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“A thief may steal a thing, but that does not give him ownership of it”: Fragments from the diary of the Permanent Representative of Ukraine to the UN about the diplomatic confrontation with Russian aggression in 2014 (part 1)

UN Security Council meeting on February 28, 2014.

From May 2007, when I assumed the position of Permanent Representative of Ukraine to the UN, until February 2014, I saw and understood a lot about the ambitions and real capabilities of the organisation. That the decisions of the main UN body – the General Assembly – are not mandatory, that the UN Security Council (UNSC), whose decisions are imperative, has actually become a field of geopolitical games for its five permanent members, who are unable to either prevent global crises or stop conflicts. Nevertheless, I also realised that the UN can be an important platform at least to be heard and thereby ensure the moral and political support of the delegations of UN member states and their governments. All this became a practical reality for me in 2014-2015 while defending Ukraine's interests in the face of Russian aggression. I decided to recall those times in gratitude to all my colleagues, the Ukrainian community in the USA, and all Ukrainians who followed the events at the UN and sent words of support to my Facebook and Twitter.

From brief operational reports that I received on February 25-27 from the Ministry of Internal Affairs (MIA) through its representative in our mission – Colonel Vitaliy Kasap (a wonderful person and professional) – it became clear that the situation in Crimea was becoming very dangerous. On the morning of February 27, alarming information came from various sources about the seizure of the Crimean Parliament building by “little green men”. The Ukrainian MIA personnel guarding the building were dismissed, and the flag of the Russian Federation was raised over the building. Armed men allowed a group of Crimean Parliament deputies inside, having previously taken away their mobile phones. The deputies voted to appoint

Aksyonov as the prime minister of the new government and decided to hold a referendum on Crimea's status.

The obvious question arose about what our Permanent Mission to the UN could and should do in the given situation. The government in Ukraine had not yet been formed, so there was no one to consult with. Therefore, I took the initiative to hold meetings with individual members of the UN Security Council – the USA, the United Kingdom, and Lithuania, which chaired the Security Council until the end of February. We agreed on the need to convene an urgent meeting of the Council.

Thank God, on February 27, a message was received about the formation of the Ukrainian government and the appointment of Andriy Deshchysia as acting Minister of Foreign Affairs. I called him, congratulated him, and received approval for our initiative. In the evening and morning, I held individual meetings with members of the Security Council to inform them about the situation in Crimea and was amazed at their awareness of the problem – international media were still working on the peninsula.

On the morning of the 28th, I sent a letter to the President of the UNSC in February, Ambassador Raimonda Murmokaitė of Lithuania, requesting an urgent meeting of the Council on February 28 (Letter from the Permanent Representative of Ukraine..., 2014). Since then and up to the present, meetings of the UNSC on our issue have been convened under the name “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations”.

The Security Council meeting took place on the afternoon of February 28 in a closed session, meaning without press or the presence of other delegations. The world community learned about the essence of the meeting from the

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individual comments of its participants. First of all, from the statement of the presiding Lithuanian representative: “The Security Council... reviewed with concern the recent developments in Ukraine... held closed-door consultations at the request of the Permanent Mission of Ukraine to the UN, which appealed in a letter earlier today to the Council President for an urgent meeting ‘due to the deterioration of the situation in the Autonomous Republic of the Crimea, Ukraine, which threatens the territorial integrity of Ukraine” (Meeting of United Nations of Security Council No. 7123, 2014).

Speaking to the press after the consultations, Ambassador Raimonda Murmokaitė said that the Council had been informed by the UN Assistant Secretary-General for Political Affairs, Oscar Fernandez-Taranco, and during the meeting, there was “expressed support for the unity, territorial integrity and sovereignty of Ukraine”.

During the closed meeting of the UN Security Council on Friday, February 28, Samantha Power, the US Ambassador to the UN, proposed sending a special envoy, Robert Serry, to Crimea to see if he could persuade the pro-Russian leaders there to make peace with the authorities in Kyiv. This was categorically opposed by the Russian Ambassador Vitaly Churkin. Nevertheless, Robert Serry flew to Simferopol. However, his mission was effectively interrupted upon his arrival in Crimea – he was detained by representatives of the so-called self-defence forces. Seven years later, in July 2021, in her speech “Crimea Platform as a Foreign Policy Tool for Implementing the Crimea De-occupation Strategy” at the All-Ukrainian Forum “Ukraine 30. International Relations”, the First Deputy Foreign Minister of Ukraine, Emine Dzhamparova, mentioned this: “In March 2014, the Special Representative of the UN Secretary-General, Ambassador Robert Serry arrived in Crimea. He was to give a press conference on the results of all his meetings at the Moscow Hotel. Hundreds of journalists from all over the world waited for him for several hours. I was among them. The alarming rumours that Ambassador Serry was held captive by the so-called self-defence at the Vienna Buns Café in Simferopol, I had previously heard from ATR journalist Elvina Seitbullayeva. I decided to go on a search for the Ambassador with the British ITV News team immediately. We were the first to find Robert Serry... I acted as a mediator in several hours of negotiations and passed an ultimatum to the special envoy: leave Crimea immediately or no one will guarantee his safety.” (Speech by First Deputy Minister Emine Dzhamparova..., 2021).

