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“A thief may steal a thing, but that does not give him ownership of it”: Excerpts from the diary of the Permanent Representative of Ukraine to the UN about the diplomatic confrontation with Russian aggression in 2014 (part 3)

The voice heard in the UN is not that of Russia but of the Soviet Union: The Security Council Meeting on 15 March 2014. The moment of truth arrived on Saturday, 15 March. Convened at Ukraine's request, the UN Security Council (UNSC) meeting reviewed document S/2014/189 (2014), which contained the text of a draft resolution submitted by the USA and supported by Ukraine and several other countries:

“The Security Council,

Recalling the obligation of all States under Article 2 of the UN Charter (1945) to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, and to settle their international disputes by peaceful means,

Recalling its primary responsibility under the United Nations Charter for the maintenance of international peace and security,

Reaffirming that no territorial acquisition resulting from the threat or use of force shall be recognized as legal,

Recalling the Helsinki Final Act (1975) of the Conference on Security and Co-operation in Europe, and the Budapest Memorandum (Memorandum on Security..., 1994),

Stressing the importance of maintaining an inclusive political dialogue in Ukraine that reflects the diversity of its society and includes representation from all parts of Ukraine,

Welcoming the continued efforts by the Secretary-General, the Organization for Security and Cooperation in Europe, and other international and regional organizations, to support de-escalation of the situation in Ukraine,

Noting with concern the intention to hold a referendum on the status of Crimea on 16 March 2014,

1. Reaffirms its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders;

2. Urges all parties to pursue immediately the peaceful resolution of this dispute through direct political dialogue, to exercise restraint, to refrain from unilateral actions and inflammatory rhetoric that may increase tensions, and to engage fully with international mediation efforts;

3. Calls on Ukraine to continue to respect and uphold its obligations under international law and to protect the rights of all persons in Ukraine, including the rights of persons belonging to minorities, and in this regard, welcomes the statements by the transitional government in Ukraine affirming its commitments to uphold the rights of all Ukrainians, including those belonging to minorities, and to an inclusive national political dialogue;

4. Notes that Ukraine has not authorized the referendum on the status of Crimea;

5. Declares that this referendum can have no validity, and cannot form the basis for any alteration of the status of Crimea; and calls upon all States, international organizations and specialized agencies not to recognize any alteration of the status of Crimea on the basis of this referendum and to refrain from any action or dealing that might be interpreted as recognizing any such altered status;

6. Decides to remain actively seized of the matter”.

Voting on the resolution was conducted by a show of hands. The resolution was supported by Argentina, Australia, Chad, Chile, France, Jordan, Lithuania, Luxembourg, Nigeria, the Republic of Korea, Rwanda, the United Kingdom of Great Britain and Northern Ireland, and the United States of America (Meeting of the United Nations Security Council No. 7138, 2014). As anticipated, China abstained,

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while the Russian Federation voted against (Fig. 1). Unfortunately, this was its prerogative – the power of veto. This power renders the UN Security Council perilously ineffective in addressing threats to peace and security.



Figure 1. Russian Ambassador to the UN, Vitaly Churkin, votes against the draft resolution declaring that the planned referendum on the status of Ukraine's Crimea "cannot have legal validity" at the UN Security Council in New York, 15 March 2014

Notes: This hand will go on to block resolutions on the genocide in Bosnia and Herzegovina, the horrors in Syria, and other countries

Sources: REUTERS/Andrew Kelly

The first to speak after the vote was Ambassador Samantha Power. She noted "We have heard a lot, each time that the Security Council has met, about the echoes and relevance of history. We have heard, for example, about the pleas of the brave democrats of Hungary in 1956 and about the dark chill that dashed the dreams of Czechs in 1968. We still have the time and the collective power to ensure that the past does not become prologue. But history has lessons, for those of us who are willing to listen. Unfortunately, not everyone was willing to listen today. Under the Charter of the United Nations, the Russian Federation has the power to veto a Security Council draft resolution. But it does not have the power to veto the truth. The truth is that the draft resolution should not have been controversial. It was grounded in principles that provide the foundation for international stability and law, Article 2 of the Charter of UN (1945), the prohibition of the use of force to acquire territory and respect for the sovereignty, independence, unity and territorial integrity of Member States. Those are principles that Russia agrees with and defends vigorously, all around the world; except, it seems, in circumstances that involve Russia.

Instead, Russia has rejected a draft resolution that had peace at its heart and law flowing through its veins. Russia – isolated, alone and wrong – blocked the draft resolution's adoption, just as it has blocked Ukrainian ships and international observers. Russia put itself outside the international norms that we have painstakingly developed to serve as the bedrock foundation for peaceful relations between States".

