



ODUMUNC 2015 Issue Brief for the Security Council



Ending Conflict in Eastern Ukraine

Old Dominion University, Model United Nations Society

Introduction

Since it gained independence in 1991 following the collapse of the Soviet Union, Ukraine has emerged as a pivotal country in relations between Russia and Europe, a center of revolution and violent rebellion. For the United Nations, Ukrainian issues are especially sensitive, since they raise difficult problems of state sovereignty, national self-determination for different ethnicities, and rival interests and moral values of outside powers. Ukrainian internal conflict and secessionist violence raises problems the international community cannot avoid, but which also are extremely difficult to solve.



Background

In the past ten years, Ukraine has gone through three revolutionary processes: Orange Revolution of 2004, the *Euromaidan* rebellion of 2013/2014, Crimean and eastern Ukraine separatism since. Underlying all these events is the country's fundamental tension, with its population of 45.5 million divided between European-oriented, largely Catholic, Ukrainian speakers in the west, and Russian-oriented, Orthodox Russian speakers in the east. Major events in recent Ukrainian history usually center on this deep divide.

ODUMUNC 2015 Issue Brief for Security Council



While the reasons behind the onset of the revolutions were somewhat similar, since both were caused by the dissatisfaction with the political regime and its decisions, the way they progressed and the outcomes that they brought are astonishingly distinct. The Orange Revolution brought millions of people on the streets in 2004 in a sign of protest against an election fraud of the aspiring presidential candidate Viktor Yanukovich. The peaceful character of the demonstrations and absence of hostilities from the police and other armed structures made Orange Revolution an example of non-violent resistance.

The goals of the Orange Revolution were achieved with the election of the Viktor Yushenko, who advocated rapid departure from the Soviet past towards closer ties with Western economic and political institutions as well as integration into Atlantic security structures (the North Atlantic Treaty Organization, NATO). However, his aspirations were stymied by the quarrels within the Orange Revolution coalition and cost him a landslide loss in the 2010 presidential election. Viktor Yanukovich won the presidential race over Yulia Tymoshenko, an Orange Revolution leader and former prime minister. One year later, Tymoshenko, now a primary opposition leader, was imprisoned on the charges of abusing power and embezzlement in so-called 'gas case' involving contracts with Russia. Meanwhile, the Yanukovich presidency reversed the country's pro-Western foreign policy and ran into the unraveling global economy, negatively impacting the Ukrainian economic situation.

Widespread discontent with Yanukovich's rule culminated in the Euromaidan protests in the winter for 2013-14. Drawing his support mostly from the Russian-speaking east of the country, Yanukovich alienated much of the Ukrainian-speaking west. Widespread corruption and rising authoritarianism created mounting discontent. The catalyst for revolt was his decision in 2013 to forgo the long awaited signing of an Association Agreement with European Union, which would have cemented the country's relationship with Europe and opened the possibility of eventual EU

ODUMUNC 2015 Issue Brief for Security Council

membership. Instead, a major effort by the Russian Federation, including promises of credit and long-term supplies of natural gas, led Yanukovich to take the country in the opposite direction. The sudden turn led thousands of people on the streets of Kyiv in the fall of 2013 to demand signing of the agreement with European Union. What started as a peaceful process quickly escalated into beating of the demonstrators, primarily students, later drawn heavily from the western-oriented Ukrainian speaking middle class. The next couple months consolidated people of Ukraine in the face of growing aggression of the presidential administration such as bloody clashes with special units of police, humiliation of protesters, their disappearance and deaths. The apogee of conflict, deadliest clashes between Euromaidan demonstrators and armed units including snipers and heavily armed professionals between February 18-24, resulted in about one-hundred killed and thousands injured. Demonstrators were able to hold their ground and push back the police. President Yanukovich fled the country and the provisional government was announced from the leaders of Euromaidan. His forced resignation and flight was seen as a democratic revolution by Ukrainian speakers, but in Russian eyes it was a fascist coup against a legitimate and democratically-elected ruler.

The success of the protestors, however, sent signals to other regions of Ukraine that supported the president, and also to the neighboring Russian Federation, who openly supported Yanukovich and his struggle against Euromaidan demonstration and further westernization.