Even before the UNSC meeting on February 28, I contacted the leadership of the Ukrainian Congress Committee of America and the youth organisation “Razom” with a proposal to organise a demonstration in support of Ukraine. In front of the UN building, despite the freezing cold, the Ukrainian community gathered with protest slogans against Russian aggression. I approached them and shared information about the first meeting. From that point on, such protests took place constantly during meetings of the Security Council and the General Assembly on the Ukrainian issue. Members of the Georgian community in New York and even representatives of the youth opposition Russian organisation began to join the Ukrainian Americans.

The first meeting at the UN Security Council was very important for understanding the balance of power in the SC and the readiness of its members to provide support to Ukraine. There was a noticeable confusion among the meeting participants, largely due to the lack of instructions from their capitals. Nevertheless, perhaps thanks to the meetings that I managed to hold the day before and in the first half of Friday, February 28, with all members of the SC (except, of course, Russia), all members of the SC (except Russia) unanimously expressed support for the territorial integrity of Ukraine. At the meeting, it was noticeable that the experienced diplomat and orator, Russian Ambassador Vitaly Churkin, was out of his depth. It seemed that he was not familiar with the situation in Crimea. Indirect confirmation of this arose in the evening of the same day at a diplomatic reception. I was talking to one of my colleagues when I saw Ambassador V. Churkin approach my wife, Natalia. She later told me that, after greeting her, he said to her in Russian, literally the following: “How did we get into this mess”. To which Natalia replied: “It’s not us, but you got into this mess”. But the Russians recovered quite quickly and by the next day, in their usual rude and aggressive manner, began their demarches at the UN.

A few years later, a declassified transcript of the NSDC meeting of February 28, 2014, was published in the Ukrainian press. Like most Ukrainian citizens, I was unaware of the content of this meeting. Only from the transcript made public in 2016 during a meeting of the Parliamentary Committee on National Security and Defence did I learn that a proposal had been made there to urgently convene a UN Security Council meeting regarding Russian aggression against Ukraine. It was voiced by Prime Minister Arseniy Yatsenyuk. I quote verbatim: “First, it is necessary that Russian aggression against Ukraine be urgently considered by the UN Security Council. Immediately! Without delay, tomorrow (i.e., March 1) we will adopt a Cabinet of Ministers decision on appealing to the UN Security Council” (This is how the war began..., 2016). For ethical reasons, I did not inquire why it was not mentioned at this NSDC meeting that such a UNSC meeting had already been initiated by our Permanent Mission to the UN and agreed upon with Minister Andriy Deshchytsia on February 27 and held on February 28 – on the very day of the NSDC meeting.

On March 1st, for which the Cabinet of Ministers had only planned to consider the issue of appealing to the UNSC, we had already convened a second meeting of the SC (Meeting of United Nations of Security Council No. 7124, 2014). Further, as the situation in Crimea dynamically escalated, several UNSC meetings were held per week.

I believe that the steps taken by the Permanent Mission were timely and unexpected for the Russian delegation. We seized the initiative at the UN and were ahead of the Russian diplomats, at least until June 2014. Unfortunately, Russia, with its unpredictable (or rather, predictable?) audacity and disregard for international law, was ahead of us outside the UN, annexing Crimea and supporting militants in eastern Ukraine. On July 28, I decided to implement the continuous operation of the Permanent Mission in a round-the-clock duty mode.

Russia’s actions in Crimea are an act of aggression. UNSC meeting on March 1, 2014. On the night of February 28 to March 1, I hardly slept. I could not tear

myself away from online updates, and in the morning, I learned about the Russian State Duma meeting on the Crimea issue, where an appeal from S. Aksyonov, who had seized power in Crimea, to Putin regarding the deployment of Russian troops was heard. Considering that the time difference between New York and Moscow is 8 hours, I contacted Minister Andriy Deshchysia and agreed to convene another emergency meeting of the UN Security Council. Therefore, in the morning, on Saturday, March 1, I sent a letter to the President of the UN Security Council, Ambassador Sylvie Lucas, the Permanent Representative of Luxembourg, who took over the chairmanship of the Security Council on March 1, with a request for an emergency meeting of the Council.

The meeting began at 4:15 p.m. New York time. The debate started with Ambassador Lucas giving the floor to the Deputy Secretary-General of the UN, Mr. Jan Eliasson. He began his remarks by assessing the dramatic developments in Crimea: "...there have been reports of continued serious developments in Ukraine. In Crimea, key sites such as airports, communications and public buildings, including the regional parliament, reportedly continue to be blocked by unidentified armed men. There are further reports of armed personnel taking control of regional administration buildings in several cities in the East and South of Ukraine. The new Crimean Prime Minister, Sergei Aksenov, today released a statement appealing to President Vladimir Putin to assist in ensuring peace and tranquillity on the territory of the Autonomous Republic of Crimea. The Russian Federation's upper house of Parliament today approved the request of President Putin for Russian forces to be used in Ukraine pending the normalisation of the public and political situation in that country" (Meeting of United Nations of Security Council No. 7124, 2014).

Next, the President of the SCL gave me the floor, and I informed the members of the Council that: "The situation continues to deteriorate... Russian troops illegally entered the territory of Ukraine in the Crimean peninsula on the ambiguous pretext of protecting the Russian-speaking population of Ukraine. A few hours ago, the upper house of the Russian Parliament, the Federation Council, unanimously authorised the use of military force against Ukraine upon the request of the President of the Russian Federation, Vladimir Putin, but the troops are already there and their number is increasing every hour".

