Introduction

A state’s sovereignty has been protected ever since the UN Charter was drafted on June 26, 1945, in San Francisco. Article 2(7) of Chapter I of the Charter states that: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require Members to submit such matters to settlement under the present Charter”.

On the evening of the 27th of February 2014, the Russian special forces seized the building of the Supreme Council of Crimea with the support of Russian demonstrators. On March 1st, President Vladimir Putin received approval from Parliament to use force in Ukraine, and on March 18th, he signed a bill to annex Crimea. By April, demonstrations by pro-Russian groups in the entire Donbass region escalated into an armed conflict, which created Russia-backed separatist forces as well as the self-declaration of independence of the Donetsk and Luhansk Oblast. The conflict further intensified in August when the Russian military crossed the border into several locations including the Donetsk Oblast, and by early September, Ukrainian forces have been defeated. Russian military troops and equipment continue to cross into eastern Ukraine by November. The Organization for Security and Co-operation in Europe (OSCE) which is in charge of observation and monitoring, show that heavy weapons, tanks, and soldiers continue to pour through the border, and the OSCE also observed numerous human rights violations and atrocities committed within the Ukrainian border.

Russia’s only justification for its military intervention of Crimea, Donets, Luhansk, and Ukraine is the Responsibility to Protect (R2P), which states that if a state fails to protect its nationals from severe human rights abuses such as ethnic cleansing, war crimes, crimes against humanity, the international community assumes the responsibility of protection. Russia’s speaker of the Duma allegedly justified Russia’s actions stating that Putin was authorized to “use all available means to ‘protect’ the people of Crimea from tyranny and violence.” However, according to the reports made by Human Rights Watch, there have been ongoing violations of human rights during the war of Donbass committed by both sides.
Definition of Key Terms

Annexation:

Administrative action in international law relating to the forcible acquisition of one state’s territory by another state in an act which breaches the other state’s sovereignty. The seized territory is then militarily occupied.

Responsibility to Protect (R2P):

A global commitment which was endorsed by all member states of the United Nations at the 2005 World Summit in order to address the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity. This was a result of the atrocities committed in the 1990s in the Balkans (Bosnia), Rwanda, Srebrenica and the international community’s failure in prevention; the R2P vows to end the systematic violation of human rights. However, countries have abused R2P in order to justify military intervention.

Oblast:

A type of administrative division (province) in Ukraine, Belarus, Bulgaria, Kazakhstan, Russia, and the former Soviet Union.

National Sovereignty:

The power of an independent nation to do everything necessary to govern itself. Nations have an organized government and are self-contained and autonomous. Other nations have no right to interfere with a state’s sovereignty. This is protected under Article 2 (7) of Chapter I of the UN charter.

Chapter VI:

Chapter VI deals with the peaceful settlement of disputes. It requires disputing member nations to try and seek solutions through peaceful methods of “negotiation, inquiry, mediation etc.” The chapter allows the Security Council and the General Assembly to issue recommendations but does not give it power to make binding resolutions. Resolutions made under Chapter VI are not legally enforceable.

War Crimes:

An act that is a serious violation of the laws of war which gives rise to individual criminal responsibility. Examples include the intentional killing of civilians, prisoners, torturing, destroying civilian property, rape, slavery etc.
Status Quo:

The existing state of affairs. There is a current desire to change the status quo of Ukraine, and this belief led to the election of Volodymyr Zelenskiy a comedian who plays a fictitious president in a TV show.

Federal Subject:

Federal subjects of Russia are the constituent entities of Russia. It is constituted of 85 subjects. Crimea is regarded as a federal subject of the Russian Federation.

Crimes against Humanity:

Under Article 7 of the 1998 Rome Statute of the International Criminal Court crimes against humanity is defined as the following. “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack

Background Information

The long conflict between Ukraine and Russia could be dated all the way since the policy of russification, and it lasted throughout the centuries until the collapse of the Soviet Union. Ever since the inauguration of President Vladimir Putin, the relationship between Russia and Ukraine has been rapidly deteriorating. The conflict continues to escalate as president Putin vows to protect the rights of eastern Ukrainian citizens and began to interfere with Ukrainian politics. The Russian influence peaked when the Pro-Russian president Viktor Yanukovych was elected. This led to a series of events which triggered the Ukranian Revolution, and then the annexation of Crimea, Russian military intervention and eventually the War in Donbass.