Russian annexation of Crimea, March 2014

The action quickly shifted to the Crimean Autonomous Republic, an isolated but important part of Ukrainian territory, also the home of the largest Russian Navy base and an overwhelmingly

ODUMUNC 2015 Issue Brief for Security Council

Russian-speaking population. The independence movement was supported by the so-called “little green men,” armed soldiers in uniforms without insignia, militiamen widely thought to be Russian special forces troops. On 16 March 2014, Crimea held an independence referendum, sought by the local Russian-speaking community and welcomed by Russian leaders. With a landslide vote of 96 percent in favor of independence, Ukraine began to fragment. Crimean independence was rejected by Ukraine all but a handful of United Nation member states, but has been widely deemed fair and just by the government of Russia and most of the Russian people. Shortly after, Crimea joined the Russian Federation as a new administrative unit.



Route of Malaysia Airlines Flight 17 (MH17), 17 July 2014

Separatist tendencies have spread further in the southern and eastern parts of Ukraine, leading to back-and-forth fighting, killing thousands and leaving a growing share of the population homeless. Similar to Crimea, in other eastern Ukrainian provinces (oblasts), especially Luhansk and Donetsk, separatist militias took control. Russian special forces and intelligence officers were widely believed to be in control of some of the secessionist movements. The destruction of Malaysia Airlines Flight 17 (MH17) on 17 July 2014, by a surface-to-air missile launched from rebel-controlled territory, was a turning point. Widely attributed to pro-Russian separatists, the attack alienated much of global opinion.

After a series of rebel successes—reportedly with tactical and material support from Russia—in the summer of 2014, Ukrainian troops re-gained control of most of the region. This led to an outright intervention by forces from the Russian Federation in August, reversing the battle once again. Outside observers believe Russia is trying to consolidate its control of parts of the region, establishing a land-route through Ukrainian territory to Crimea. Meanwhile, western governments are believed to have quietly given the Ukrainian government in Kyiv military and intelligence support. A truce, signed by Ukrainian President Petro Poroshenko and Russian separatist leaders on 5 September, reduced fighting, but major battles still break out routinely.

Current Situation

ODUMUNC 2015

Issue Brief for Security Council

The Security Council Report (SCR), an independent non-profit organization that works closely with the Security Council, notes in their monthly outlook for the Crisis in Ukraine that:

Ukraine continues to face significant political, security and humanitarian challenges in light of continued sporadic fighting between the Ukrainian government forces and separatists in the east. (The most promising development is the ceasefire signed on 5 September) by Ukrainian's newly-elected President, Petro Poroshenko and representatives of pro-Russian separatists from Donetsk and Lugansk and the support of Russian President Vladimir Putin. The agreement was reached under the auspices of a trilateral contact group consisting of Ukraine, Russia and the Vienna-based Organization for Security and Cooperation in Europe (OSCE). Among other things, the agreement calls for an immediate ceasefire, greater autonomy for Donetsk and Lugansk, release of prisoners, amnesty for separatists and inclusive national dialogue. Despite frequent violations of the ceasefire, at press time the agreement was still holding.

In further efforts to strengthen the initial ceasefire, the Ukrainian government and the separatists signed a memorandum on a peace plan at the trilateral contact group meeting in Minsk on 19 September. The agreement mandates the creation of a buffer zone 30 kilometres from the frontlines, withdrawal of heavy artillery, a ban on military aircraft use and withdrawal of "foreign militarized formations, military equipment, militants and mercenaries" on both sides. The OSCE is set to monitor the implementation of the agreement.

The Ukrainian parliament on 16 September passed legislation granting special status to Donetsk and Lugansk for three years pending decentralization measures that will require amending the Ukrainian constitution. Moreover, the parliament adopted a bill granting amnesty to rebel fighters with the exception of those responsible for the downing of Malaysia Airlines flight MH17. The same day, both European and Ukrainian parliaments ratified Ukraine's association agreement with the EU. However, the implementation of the free-trade part of the agreement was postponed until 2016 because of pressure from Russia.

On 21 July, the Council adopted resolution [2166](#) condemning the downing of flight MH17 and calling for an independent international investigation. The Dutch Safety Board (DSB) took the lead on the international investigation. After completing the initial stage, the investigation came to a halt in early August amid heavy fighting around the crash site and the inability of both sides to ensure the security of the site. On 9 September, the DSB issued a preliminary investigation report, which Netherlands transmitted to the Council the same day. The report said the crash of flight MH17 could be attributed to impact by a large number of high-energy objects. However, the report did not specify responsibility for downing the plane. On 19 September, Under-Secretary-General for Political Affairs Jeffrey Feltman briefed the Council on the DSB's preliminary investigation report.