I then stated that "...such action by the Russian Federation constitutes an act of aggression against the State of Ukraine and a severe violation of international law, posing a serious threat to the sovereignty and territorial integrity of our country, as well as peace and stability in the whole region. The Russian Federation is not complying with its obligations as a State guarantor of Ukraine under the Budapest Memorandum, obliging Russia, as well as other permanent members of the Security Council, to refrain from the threat or use of force against the territorial integrity of Ukraine" (Meeting of United Nations of Security Council No. 7124, 2014). At that meeting, I called for "...for international monitors of the situation in Ukraine about the aggression of the Russian Federation".

Therefore, I was the first to declare Russia's actions in Crimea as an act of aggression at this UN Security Council meeting. Regrettably, such a designation was officially

made in Ukraine only in January 2018 with the law on the reintegration of Donbas (Law of Ukraine No. 2268-VIII, 2018). "Now, at the Ukrainian legislative level, what everyone has been saying since 2014 has been defined – the war has been called a war, and Russia has been named the aggressor", commented political journalist M. Romaniuk (2018). Perhaps if such a definition had been made in March 2014, we could have managed, together with our partners, to pass a resolution through the UN Security Council recognising Russia as a party to the conflict and, using Article 27 of the UN Charter (1945), remove this country from participating in the discussion of the Ukrainian issue in the Security Council. During those same days, an initiative appeared, unfortunately from the late Professor Alexander Zadorozhny of the Institute of International Relations, to recognise the "little green men" as international terrorists and call on UN member states to provide assistance under Article 51 of the UN Charter (1945). It's a pity that this initiative was not heard in the corridors of power in Kyiv.

Russian Ambassador Vitaly Churkin was the first to respond to my speech. This marks the beginning of his public confrontation with the then-composition of the Security Council. I am convinced that this was not a diplomatic mistake on his part, but rather a tactic that fit into Putin's anti-Western strategy, which, in the Soviet style, consisted of searching for an external enemy. The Kremlin identified the USA as such an enemy. Ambassador Churkin immediately "attacked" the Security Council members with the following statement: "...at the outset, I would like to express my sympathy to you (the President of the Security Council), because under your presidency we have just wasted two hours discussing the format for this meeting. We agreed that only three people would speak in an open format: Mr. Eliasson, my Ukrainian colleague Mr. Sergeyev, and the Permanent Representative of the Russian Federation. As I understand it, some of my Security Council colleagues already intend to depart from that agreement, but what can we do when there is a game without rules?" (Meeting of United Nations of Security Council No. 7124, 2014). I'll explain that the "game" was played by the rules – Russia could not block, using its veto right, either the inclusion of our issue on the UNSC agenda, or the convening of a Council meeting, or the order of the discussion. The veto right does not apply to procedural matters. Procedural questions are decided by a simple majority vote of the 15 members of the Security Council. On this issue, we were always supported by 14 members during 2014-2015.

Ambassador V. Churkin built his public speeches at the UNSC from this meeting on several propaganda theses, which are still used in 2024 by the Kremlin, pro-Russian parties in Ukraine, and advocates of V. Yanukovich, namely: the crisis in Ukraine was caused by a state coup; V. Yanukovich is still the legitimate president; Crimea was lost due to the threat to the local population from the spread of nationalist, Bandera-style expansion aimed at destroying Russian culture and identity and impose unacceptable Western (meaning American) liberal values.

At the meetings on February 28 and, to a certain extent, on March 1, the confusion of the Russian delegation was evident, as was the spontaneity and illogicality of Ambassador V. Churkin's speeches. For example, in his speech on March 1, he stated: "During the crisis, reacting to these

protest sentiments, President V. Yanukovych, and I do not want to condone his actions, certainly, many things could be said in that regard, but I will just reiterate the facts... Perhaps one of the mistakes of the Ukrainian leadership was that its last-minute recognition that this association agreement proposed by Brussels could have very significant economic consequences for Ukraine". Then V. Churkin made the following statement: "...The Chairman of the Council of Ministers of Crimea, Mr. Aksyonov, went to the President of Russia with a request for assistance to restore peace in Crimea... According to available information, the appeal was also supported by Mr. Yanukovych, whose removal from office, we believe, was illegal... The President of Russia, in accordance with our constitutional procedures, sent to the Federation Council the following request: "With respect to the extraordinary situation in Ukraine and threats against the lives of Russian citizens, our compatriots, and members of the military contingent of the armed forces of the Russian Federation deployed in conformity with international agreement on the territory of Ukraine, the Autonomous Republic of Crimea — in accordance with paragraph (g) of part I of article 102 of the Constitution of the Russian Federation — has requested the deployment of the armed forces of the Russian Federation on the territory of Ukraine until the civic and political situation in Ukraine can be normalised" (Meeting of United Nations of Security Council No. 7124, 2014).

Next, the Permanent Representative of the USA, Samantha Power, took the floor. From this open meeting and all subsequent ones, her verbal confrontation with Ambassador V. Churkin began, which the Russian side predominantly used for internal Russian consumption. The essence of this tactic was to show that the crisis in Ukraine was provoked by an external factor — the "collective West" led by the USA. Ms. S. Power stated that the introduction of Russian troops into Crimea: "...has no legal basis. In essence, this is a violation Russia's commitment to protecting the sovereignty, territorial integrity and independence of Ukraine. Russia's incitement of groups to come out to protest is not responsible behaviour in the present situation". Ambassador S. Power proposed: "The immediate deployment of international observers from either the OSCE or the United Nations to Crimea", which "would also provide transparency about the movements and activities of military and paramilitary forces in the region, and defuse the tensions between different groups" (Meeting of United Nations of Security Council No. 7124, 2014).