Russification

The root cause of the conflict between Ukraine and Russia dates all the way back to the 1700s under the rule of Catherine the Great in the Russian Empire. Catherine the Great instituted the policy of Russification which is a form of cultural assimilation which forced non-Russian communities including the Ukrainians to give up their culture and language. In addition, Russification also constituted people to give up their religion and convert to Orthodox. This policy continued as the Soviet Union was founded in 1922. Joseph Stalin orchestrated a man-made famine called the Holodomor or the Great Famine (Ukrainian Genocide of 1932-33). This resulted in the death of almost 10 million ethnic Ukrainians. Many scholars suspect that the famine was planned by Stalin to eliminate the Ukrainian independence movement. The famine has drawn many comparisons to the Holocaust.
Following the famine, the population of Ukraine was greatly reduced, therefore a large portion of new migrants settled into Ukraine and they spoke Russian, were culturally and ethnically Russian. The forced displacement of entire populations of Crimean Tatars was expelled from their homeland in Crimea and was replaced by Russians. This led to more Russians in northern, central and eastern Ukrainian territories. By the end of 1991, Russians became the largest minority in Ukraine accounting for 17.3% of the population of Ukraine with almost 8.3 million ethnic Russians.

**The orange revolution**

The Orange Revolution began as a series of protests which lasted between November 2004 and January 2005, which was the immediate consequence of 2004 presidential elections. It was reported by foreign and domestic election monitors to be rigged with massive corruption, voter intimidation, and electoral fraud. The election was between the leading candidates Viktor Yushchenko and Viktor Yanukovych, and the reports show that the election was rigged to heavily favor Yanukovych. This resulted in nationwide protests and massive demonstration campaigns with thousands of protests daily. The revolution highlighted civil disobedience, sit-ins, and strikes. The nationwide protests for 2 months resulted in success as the Supreme Court annulled the original runoff and a revote was ordered. Under the monitoring of domestic and international observers, the second election was “fair”. As the election showed that Yuschenko was the clear victor winning over 52% of the votes.

**2010 Elections in Ukraine**

This election mirrors the political and cultural divide in Ukraine. As the two candidates of this Election were the Party of Regions (Pro-Russian) Yanukovych and the Fatherland (Pro-Europe) Tymoshenko. The election results showed that there was a firm divide between the Eastern and Western regions of Ukraine. As the Eastern regions and oblasts of Kharkiv, Luhans’k, Horlivka, Maripul, Donetsk, Odessa were all keen to support Yanukovych and Pro-Russian policies due to the large portion of Russian civilians in the region. Whereas, on the contrary, over 75% of the western regions of Kyiv and Lviv all voted and supported the Pro-European candidate of Tymoshenko. Two rounds of elections were held during January and February of 2010, during which Yanukovych refused to hold debates and discussions with his opponent, Prime Minister Yulia Tymoshenko, allegedly saying that “she should either take responsibility for every word as PM or go to the kitchen.” After the second round of the election, Yanukovych won by approximately 3% over Tymoshenko, who immediately resigned as Prime Minister. Tymoshenko continues to claim that the election was rigged.

**Negotiations with the European Union**

Ukraine is a part of the Deep and Comprehensive Free Trade Area (DCFTA), and a priority partner within the Eastern Partnership and the European Neighbourhood Policy (ENP). This helped
strengthen the relations between the European Union (EU) and Ukraine as the EU is seeking an increasingly close relationship with Ukraine in order to build economic integration and gradually grow less reliant on Russia, Ukraine’s biggest trading partner. Under the presidency of Viktor Yanukovych in 2013, the association agreements which were originally planned were abandoned during the EU summit in Vilnius. This decision led the Ukrainian public to believe that Yanukovych was trying to cut off relations with the EU and the West and side with the Russian Government. This ultimately led to the Euromaidan movement and eventually, the Ukrainian Revolution.