French Ambassador Gérard Araud stated, "It is with a sense of disbelief that we find ourselves here today – disbelief at the situation that developed before our eyes with the Russian Federation's determination to annex Crimea. The vast majority of Member States will prove, by their

refusal to recognize the annexation of the Crimea, that they know that the territorial integrity of one of them is the guarantor of the territorial integrity of all. There are minorities all over the world. What would become of us if they became the pretext for any kind of adventure to be undertaken by an ambitious and enterprising neighbour? What will be the next Crimea? The annexation goes beyond Ukraine. It affects us all".

Sir Mark Lyall Grant, the United Kingdom Ambassador, observed that the voting results reflect Russia's isolation within the Council and the international community. Only Russia alone backs the referendum: "We trust that Russia will take notice of its isolation". Lithuanian Ambassador Raimonda Murmokaitė called on "...all Member States and regional and international organizations not to recognize the results of the referendum in Crimea and not to recognize any alteration of the status of Crimea..."

A crucial voice at the meeting was that of Chinese Ambassador Liu Jieyi, who stated, "The current situation in Ukraine is highly complex and sensitive and has regional and international repercussions. China always respects the sovereignty and territorial integrity of all States. Those are long-standing and fundamental elements of China's foreign policy. To that end, we would like to make three proposals. The first proposal is the establishment as soon as possible of an international coordination mechanism, comprising all the parties concerned, in order to explore means for the political settlement of the Ukrainian crisis. Secondly, in the meanwhile, all parties should refrain from taking any action that may further escalate the situation. Thirdly, international financial institutions should start to examine how to help to maintain the economic and financial stability of Ukraine".

The discussion among the Security Council members was summarised by the presiding Ambassador, Sylvie Lucas, who noted that "the draft resolution was intended to recall the purposes and principles of the United Nations, as set out in particular in Article 2 of the Charter of UN (1945)... the referendum organized for tomorrow in Crimea is intended to change the status of the Ukrainian territory against the will of Ukraine. If the referendum were to take place, it would constitute a unilateral act that could very seriously destabilize Ukraine and the entire the region. The referendum of 16 March is part of a vicious cycle. The decision taken on 1 March by the Council of the Russian Federation to authorize the use of the Russian armed forces on Ukrainian territory, and the subsequent actions undertaken, constitute a flagrant violation of international law".

After the statements by the members of the SC, following the rules of this UN body, I was given the floor: "I received a call 40 minutes ago as we were discussing the crisis in Crimea, Ukraine. Members noticed that somebody called me. Russian troops entered the mainland from the south, from Crimea. Now we are facing a new development and we are to face an even more dangerous stance of the Russian Federation. I appeal to all Council members to find the means and measures in the Security Council and the United Nations, as well as at the bilateral level, to do the utmost possible to stop the aggressor, the Russian delegation, present in the Chamber. The representative of the Russian Federation has stated many times in

this Chamber that Russia's right of the veto was gained through the blood of the Second World War. I would like to recall that it was the collective bloodshed of Ukrainians, Belarusians and Georgians. To manipulate the issue of the bloodshed is absolutely unacceptable. I believe that such chaos should end now".

"Today I take an optimistic view of the situation. Why so? Because I am convinced that the statement made by the Russian representative expressed not the voice of the Russian Federation, but rather the voice of the Soviet Union. The genuine voice of Russia today can be heard on the streets and squares of Moscow, St. Petersburg, Samara and Yekaterinburg, where thousands and thousands of people have gone to express their support and desire to protect Ukraine and its territorial integrity. That represents the democratic future of Russia and the basis on which we will build our fraternal ties".

Regarding the referendum: "A thief may steal a thing, but that does not give him ownership of it". The outcomes of the 15 March meeting were predictable, and our delegation, along with our partners, intentionally brought forth a somewhat compromise resolution, fully aware that Russia would veto it. Yet, this step paved the way for convening the UN General Assembly, as will be discussed further.

Following the so-called referendum on 16 March, it seemed logical to request another SC meeting to assess the situation and plan subsequent steps. This meeting took place on 19 March 2014, at 15:00 New York time.