The next speaker was Sir Mark Lyall Grant, the Permanent Representative of the United Kingdom. He stated that "...the Russian Parliament has authorised Russian military action on Ukrainian soil against the wishes of the Ukrainian Government. That action is a grave threat to the sovereignty, independence and territorial integrity of Ukraine. We condemn any act of aggression against Ukraine". Sir Grant informed that "...Foreign Secretary (of the UK) spoke to Ukrainian acting President Turchynov, and made clear the United Kingdom's support for Ukraine. It is important to note that both the UN leadership and the states of the democratic world recognised the legitimacy of the decision of the Verkhovna Rada of Ukraine of 22 February 2014 to remove Yanukovych from the presidency and appoint O. Turchynov as acting head of state...

The United Kingdom Government support the Ukrainian Government's request for urgent consultations, in accordance with the 1994 Budapest Memorandum, signed by the United Kingdom, the United States, Russia and Ukraine. We see no reason why these consultations should not take place immediately" (Meeting of United Nations of Security Council No. 7124, 2014). The Russian side refused to hold such consultations.

Next, the floor was given to the French Ambassador, Mr. Gérard Araud. He emphasised that: "Since the current crisis began, France has worked towards a solution promoting the stabilisation of a democratic Ukraine in which the rights of all communities are respected and which is part of the broader European family. This was the aim of the mediation efforts carried out by the Ministers for Foreign Affairs of the Federal Republic of Germany, Poland and France. It was the aim of the agreement of 21 February, which the Russian Federation refused to support at the time. The authorisation given by the Council of the Russian Federation to deploy troops in Ukraine could, if acted upon, be seen as a threat to the territorial integrity of the country and lead to a dangerous turn in the course of events for the world" (Meeting of United Nations of Security Council No. 7124, 2014).

By the end of the day, from reports from the White House, I learned that President Barack Obama had responded to the blockage of UN envoy Robert Serry's visit to Crimea and the Russian Duma's approval of President Vladimir Putin's request to send military forces to Ukraine to support the pro-Russian population. During a 90-minute phone call, President Obama told Putin that the Russian leader should address his problems in Ukraine through direct negotiations with the Ukrainian government, with the support of international mediators. President Obama also proposed the immediate deployment of international observers to Ukraine under the UN Security Council and the Organisation for Security and Cooperation in Europe (OSCE) aegis. He also warned Putin that "continued Russian violations of Ukraine's sovereignty and territorial integrity will negatively impact Russia's position in the international community". President Obama also informed Putin that the USA would suspend participation in preparatory meetings with Russia for the upcoming G8 summit in Sochi (Putin and Obama discussed..., 2014). The next day, Sunday, March 2, the G7 issued a statement declaring that: "...Russia's actions in Ukraine also contravene the principles and values upon which the G7 and G8 operate" (G7 leaders' statement on Ukraine..., 2014).

Starting on February 28th, my frenetic media marathon began. Yegor Pyvovarov, the press secretary of our mission, calculated that there were days when I gave up to ten interviews to various media outlets, ranging from the world-renowned studio of Christiane Amanpour (CNN) to regional media on different continents. The offices of UN-accredited media are compactly located on two floors of the Organisation's Secretariat. Therefore, when I finished an interview in the CNN studio, its neighbours — BBC, Al Jazeera, DW, and others — were already waiting for me. Then, there were the invariable multiple daily commentaries to 1+1 correspondent Andriy Vasilyev, which were broadcast live to the Kyiv studio. Andriy Vasilyev, who practically became a member of our diplomatic team

(Fig. 1), arranged with local TV companies to use their capacities for broadcasting, and therefore, obviously deserves a more detailed comment.



Figure 1. Ukrainian delegation at the Security Council meeting on 1 March 2014
Source: Picture John Minchillo. The Associated Press

“This is not a fake letter; this is a fake president”. SC meeting on March 3, 2014. On the evening of March 2, I received a phone call from Ambassador Silvia Lucas of Luxembourg, who was chairing the UNSC in March. She informed me that the Russian delegation planned to convene a meeting of the Council on Monday, March 3, in the afternoon, on our agenda item – “Letter dated 28 February 2014 from the Permanent Representative of Ukraine”. The reason for the meeting would only be revealed by Ambassador V. Churkin’s speech at the meeting. I relayed Ambassador Silvia Lucas’s words to Minister Andriy Deshchysia. We agreed to act based on the circumstances of the meeting and to use the latest information from the scene, which indicated glaring facts of escalating aggression by Russia.

On Monday, March 3, Ambassador Lukas opened the meeting at 3:30 p.m. and immediately gave the floor to the Assistant Secretary-General for Political Affairs, Mr. Oscar Fernandez-Taranco: “As we understand that there is a continuing build-up of Russian troops in Crimea and that a number of Ukrainian military bases have been surrounded by them... On Sunday, 2 March, Ukraine’s Parliament urged Russia to fulfil immediately the terms of the agreement on its Black Sea fleet’s temporary presence in Ukraine’s territory and called for the rapid withdrawal of Russian troops to their bases... The Secretary-General asked Deputy Secretary-General Jan Eliasson to travel to Ukraine on Sunday” (Meeting of United Nations of Security Council No. 7125, 2014).