Euromaidan movement

The Movement was sparked by the aforementioned suspension of an association agreement with the European Union and the establishment of closer ties with Russia and the Eurasian Economic Union. The Euromaidan saw massive waves of demonstrations and protests across the entire country, including the major cities of Kiev, Kyiv, Lviv, etc. Over 800,000 protesters across the country took to the streets in November 2013 as they were fueled by the anger of government corruption and incompetence. These protests often escalated into violent clashes with the police throughout Ukraine especially at the Maidan central square in Kiev, which was barricaded by protestors.

As a result of these protests, the Agreement on the settlement of the political crisis in Ukraine was signed in February 2014 by Yanukovych under the mediation of both the EU and Russia.

The Ukrainian Revolution

Entering February 2014, the Euromaidan movement continued to escalate when a series of violence, protests, and shooting took place in the Capital: Kiev. On February 18, 2014, over 20,000 Euromaidan protestors advanced on Ukraine’s parliament. The police fired live ammunition and used tear gas and flash grenades in an attempt to push back the protestors. Ukraine was on the brink of civil war. By the end of February, the clashes between the police and protestors have resulted in the death of over 130 people. As tensions continued to escalate, Yanukovych fled from Kiev to Moscow; on that same day, the parliament relieved Yanukovich of duty. As a result of The Ukrainian Revolution and the toppling of Viktor Yanukovich’s government, the Russian Federation responded by calling the overthrowing of the president an illegal coup. This lead to widespread discontent and protests throughout the country, leading to many protests throughout the eastern and southern regions of Ukraine. These protests soon escalated into the annexation of Crimea, Russian military intervention and finally the War in Donbass.

Crimean status referendum

The Crimean Status Referendum was held on March 16, 2014 during the Russian annexation of Crimea; the people of Crimea were requested to vote on whether or not they would like to join Russia as...
a federal subject. However, the referendum did not include keeping the status quo of Crimea as an available choice, as both provided referendum choices would have resulted in a de facto separation from Ukraine. The Results of the Referendum was that over 96 percent voted to integrate into the Russian Federation. Immediately after the referendum, the supreme council of Crimea declared independence and requested to join the Russian Federation.

The Referendum was regarded as illegitimate by the majority of the international community, as well as the European Union, the United States of America and Canada. They argued that the referendum was rigged and it was a result of Russian military intervention. Therefore, thirteen security council members voted in favor of declaring the resolution invalid, however Russia vetoed it. The United Nations General Assembly with a vote of 100 favor to 11 against, also declared the resolution illegal and affirmed Ukraine’s territorial integrity and sovereignty. However, despite the outrage of the international community, the Crimean Peninsula is still under the firm control of the Russian Federation. With President Vladimir Putin allegedly making a statement saying that: “The steps taken by the legitimate leadership of Crimea are based on the norms of international law and aim to ensure the legal interests of the population of the peninsula.”

War in Donbass

The War in Donbass took place from the beginning of March 2014 up to this present day as an armed conflict between the separatist forces of the Donetsk People’s Republic (DPR), and Luhansk People’s Republic (LPR) against the Ukrainian government. The ongoing war has lasted for over 5 years across a 250 km border in Eastern Ukraine. Russia artillery, personnel and “humanitarian convoy” has crossed the border in assistance of the LPR and DPR. While Russia’s official position and presence in Donbass is extremely vague, as there is not enough media coverage and evidence of Russian intervention in the area. Russia has repeatedly denied the presence and military intervention in Donbass, there have been numerous occasions and evidence of its involvement. The status of the current war is at a stalemate and over 64,000 troops have been deployed by Ukraine and 45,000 by the LPR and DPR. The overall casualties of the war are still increasing, but an estimate of over 10,000 have already died from the conflict.
There have been more than 20 ceasefires since the beginning of the conflict, each intended to maintain the peace between the rebel groups and the government; however, none were proven to be successful. The longest ceasefire was only held for six weeks.

