cooperation of each of the countries convened, and with the OSCE taking the operational lead, all “self-defense” and unauthorized armed groups in Ukraine, east and west, could be disbanded and



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disarmed, and those who had participated in illegal acts could be granted amnesty (with exceptions for criminal prosecution of individuals with blood on their hands).

- As suggested by Ukrainian President-elect Poroshenko, Western countries could join in a new agreement that recognizes Ukraine's security concerns and pledges to respect Ukraine's independence and territorial integrity.
- Another solution could be to send a peacekeeping Mission to Eastern Ukraine. Soldiers could be contributed from more neutral countries. The operation could orientate itself on the initiative during the Yugoslav wars. Successful stabilization could be followed by a reelection of the government to resolve existing tensions within Ukraine.

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