According to the rules of procedure, the representative of Russia, the initiator of the SC meeting, was then given the floor. Within a few minutes, we learned why the Russian delegation insisted on convening this meeting, moreover, demanded its open format in the presence of the press and other delegations, and why it did not formulate its own agenda item but used ours. Russia’s mission will introduce its own item (Letter from the Permanent Representative of the Russian Federation...) in a few weeks, and then, obviously, save time and for the “sensational” nature of the message, they used our agenda item. Here is what was said in V. Churkin’s speech and recorded

in the official transcript of the meeting that day: “The Russian Federation initiated the convening of today’s meeting of the Security Council... The crisis provoked by the State coup in Kyiv as a result of the armed takeover by radical extremists continues to deteriorate and generate very serious threats to the future of that country. In such circumstances, the legitimately elected authorities of the Autonomous Republic (Crimea) have asked the President of Russia to help them restore calm in Crimea (referring to the appeal from S. Aksyonov). On 1 March, the Federation Council supported that appeal, which we hope will sideline the radicals. I repeat, the issue is one of defending our citizens and compatriots, as well as the most important human right — the right to life” (Meeting of United Nations of Security Council No. 7125, 2014).

And then comes the “sensational” part in Ambassador Churkin’s presentation: “Today, I am also authorised to say that the President of Russia has received the following request from President Yanukovich: “As the legitimately elected President of Ukraine, I wish to inform you that events on Maidan and the illegal seizure of power in Kyiv have placed Ukraine on the brink of civil war. Chaos and anarchy reign throughout the country. The lives, security and rights of the people, particularly in the southeast and in Crimea, are under threat. Open acts of terror and violence are being committed under the influence of Western countries. People are being persecuted on the basis of their language and political beliefs. I therefore call on President Vladimir Vladimirovich Putin of Russia to use the armed forces of the Russian Federation to establish legitimacy, peace, law and order and stability in defence of the people of Ukraine. Viktor Yanukovich, March 1, 2014” (Meeting of United Nations of Security Council No. 7125, 2014).

Ambassador Churkin then stated: “...I have with me a photocopy of the original letter from the President of Ukraine to the President of Russia”. And with that, he triumphantly, with his characteristic theatricality, displayed a sheet with the quoted letter from Yanukovich. He held it up for a long time in front of photo and film cameras. I saw the camera of channel 1+1, operated by Andriy Vasyliiev, which was broadcasting this live to Kyiv. It is important to note that the Russian delegation granted this letter the status of an official document of the UN Security Council, as evidenced by the corresponding written appeal from Ambassador Vitaly Churkin to the head of the Security Council and a copy of the letter from Yanukovich, which is preserved in the UN Security Council archives. These documents were subsequently obtained officially by the Ukrainian military prosecution investigators for use in the trial against V. Yanukovich.

The fact that Ambassador V. Churkin read and presented Yanukovich’s letter, as confirmed by the photo and video recordings of the UN Information Service, as well as by accredited UN media and the presence of representatives from other UN member states, is indisputable and documented in official transcripts. Everything said and demonstrated by V. Churkin (Fig. 2) was unconditionally accepted as an undeniable fact. However, Yanukovich’s lawyers in the court hearings, where their client is charged with treason, question everything that occurred on March 3, 2014, during the Security Council meeting, including the very existence of Yanukovich’s letter (Lawyer:

Court should have received original..., 2018). This is even though both Yanukovych himself (Yanukovych admits he asked..., 2018) and officials in Moscow, such as Russian Foreign Ministry spokesperson Maria Zakharova (Russian Foreign Ministry confirms..., 2017), have confirmed it.

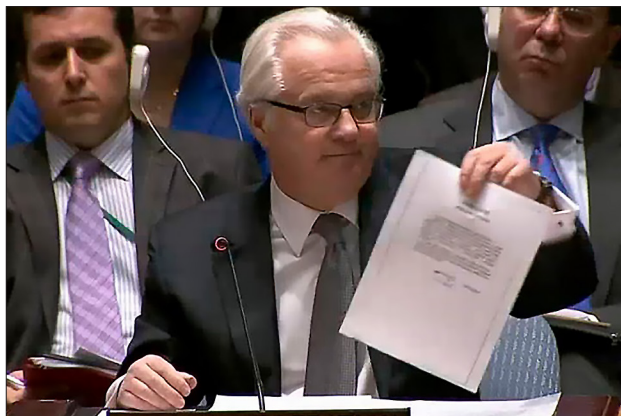


Figure 2. Ambassador Churkin shows Yanukovych's address

Source: Photo from the UN archive

From Ambassador V. Churkin's speech, it became clear that Yanukovych's letter was made public at the UN Security Council as a response to Russia's well-argued accusations of aggression, which were presented on February 28 and March 1. It was addressed to those who, in the words of the Russian ambassador, were "...to interpret this situation as a form of aggression and are threatening sanctions and boycotts of all kinds...". The letter was used by the Russian delegation at the meeting on March 3, and subsequently at all following meetings, to justify Russian aggression. On March 3, V. Churkin concluded his speech with the statement: "In this extraordinary situation, which is not of our making and in which the lives and security of the inhabitants of Crimea and south-eastern Ukraine are under genuine threat from the irresponsible and provocative acts of Bandera supporters and ultranationalist elements, we emphasise once again that Russia's actions are entirely appropriate and legitimate" (Meeting of United Nations Security Council No. 7125, 2014).