Figure 1: The military situation in Donbass as of July 2016

Major Countries and Organizations Involved

Ukraine:

As the conflict in Eastern Ukraine continues to escalate and transition into a stalemate, the civilians also continue to suffer. As of 2018, shelling across or near the contact line continues to damage civilian homes and infrastructure and threaten lives as over 740 educational facilities were destroyed and over 218 civilians were killed. Authorities also continue to enforce discriminatory policies by requiring pensioners from armed group-controlled parts of eastern Ukraine to register as internally displaced persons. Currently, one of Ukraine’s primary objectives is to reduce the number of civilian casualties and protect the human rights of the civilians. Since the conflict began in 2014, Ukraine has completely deviated from the Yanukovych Pro-Russian Government to the Petro Poroshenko Pro-European Government. Ukraine has since established an extremely good relationship with the European Union and the United States. Ukraine joined the EU in 2017 and it has also established good terms with the Donald Trump administration, as it joined the US and seven other North Atlantic Treaty Organisation (NATO) countries in large-scale military exercises.
Russian Federation:

The relations between the Russian Federation and Ukraine and the rest of the western world continues to deteriorate as a result of the annexation of Crimea. In April 2014, Russian President Vladimir Putin justified that the intervention was necessary “to ensure proper conditions for the people of Crimea to be able to freely express their wills.”

As a result, Russia has received international condemnation for its actions in the General Assembly Resolution 68/262. Furthermore, economic sanctions were imposed by the United States, the European Union, and other international organizations against individuals, businesses, and officials from Russia. The sanctions indirectly contributed to the collapse of the Russian ruble and the Russian financial crisis. Russia also responded with sanctions on the US, Norway, Canada, and Australia by adding a total ban on food imports. Russia’s Finance Minister announced that the sanctions had cost Russia 40 billion US dollars, with an additional loss of 100 billion US dollars in 2014 due to the decrease in the price of oil. Russian President Putin has accused the US of conspiring with Saudi Arabia on intentionally weakening the Russian economy by decreasing the price of oil. Russia had lost almost 570 billion dollars due to the compounding factors of financial sanctions and losses in revenues from oil and gas. Representatives of the US and other countries state that they will only lift sanctions against Russia after Moscow fulfills the Minsk II agreements. Russia’s primary objective and the aim now is to establish a better relationship with the Western countries; however, Russia has had no diplomatic strategy so far and needs to find a way to lift the sanctions which are crippling its economy.

United States of America (USA)

The USA’s government was one of the first to step in and condemn the Russian government for the annexation of Crimea. Not only was the Obama administration instrumental for Ukraine’s development after the Maidan revolution, but the US Congress also passed the Ukraine Freedom Support Act, which authorized the US government to spend 350 million dollars on defensive weapons for Ukraine. However, these funds remain unspent due to concern over the possibility of a US-Russian proxy war in Ukraine. The Trump administration has been even more supportive of the Ukrainian government. As of January 2018, it has imposed new economic sanctions on twenty-one Russian individuals and nine Russian companies. Furthermore, in July 2018, the Department of Defense also announced an additional 200 million dollar grant of defensive aid to Ukraine. The USA also supported Ukraine’s bid to join NATO.

European Union:

Many countries in the European Union have imposed economic and financial sanctions on Russia. However, this has also caused backlash and damage in the EU economy with an estimated total loss of almost 100 billion Euros. The primary objective for all countries in the EU now is to establish a
better diplomatic relationship with Russia, while trying to convince Russia to minimize their influence in the War in Donbass. The EU and Ukrainian relations have drastically improved after the election of the pro-western president Petro Poroshenko. The talks for the association agreement resumed and the political part of the agreement was signed in March 2014 by the Prime Minister of Ukraine. The EU has also attempted to stabilize Ukraine by freezing all assets of allegedly corrupt Russians and Ukrainians, and granting financial aid to Ukraine. The economic part of the association agreement was also signed by the new president in June 2014. The Association Agreement formally came into effect on September 2017. EU must maintain its diplomatic relations with Ukraine while trying to reach a middle ground in negotiating with Russia.