The fighting in the east has had devastating effects on the humanitarian situation, resulting in more than 3,200 casualties, around 275,000 internally displaced persons (IDPs) and an estimated 341,000 refugees. In addition, fighting has caused heavy damage to the infrastructure and disrupted basic public services. Russia has sent three convoys of

ODUMUNC 2015 Issue Brief for Security Council

humanitarian aid to Donetsk and Lugansk, without Ukrainian consent. Council members held consultations on 22 August to address the issue. However, the Council did not react to two other instances when Russian humanitarian convoys crossed into Ukraine. The humanitarian situation is likely to deteriorate sharply as winter approaches.¹

Human Rights-Related Developments

During a 28 August to 3 September visit to Ukraine; Šimonović presented the [fifth report on the situation of human rights in Ukraine](#), based on the work of the UN Human Rights Monitoring Mission there. It documents intense fighting and the use of heavy weaponry by both sides in densely populated areas of eastern Ukraine, resulting in increased loss of civilian life with an average of 36 people killed every day. Armed groups continued to commit killings, abductions, torture and other serious human rights abuses and violations of international humanitarian law, while reports of human rights violations committed by government battalions are noted as requiring further investigation. Accountability, legislative developments, the situation of IDPs and human rights issues in Crimea are also covered.

The Special Rapporteur on the Human Rights of IDPs conducted a visit to Ukraine from 16 to 25 September at the invitation of the Ukrainian government. He met with IDPs who described indiscriminate shelling and destruction of their homes. In a press conference on 25 September, he urged the government of Ukraine to establish more effective systems and intensify its efforts to meet the needs and protect the human rights of IDPs, including the urgent adoption of an IDP law based on international human rights standards. He also called on the international community to provide immediate and long-term support for reconstruction and essential services. A full report will be presented to the Human Rights Council in June 2015.²



¹ http://www.securitycouncilreport.org/monthly-forecast/2014-10/ukraine_1.php

² http://www.securitycouncilreport.org/monthly-forecast/2014-10/ukraine_1.php

ODUMUNC 2015 Issue Brief for Security Council

Fighting in Ukraine has killed thousands

Role of the UN

The United Nations, because it represents the collective will of 193 sovereign nations, has the ability to act decisively in Ukraine, but also reflects the deep divisions of the international community. It finds agreement easiest on humanitarian relief and other humanitarian aspects of the conflict, including demanding the side respect the Geneva Conventions on treatment captured soldiers and treatment of civilians.

According to UN Under-Secretary-General for Political Affairs Jeffrey Feltman, “We are here because we are paying attention, but we must also find a constructive way to urgently address the crisis, whose implications go far beyond Ukraine and the region.” Illegal armed groups were operating in the Donetsk region and had reportedly intensified their activities over the last two days, he said, spreading violence along Ukraine’s southern coast in the direction of the key strategic port of Mariupol. Several small towns and villages in the areas were now in the midst of heavy fighting, while the town of Novoazovsk had been seized by armed groups.

The situation is reminiscent of the Crimea incident.

On 27 March 2014, the 68th UN General Assembly passed resolution GA/11493, ‘Territorial integrity of Ukraine’, calling on states, international organizations and specialized agencies not to recognize any change in the status of Crimea or the Black Sea port city of Sevastopol, and to refrain from actions or dealings that might be interpreted as such”.³

With 100 votes in favor, 11 against, and 58 abstentions the General Assembly affirmed its commitment to Ukraine’s sovereignty, political independence, unity and territorial integrity within its internationally recognized borders, underscoring the invalidity of the 16 March referendum held in autonomous Crimea.⁴ Votes in favor Crimean independence (and by implication in favor of Russian territorial demands) were cast by Afghanistan, Cuba, Nicaragua, Russia, Syria and Venezuela. The large number of abstentions reflected the great discomfort of many governments—especially those with no immediate stake in the region—to avoid provoking the antagonistic sides, especially Russia, the European Union and the United States.

Country Positions in the Security Council

China

For China, the Ukraine problem creates great tension. China is heavily committed to non-interference in the affairs of others. But it also needs good relations along its massive Russian border. Chinese awkwardness regarding Ukrainian disputes is typical of many other non-aligned countries.

³ <http://www.un.org/News/Press/docs//2014/ga11493.doc.htm>

⁴ <http://www.un.org/News/Press/docs//2014/ga11493.doc.htm>

ODUMUNC 2015 Issue Brief for Security Council

Instead of taking sides, China focuses on the loss of life and property, and hopes a solution will be found that restores peace and order. All parties concerned must exercise restraint so as not to exacerbate the situation. He emphasized that the crisis could only be resolved through political means and that all parties must agree to a prompt ceasefire. They must make good use of various mechanisms for dialogue and act in a manner that was conducive to mutual trust.