The first to react to this manipulative, if not to say maniacal, logic was the US Ambassador Samantha Power: "Listening to the representative of Russia, one might think that Moscow had just become the rapid response arm of the Office of the United Nations High Commissioner for Human Rights". She then cites facts that allow her to conclude at the end of her speech: "What is happening today is not a human rights protection mission... What is happening today is a dangerous military intervention in Ukraine. It is an act of aggression" (Meeting of United Nations Security Council No. 7125, 2014).

Ambassador Power supported her conclusion with the following facts: "It is a fact that Russian military forces have taken over Ukrainian border posts. It is a fact that Russia has taken over the ferry terminal in Kerch. It is a fact that Russian ships are moving in and around Sevastopol. It is a fact that Russian forces are blocking the mobile telephone services in some areas. It is a fact that

Russia has surrounded or taken over practically all Ukrainian military facilities in Crimea. It is a fact that, today, Russian jets entered Ukrainian airspace. It is also a fact that independent journalists continue to report that there is no evidence of violence against Russian or pro-Russian communities. Russian mobilisation is a response to an imaginary threat" (Meeting of United Nations of Security Council No. 7125, 2014).

It should be noted that Samantha Power's vivid speeches and candid assessments preceded the slow reactions of the State Department and the White House from 2014-2016. Regarding the act of Russian aggression, particularly important were the comments from Jordan's Ambassador Prince Zeid Ra'ad Zeid Al-Hussein: "Jordan reaffirms the need to respect the sovereignty of Ukraine, its territorial integrity and its political independence. We reaffirm the prohibition of the use of force on its territory, or any part thereof, and of the occupation thereof, including the Crimean region. Jordan calls on all States concerned to respect the terms of their agreements and treaties with Ukraine. In this regard, we reaffirm the need to adhere to the provisions of the Budapest Memorandum of 1994 and the Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation of 1997". And most importantly: "We must assess whether an active act of aggression is being committed on Ukrainian territory. In that regard, we would refer to General Assembly resolution 3314, which considers the use of armed force by a State on the territory of another State that is outside the scope of agreement between the two countries to be an act of aggression. The same applies to the deployment of irregular armed groups in order to perform military acts in another State" (Meeting of United Nations of Security Council No. 7125, 2014).

France's Permanent Representative Gérard Araud commented, as always, vividly and harshly: "...there is a prevailing feeling of consternation when we see what is happening in Ukraine and when we hear what our Russian colleague has just said. It is in fact the voice of the past that we have just heard. I was 15 years old in August 1968, when the Soviet forces entered Czechoslovakia. We heard the same justifications, the same documents being flaunted and the same allegations. We hoped that, with the building of Europe and the collapse of communism, we would awaken from such nightmares. We had hoped that we would have replaced the dangerous logic of the balance of power with cooperation in respect for the identity and the independence of each. Now we are brought back to a world where force prevails over the law, where every crisis must have a victor and a vanquished, and where propaganda denies the reality. Let us first recall the facts that no manipulation can hide in the age of television and the Internet. The facts are straightforward. The Russian army is occupying Crimea, Ukrainian territory, against the will of the Ukrainian Government and in violation of international law. The reasons invoked are blatant untruths. By occupying Crimea, Russia has taken a territorial bet. The goal is clear — to bring the authorities of Kyiv to heel, to bring them back into the sphere of influence of Moscow and to remind them that their sovereignty is limited, as Mr. Brezhnev once said after invading Czechoslovakia. In short, Russia is taking Europe back 40 years. It is all there:

the practice and the Soviet rhetoric, the brutality and the propaganda” (Meeting of United Nations of Security Council No. 7125, 2014).

Sir Mark Lyall Grant, the UK’s Permanent Representative, continued his strong criticism of Russia’s actions in Ukraine: “The pretence is now over. The world can see that Russian military forces have taken control of the Crimean peninsula, part of the sovereign territory of Ukraine... We have heard from Russia that their forces are in Ukraine to protect minorities from armed radicals and anti-Semites. ...It is clear that the claims have simply been fabricated to justify Russian military action. The Russian representative claims that Mr. Yanukovich has called for Russian military intervention. We are talking about a former leader who abandoned his office, his capital and his country; whose corrupt governance brought his country to the brink of economic ruin; who suppressed protests against his Government leading to over 80 deaths; and whose own party has abandoned him. The idea that his pronouncements now convey any legitimacy whatsoever is far-fetched and in keeping with the rest of Russia’s bogus justification for its actions. The Government in Kyiv is legitimate and has been overwhelmingly endorsed by the Ukrainian Parliament. Just as we condemn the Russian Federation for its confrontational acts, we commend the Government of Ukraine for refusing to rise to provocation. That is a wise decision” (Meeting of United Nations of Security Council No. 7125, 2014). After some time, experts will have different opinions on this compliment, believing that the collective West should instead have taken more decisive steps to deter the aggressor and prevent further negative developments, including in eastern Ukraine.

To protect Ukraine’s interests at the UNSC, the position of the Chinese delegation – an ad hoc ally of Russia on many issues – was extremely important. Ambassador Liu Jieyi, head of the Chinese delegation, consistently maintained the position he had outlined to me a few hours before the SC meeting on February 28. At the March 3 meeting, he confirmed this stance: “China consistently stands for the principles of non-interference in the internal affairs of any country and of respect for Ukraine’s independence, sovereignty and territorial integrity” (Meeting of United Nations of Security Council No. 7125, 2014).