**Timeline of Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1932-1933</td>
<td>The Holodomor (Ukrainian Genocide perpetrated by Joseph Stalin) killed 10 million ethnic Ukrainians</td>
</tr>
<tr>
<td>November 2004-January 2005</td>
<td>The Orange Revolution results in a re-election</td>
</tr>
<tr>
<td>February 2005</td>
<td>Viktor Yushchenko is elected</td>
</tr>
<tr>
<td>February 2010</td>
<td>Viktor Yanukovych is declared the winner of the second round of the presidential elections</td>
</tr>
<tr>
<td>November 2013</td>
<td>The Euromaidan revolution begins mass protests after the Ukrainian government halts plans on the association agreement with the European Union</td>
</tr>
<tr>
<td>February 2014</td>
<td>Security forces kill 130 protesters in Kiev</td>
</tr>
<tr>
<td>February 2014</td>
<td>Yanukovych flees to Russia and is relieved of duty by the parliament</td>
</tr>
<tr>
<td>March 2014</td>
<td>Russian military seizes the building of the Supreme Council of Crimea and a Russian flag flies over the building. Russian Special forces then proceed to annex the entire Crimean Peninsula.</td>
</tr>
<tr>
<td>16, March 2014</td>
<td>In a referendum, Crimean voters opt to rejoin Russia and return to its 1992 status.</td>
</tr>
<tr>
<td>March 2014</td>
<td>UN Security Council members support the General Assembly resolution (A/RES/68/262) by calling the referendum on Crimea’s status illegal.</td>
</tr>
</tbody>
</table>
April 2014  Pro-Russian military and separatist forces seize parts of Donetsk and Luhansk, and declare independence. The Ukrainian military retaliates.

May 2014  Major clashes and violence occur between separatist forces and Ukrainian military at the Donetsk Airport.

May 2014  Pro-Western businessman Petro Poroshenko is elected as the fifth president of Ukraine.

July 2014  Pro-Russian forces shoot down Malaysia Airlines Flight 17, killing all 283 passengers.

September 2014  OSEC confirms Russian troops and military equipment cross into Eastern Ukraine.

September 2014  The Minsk Protocol is signed by representatives of Ukraine, Russia, DPR, LPR in an agreement to halt the war in the Donbass region.

February 2015  A temporary ceasefire is established after Germany and France help broker a peace deal in a Belarus summit.

February 2015  Ukrainian military announces the first day without fatalities.

September 2015  US military conducts land and naval drills in Western Ukraine.

November 2015  Explosions near power lines in Ukraine cause most of the Crimean Peninsula to lose access to electricity.

December 2015  Former Vice President Joe Biden announces an additional 190 million dollars of US aid and support to help Ukraine implement programs to help its reforms.

January 2016  The truce is broken as four Ukrainian soldiers are murdered.

August 2016  The Ukrainian military is put on high alert after alleged armed cross-border incursions.

August 2016  Ukraine celebrates 25 years of independence.

February 2017  Heavy fighting erupts in the city of Avdiivka.

July 2017  Ukraine’s association agreement with the European Union is ratified.

April 2018  The US confirms it has delivered anti-tank missiles to Ukraine.

May 2018  Vladimir Putin officially opens the bridge linking Crimea with southern Russia.

August 2018  Alexander Zakharchenko, leader of the DPR is killed in a shelling attack.

November 2018  3 Ukrainian ships are seized by Russia near Kerch after attempting to sail from Odessa to Mariupol.
November 2018

Ukrainian President Petro Poroshenko imposes a 30-day martial law in 10 of 27 regions

Relevant UN Treaties and Events

- General Assembly passes a resolution on the territorial integrity of Ukraine, 28 March 2014 (A/RES/68/262)
- Security Council resolution condemns the downing of Malaysia Airline flight 17, 21 July 2014 (S/RES/2166)
- Security Council resolution endorses the “Package of measures for the Implementation of the Minsk Agreements”, 12 February 2015 (S/RES/2202)
- Security Council condemned continuous violations of the ceasefire, including the use of heavy weapons, 6 June 2018 (S/PRST/2018/12)

Previous Attempts to solve the Issue

Protection of National Sovereignty

As shown in the aforementioned treaties and agreements ratified by the UN, there have been several attempts to condemn Russia’s involvement in the annexation of Crimea and subsequent breach of Ukrainian sovereignty. Ukrainian president Poroshenko has called upon a peacekeeping mission in Ukraine saying that it will be a “decisive factor” in ending the conflict in Donbass. The United Nations has also taken an active role in calling upon the two countries to “exercise maximum restraint” and to take steps without delay to contain the incident and reduce tensions and find all available peaceful methods and means in accordance with the UN charter, particularly Article 2(7) of Chapter I.