They have expressed deep concern over the high number of casualties caused by the conflict in eastern Ukraine. The international community should call on all parties to quickly find a political solution to the crisis. The priority must be to implement an immediate ceasefire. The crisis could only be tackled through political dialogue and means that included and accommodated all ethnic and religious groups. The international community must engage in mediation and work towards creating external conditions that were favorable for sustained peace. China supported all efforts to ease the crisis and stood ready to work with other members of the international community in that regard.

Chinese spokesmen acknowledged Ukraine's need to strengthen the rule of law and democracy in the country, noting that President Poroshenko had stated that war was no excuse for lack of reform. A framework had been established with the European Union and there would be a full investigation into human rights abuses during protests in Independence Square and Odessa. It was considered a matter of pride to the Government to cooperate. As the downing of flight MH17 might amount to a war crime, there was a need to ensure a fair investigation. Chinese leaders stress the need for the Russian Federation to ensure armed groups allow investigation of the crash site. China's ambassador to the UN stressed that no Russian forces should be allowed to enter the territory of the Ukraine without Ukrainian government consent, underlining his stance that any attempt to do so would be construed as aggression and treated accordingly.⁵

European Union

For the 28 member states of the European Union, the Ukrainian conflict raises serious tensions between the needs of most for good relations with Russia, which they depend on for much of their oil and natural gas, and the need to support democratic rule in Ukraine. While Ukraine is not an EU member or a candidate for membership—due largely to its legacy of corruption and ineffectual governance—they generally welcome and support Ukrainian's integration into the western community.

Russia's annexation of Crimea was vigorously opposed by most EU members, and all were appalled by the destruction of flight MH17 (mostly carrying tourists from the Netherlands). Some EU countries, notably Hungary, are less critical of Russian action. Most support strong sanctions on Russia to encourage it to stop supporting separatist militias. They prefer peaceful, democratic process, possibly leading to a more federal Ukraine, in which eastern provinces might have greater autonomy.⁶

Non-Aligned Movement

⁵ <http://www.un.org/News/Press/docs//2014/sc11516.doc.htm>

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ODUMUNC 2015

Issue Brief for Security Council

The countries of the Non-Aligned Movement (NAM), the UN's largest voting bloc with over 100 countries from Africa, Asia and Latin America, are deeply divided on the Ukraine situation. Made up mostly of former colonies who gained independence in the 1940s-70s, they tend to support national self-determination movements. But they also are extremely wary of anything that erodes the power and coherence of their often-weak states and usually oppose secessionism everywhere. They are further torn between sympathy for Ukrainian demonstrators and their own need for support from Russia. Some have strongly supported Russia, while others just as strongly support Ukraine. Many prefer to solve their dilemmas by minimizing the role of the UN in the crisis, abstaining in voting, and trying to limit UN intervention to support for fact-finding and humanitarian action.

United States

The United States has been especially outspoken against separatist violence in Ukraine, Russian support for militias, and especially Russian military intervention. American leaders strongly supported the revolts of 2004 and 2013-14, which they associated with strengthen democratic rule. It also has led to demands for international support of sanctions (bans on travel and trade) against Russian political leaders, businesses, and especially energy exports. The latter has been most controversial; since many American allied depend on Russia for a major share of their fossil fuels. American obligations to Ukraine are limited, since Ukraine is not a member of the 28-country North Atlantic Treaty Organization (NATO). The United States favors restoration of Ukrainian sovereign rule over all its former territory—including Crimea—and return to democratic process, led by the government in Kyiv.⁷

Russian Federation

Russian Federation maintains the current situation in Ukraine is the result Kyiv's reckless policies, which antagonized and punished large segments of its population (its Russian speaking regions) and was made worse by support from foreign powers. Russian leaders argue that international agreements, international law, especially the Geneva Statement and the Joint Berlin Declaration, were ignored by the authorities in Kyiv, which prevented a civilized solution to the crisis. President Poroshenko's so-called peace plan was nothing more than another step towards escalation. Where was the inclusive national dialogue promised by Kyiv? The Russian foreign minister asked. Instead, it was waging a war against dissent, banning political parties and threatening journalists with violence. President Poroshenko had pledged peace, but his plan was just another maneuver to distract attention and solve the situation by force. He hopes the Kyiv authorities would not lose the positive opportunities that had come out of the Minsk talks.