The discussion at the SC on March 3 clearly did not go the way Russia had hoped. One by one, other Security Council members – ambassadors from Lithuania, Luxembourg, Australia, Argentina, Chile, South Korea, Rwanda, Chad, and Nigeria – spoke in support of Ukraine’s territorial integrity. Most emphasised the importance of adhering to the Budapest Memorandum and using its format for consultations to seek a peaceful resolution to the situation (Meeting of United Nations Security Council No. 7125, 2014).

After the SC members had spoken, I was given the floor. Here are some excerpts from my speech: “The build-up of Russian Federation troops and military equipment along the eastern border of Ukraine clearly indicates Russia’s preparation for a possible military intervention in Ukraine – the other parts of our country. So far, the Ukrainian armed forces have exercised restraint and refrained from active resistance to the aggression, although they are in full operational readiness... The Russian

Federation is performing active information and psychological operations in the Autonomous Republic of Crimea, as well as in the south-eastern regions of Ukraine. Those are aimed at discrediting the legitimate authorities of Ukraine and misleading public opinion by calling the Russian intervention a peacekeeping operation... Once again, we call upon Security Council members to authorise an international mediation and monitoring mission to Crimea... the representative of the Russian Federation has attempted to explain the presence of Russian troops in Crimea by saying they are serving as peacekeepers. As we have heard from many who spoke today, those acts are seen as aggression and a provocation of a large-scale armed conflict in Ukraine. That is unacceptable for a State that is one of the guarantors of our sovereignty and territorial integrity under the Budapest Memorandum – and, moreover, for a permanent member of the Security Council, which shares with other Member States the very important function of supporting peace and stability throughout the world. The Russian representative continues to call what happened in Ukraine a coup d’état. In the democratic world, there is a more precise definition. What took place was a revolution of dignity” (Meeting of United Nations of Security Council No. 7125, 2014).

Given that, Monday, March 3, marked the beginning of Great Lent, and knowing about the presence of the Russian press in the SC chamber, I addressed the following (speaking in Russian): “I would like to congratulate all Orthodox Christians on the beginning of Great Lent and to call on all of Russia’s Christians and their leaders to seek peace. Do not provoke God’s wrath. Come to your senses. Pray for us and hear us” (Meeting of United Nations of Security Council No. 7125, 2014).

The Chair, Ambassador Lucas, then gave the floor for a rebuttal to the Russian Ambassador, V. Churkin. He began with an interesting point (I do not know if it was approved by the Kremlin or if it was his own improvisation, but it is recorded in the official transcript and cannot be erased): “...there is absolutely no doubt, don’t think that anyone in Russia has any doubts that the root of the political crisis in Ukraine is the discontent of broad segments of the population with the Yanukovich government and his activities as president. One of the colleagues said that it’s impossible to talk about the February agreement (referring to Yanukovich’s agreement with the opposition of February 21) because Yanukovich fled. So what? Our task is not to restore Yanukovich to power. Don’t we understand that Yanukovich will not return to power, will not come back to his residence in Kyiv, and will not govern the state...” (Meeting of United Nations of Security Council No. 7125, 2014).

There should be no doubt about whether Russia understands that the basis of the political crisis is dissatisfaction on the part of the masses with Mr. Yanukovich’s actions as President. One of the colleagues said that we could not talk about the agreement of 21 February (referring to Yanukovich’s agreement with the opposition on February 21) because Yanukovich left. Well, so what? The point is that our task is not to return Yanukovich to power. Is it not understood that Yanukovich will never return to power, that he will never go back to his residence in Kyiv and never rule the State...” (Meeting of United Nations of Security Council No. 7125, 2014).

There followed the traditional "attack" by V. Churkin on U.S. international policy, used to justify Russia's aggression through a sophistical scheme – "if they can do it, then we can too." He then made an entirely clumsy attempt to justify the actions of V. Putin: "...a decision by President, which was authorised by the Federation Council, to deploy Russian armed forces on the territory of Ukraine has not yet been taken. And the fact that we are holding this meeting does not mean that such a decision will be taken in the near future" (Meeting of United Nations Security Council No. 7125, 2014).

This passage was responded to by French Ambassador Gérard Araud: "The Permanent Representative of the Russian Federation has told us that the decision for the Russian armed forces to enter Ukraine has not yet been taken. Please, everyone knows that the Russian army is controlling the Republic of Crimea. That is a fact... there is a long-standing habit of always calling one's opponent a Nazi before getting rid of him. The Soviets were good at that. No – not all the demonstrators who were in the streets in Kyiv were Nazis, and for the most part they were not from the far right or radical nationalists" (Meeting of United Nations of Security Council No. 7125, 2014).

US Ambassador Power made the following comment on the Russian Ambassador's speech: "...President Yanukovych had 24 hours to sign the first piece of action pursued in the Rada: the changing of the Constitution pursuant to the 21 February agreement. Not only did President Yanukovych not sign it but, as my Russian colleague reminds us, he left the city. Indeed, he fled the city. He packed up himself and his family and he left the seat of the presidency vacant for two days while his country was in crisis. He also left vast evidence of corruption and vast evidence of the amounts that he had stolen from the Ukrainian people. In that context, with 371 votes, the democratically elected Rada voted Yanukovych out of office, with his own party turning against him... With respect to the present, what we have heard today – with the exception of one member of the Security Council, namely, the Russian Federation – is overwhelming support for the territorial integrity of Ukraine and for peaceful dialogue" (Meeting of United Nations of Security Council No. 7125, 2014).