Operation for Security and Co-operation in Europe

The OSCE monitoring mission to Ukraine was deployed on 21 March 2014 following a request by the Ukraine’s government under the consensus of all 57 states of the OSCE. The OSCE subsequently launched the Special Monitoring Mission (SMM), which is unarmed, civilian mission, present on the grounds 24/7 in all regions of Ukraine. Its main objectives are to observe and report on the situation of Ukraine. The latest reports from the OSCE recorded many ceasefire regulations as well as mine explosions near Illienko.

Minsk Agreements
The Package of Measures for the Implementation of the Minsk Agreements, or Minsk II was signed by the leaders of Ukraine, Russia, France, and Germany. The Agreement aims to alleviate the situation in Eastern Ukraine and Donbass and calls upon a ceasefire. An outline of the specific terms of the agreement is listed in the following. The Minsk Agreements effectively aims to call upon an immediate ceasefire in the Donetsk and Luhansk regions. In addition to the ceasefire, the agreement also calls upon the withdrawal of heavy weapons, ensuring effective monitoring of the ceasefire by the OSCE, and ensuring the release and exchange of unlawfully detained political prisoners. The Minsk Agreement also helped implement and distribute humanitarian aid and assistance throughout the region, as well as the withdrawal of all foreign and Russian armed foundations, military equipments, mercenaries and private military companies. Finally the main objective of the agreement is to reinstate the full control of the state border by the government of Ukraine, and also carry out constitutional reforms in Ukraine set at a deadline for the end of 2015. Delegates could choose to use and build upon the foundation of the Minsk agreements when composing their resolutions.

Possible Solutions

The Responsibility to Protect

Ukrainian President Petro Poroshenko has pleaded and reached out for the deployment of UN peacekeeping troops in Eastern Ukraine on multiple occasions. One of the potential approaches and solutions proposed by the US special representative to Ukraine is that UN and NATO forces could be deployed in phases while Ukraine has implemented some of the measures it agreed to in the Minsk Agreements. Regardless, it is extremely important for the UN to pressure Russia and other signatories of the agreement to uphold their end and enforce the measures and implementation of the agreement. The UN forces could not only help overcome the negotiating obstacles in Eastern Ukraine and help make progress, it could also be vital in protecting the human rights of all civilians living in Ukraine to ensure no war crimes are committed against the civilians.

Imposing stricter criteria for the Responsibility to Protect

Another approach in preventing further conflict from escalating and another annexation of the Crimean Peninsula to occur is to impose a stricter definition and criteria for R2P. The UN and all other member states should only resort to R2P under the criteria of a Just cause, and using military intervention for human protection only when there are large-scale loss of life, genocidal intent, large-scale ethnic cleansing, killing, forced expulsion or acts of terror or rape. It is also important to have the right intention, and the primary purpose of the intervention must be to halt or avert human suffering. The only ways of ensuring this is to have military intervention take place on a collective or multilateral rather than single-country basis. Military Intervention should also only be used as a last resort, as it can only be
justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored and failed to bring about its purpose. Finally, every military intervention should have a right authority, and there is no better authority for human protection and military intervention than the United Nations.

Bibliography


Appendix or Appendices

Appendix I

Definition of Genocide

The 1948 convention on the Prevention and Punishment of the Crime of Genocide defined Genocide as: “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”


Appendix II

A 24 step plan to resolve the Ukrainian Crisis through all different forms, regarding humanitarian, economic, social and cultural issues. The plan focuses on the Crimean Peninsula and the war in Donbass specifically.


Appendix III

The official website to the Operation for Security and Co-operation in Europe which publishes news and events which updates the ongoing monitoring mission in Ukraine and offers a comprehensive report on the current situation.

https://www.osce.org/special-monitoring-mission-to-ukraine

Appendix IV

A closer and more comprehensive article specifically targeting the Humanitarian Crisis in Ukraine, and potential methods of resolving the conflict.