Russia stresses the humanitarian responses for thousands of people in eastern Ukraine sheltering in their basements without water, electricity, food or medicine, while the number of refugees seeking safety in the Russian Federation also continued to climb.

⁷ <http://www.un.org/News/Press/docs//2014/sc11516.doc.htm>

ODUMUNC 2015

Issue Brief for Security Council

The Russian Federation insists their actions accord with international law and legitimacy of sovereign nations and democratic rule. They had contributed significantly in the investigation of the downing of the Malaysian Airlines flight, he said, adding that despite resistance from certain Council members, the first humanitarian convoy had reached Luhansk. The Council must remember it was not designed to participate in guesswork or spread accusations, but rather was charged with finding a solution to the crisis. His country proposed the adoption of a press statement on the situation in Ukraine that included a call for an immediate and unconditional ceasefire. The proposed press statement should call for an inclusive political dialogue, while urging the international community to redouble its efforts to provide humanitarian assistance to the Donetsk and Luhansk regions.

United Kingdom

The United Kingdom maintains that aggressive actions are needed to end Russian interference in Ukrainian territory. The Russian Federation must stop immediately the escalation of the conflict and seek a political solution.

Alternatives for further action

Choices before the member states of the UN are very wide. Major options include

- *Fact-finding*: by preserving its independence, the UN can perform an invaluable role establishing what is actual happening on Ukrainian battlefields and to civilian refugees. This requires equal treatment of all sides and limits later freedom of action. It requires the UN not intervene aggressively.
- *Referenda*: Allowing votes on succession is the preferred option of Russian separatists. This democratic procedure might worsen the conflict, but if accepted by Ukraine as legitimate, might be stabilizing in the long run. To be legal it would require acceptance by Kyiv.
- *Federalization*: A possible solution is constitutional change in Ukraine, giving regional providences much greater autonomy over their affairs. Some fear this could lead to the division of the country.
- *Peacekeeping*; Authorizing a peacekeeping force to maintain peace between the sides. This would be possible only with the consent of all parties to the conflict. Russia has proposed a peacekeeping force from the Russian Army. While criticized by western countries, this is a practical way to stabilize the situation. An alternative is an operation overseen by the Organization for Security and Cooperation in Europe (OSCE), but this would require Russian approval.
- *Massive military assistance* to the Ukraine government, probably including large numbers of foreign troops, might enable the Kyiv government to maintain rule over

ODUMUNC 2015 Issue Brief for Security Council

separatist provinces, but at the cost of lost legitimacy, greater loss of life and risk of wider war with the Russian Federation.

UN Documents on Ukraine

- Resolution condemning the downing of Malaysia Airline flight 17 and calling for an investigation of the crash. 21 July 2014 [S/RES/2166](#)
<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2166.pdf>
- Ukraine requested an urgent meeting of the Security Council citing the situation in Crimea as a threat to the territorial integrity of Ukraine. 28 February 2014 [S/2014/136](#)
<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_136.pdf>
- This was a meeting on the political situation in Ukraine following reports of Russian troops entering Ukrainian territory. 28 August 2014 [S/PV.7253](#).
<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7253.pdf>

Bibliography

General Assembly, “General Assembly Adopts Resolution Calling upon States Not To Recognize Changes in Status of Crimea Region” GA/11493. Department of Public Information, News and Media Division, New York, 27 March 2014
<http://www.un.org/News/Press/docs/2014/ga11493.doc.htm>

“[Russian Diplomat’s Speech Depicts the West as Hypocritical](#)”, *New York Times*, 27 September 2014

Security Council Report. 30 September 2014. http://www.securitycouncilreport.org/monthly-forecast/2014-10/ukraine_1.php

Security Council, “Price Paid by Ukraine Citizens ‘Too High’, Assistant Secretary-General Tells Security Council, Calling for Peaceful Solution to Conflict” SC/11516. Department of Public Information, News and Media Division, New York, 8 August 2014
<http://www.un.org/News/Press/docs/2014/sc11516.doc.htm>

“[Ukraine in turmoil: A Somalia scenario?](#)” *The Economist*, 25 September 2014

“[Ukraine and Russia: Win some, lose more](#)”, *The Economist*, 18 September 2014

“[Poland Says Russian Veto Should Be Limited at U.N.](#)”, *New York Times*, 18 September 2014

“[The war in Ukraine: Ukraine's unhappy ceasefire](#)”, *The Economist*, 7 September 2014

ODUMUNC 2015
Issue Brief for Security Council

[“Ukraine, Russia and the West: The long game”](#) *The Economist*, 4 September 2014