The British Ambassador, Mark Lyall Grant, concluded: "Let us be clear about the facts of what has happened in Crimea. The Russian forces have forcibly taken over military and civilian airports and infrastructure. They have set up roadblocks. They have given other Ukrainian units ultimatums to surrender. They have blocked Ukrainian ports and vastly increased their military forces all along the Russian-Ukrainian border. There is no justification for that military action in international law or in the Agreement between Ukraine and the Russian Federation on the Status and Conditions of Presence of the Black Sea Fleet of the Russian Federation in the Territory of Ukraine" (Meeting of United Nations of Security Council No. 7125, 2014).

This concluded the meeting. It became clear that one of our tactical goals with our partners had been achieved – the Russian delegation found itself in complete isolation at the SC. The ambassadors of Great Britain, France, the United States, and I made statements to the press. Overall, the comments were a repetition of the main points of our speeches at the meeting: Russia's invasion of Crimea is an unprovoked aggression that challenges peace and security; Yanukovych's appeal to Putin is a clumsy attempt to provide some legitimacy to Russia's invasion of Crimea. A new element at the SC meeting on March 3 was the disclosure of facts about the threat of possible Russian aggression in other regions of Ukraine. A notable comment by the French ambassador to the press, in response to a journalist's question about the authenticity of the letter presented by Ambassador Churkin, was: "This is not a fake letter; this is a fake president".

Ambassador V. Churkin also commented to the press, repeating like a mantra the theses about the Western-backed and fascist-nationalist-led state coup in Kyiv, the legitimacy of V. Yanukovych as president, and the lawfulness of Russia's actions in Crimea to protect the population of Crimea from Ukrainian radicals. The day ended with my colleagues and I returning to the mission, leaving one of the diplomats to collect a copy of V. Yanukovych's appeal to V. Putin from the Security Council Secretariat after the meeting. We prepared a report on the meeting, added a photocopy of the appeal, and sent this report to the MFA with a request for guidance on further actions.

References

- [1] Charter of UN. (1945, June). Retrieved from https://unic.un.org/aroundworld/unics/common/documents/publications/uncharter/UN%20Charter_Ukrainian.pdf.
- [2] G7 leaders' statement on Ukraine: April 2014. (2014). Retrieved from <https://www.gov.uk/government/news/g7-leaders-statement-on-ukraine-april-2014>.
- [3] Law of Ukraine No. 2268-VIII "On Peculiarities of the State Policy on Ensuring the State Sovereignty of Ukraine in the Temporarily Occupied Territories in Donetsk and Luhansk Regions". (2018, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/2268-19#Text>.
- [4] Lawyer: Court should have received original of Yanukovych's appeal to Putin. (2018). Retrieved from <https://www.unian.ua/politics/10317123-sud-mav-bi-otrimati-original-zvernennya-yanukovicha-do-putina-advokat.html>.
- [5] Letter from the Permanent Representative of Ukraine to the United Nations Addressed to the President of the Security Council. (2014, February). Retrieved from <https://documents.un.org/doc/undoc/gen/n14/249/22/pdf/n1424922.pdf?token=peIO8ntGZ7xMhRIqff&fe=true>.
- [6] Meeting of United Nations of Security Council No. 7123. (2014, March). Retrieved from <https://undocs.org/S/PV.7123>.
- [7] Meeting of United Nations of Security Council No. 7124. (2014, March). Retrieved from <https://documents.un.org/doc/undoc/pro/n14/250/30/pdf/n1425030.pdf?token=ZUy6WtnFVieUzRBF7k&fe=true>.
- [8] Meeting of United Nations of Security Council No. 7125. (2014, March). Retrieved from <https://documents.un.org/doc/undoc/pro/n14/250/46/pdf/n1425046.pdf?token=fg9a4p1KUpQA80bGzR&fe=true>.

- [9] Putin and Obama discussed the situation in Ukraine for 90 minutes. (2014). Retrieved from https://www.bbc.com/ukrainian/news_in_brief/2014/03/140301_dt_obama_ukraine.
- [10] Romaniuk, M. (2018). *Ukrainian legislation is not an argument for the international community. But the decisions of local courts can be*. Retrieved from <https://www.ukrinform.ua/rubric-politics/2387125-ukraina-viznala-rosiu-agresorom-zahid-na-cerzi.html>.
- [11] Russian Foreign Ministry confirms Yanukovich's appeal to Putin to send troops to Ukraine. (2017). Retrieved from <http://nrcu.gov.ua/news.html?newsID=47510>.
- [12] Speech by First Deputy Minister Emine Dzhaparova at the Ukraine 30. International Relations All-Ukrainian Forum. (2021). Retrieved from <https://mfa.gov.ua/en/news/vistup-pershoyi-zastupnici-ministra-emine-dzhaparovoyi-na-vseukrayinskomu-forumi-ukrayina-30-mizhnarodna-politika>.
- [13] This is how the war began. Stenogram of the NSDC meeting of 28 February 2014 (Text, part 1). (2016). Retrieved from https://texty.org.ua/articles/65491/Tak_pochynalasa_vijna_STeNOGRAMA_zasidanna_RNBO_vid-65491/.
- [14] Yanukovich admits he asked Putin to send troops to Ukraine. (2018). Retrieved from https://lb.ua/news/2018/03/02/391645_yanukovich_priznal_prosil_putina.html.