The first to speak was Deputy Secretary-General Mr Eliasson, who made several concluding statements, including: "The Crimean authorities decided to hold a referendum on Crimea's status on 16 March, after which they announced that close to 97 per cent of those who voted did so in favour of Crimea's secession from Ukraine. The Secretary-General expressed his deep disappointment and concern over the hasty decision to proceed with a referendum with regard to an issue of such far-reaching consequences for Ukraine, the region and beyond... On 17 March, the European Union and the United States proceeded to apply targeted sanctions against Russian and Crimean officials. On 18 March, President Putin signed a treaty, which the Parliament of the Russian Federation is expected to begin ratifying, in order to make Crimea part of the Russian Federation. Today, reports are emerging that two Ukrainian naval bases in Crimea have been taken over by pro-Russian forces or unidentified groups" (Meeting of United Nations of Security Council No. 7144, 2014).

Also invited to the meeting was Assistant Secretary-General for Human Rights Ivan Šimonović (Fig. 2), who had just returned from a mission to Ukraine. He shared with the Security Council his observations on recent events in Ukraine, beginning with reports of human rights abuses during the February 2014 protests in Maidan. I quote parts of Mr Šimonović's remarks: "In the context of the recent protests in Kyiv and elsewhere, I am deeply concerned about alleged gross human rights violations, including the excessive use of force and extrajudicial killings, torture, disappearances and arbitrary arrests and detentions. The actions of snipers on the Maidan are of particularly grave concern and need to be fully investigated. More than 100 people, mostly protesters, but also some

members of the security forces, have also lost their lives and many more were injured. The hasty repeal of the law on languages by Parliament was a mistake. The decision of Parliament was fortunately not approved by the acting President, so that the old law will continue to be in force while a new text is prepared. That process should be done in full consultation with all concerned and be fully participatory, transparent and inclusive. I have serious concerns about the situation in Crimea, which remains tense with respect to the protection of human rights. I have met with victims of arbitrary arrest and detention, torture and ill-treatment and other human rights violations. I spoke to representatives of displaced Tatar persons. We have received a request from the acting Minister of Foreign Affairs of Ukraine to dispatch human rights monitors, and we have immediately begun their deployment. The team will be composed of 9 international and approximately 25 national staff. The head of the human rights monitoring mission arrived last week, and others are gradually joining him. By Friday, monitors will be in place in Kharkiv and in Donetsk. In the roll-out of that mission, we will work very closely with the Organization for Security and Cooperation in Europe (OSCE), which has plans for a larger monitoring mission" (Meeting of United Nations of Security Council No. 7144, 2014).



Figure 2. Ivan Šimonović (Croatia)

Sources: UN archives

Then I was given the floor. "As we have envisaged in other previous statements, the illegitimate referendum on the issue of the annexation of the territory of Crimea to the Russian Federation was conducted in an expedited manner on 16 March. Following immediately after the referendum, on 18 March, the President of the Russian Federation defiantly signed the agreement on its accession to the Russian Federation, which is supposed to be ratified by the Parliament of the Russian Federation on 21 March. We consider all those acts to be illegitimate and we call upon the entire civilized world not to recognize the illegitimately declared independence of Crimea and its violent dismembering from the territory of the country.

First of all, there are serious reservations about the expressed free will of the population of that region of Ukraine, because since 26 February, the armed forces of the Russian Federation have, de facto, occupied Crimea. Accordingly, I assert that, on the basis of customary norms and international law, the international community is obliged not to recognize Crimea as a subject of international law, or any situation, treaty or agreement that may

arise or be achieved by that territory. The independence of that formation was declared by an illegitimate authority based on the results of the anti-constitutional referendum held under outrageous violations of the democratic standards. Russia's recognition of the self-proclaimed republic of Crimea has one single goal: to create pseudo-legitimate reasons for the annexation of the territory of Ukraine and its incorporation into the Russian Federation" (Meeting of United Nations of Security Council No. 7144, 2014).

In his statement, French Ambassador Gérard Araud emphasised that "the illegal act of separating Crimea, which had been in preparation since a long time, appeared all the more blatant. Yesterday Crimea was annexed by Russia, despite the picture painted that has fooled no one. The annexation was accompanied by flags, drums and trumpets forming a gathering wave of aggressive nationalism, the future consequences of which, once it is awoken, are unknown. In terms of the protection of Russian and Russian language populations in Ukraine invoked by Moscow to justify its intervention in Ukraine – it is again clear that it does not correspond to the reality of the situation, nor is it a legal justification of the military occupation of a territory of a sovereign State and it becomes even less relevant when used as a pretext to extend its own borders. But we must also look to the future, with a double call on Russia. Agents provocateurs are already at work in eastern Ukraine; let them not play the same game as in Crimea; let Russia cease its thinly veiled manoeuvres" (Meeting of United Nations of Security Council No. 7144, 2014).

Then Ambassador Churkin delivered a "triumphant" speech. I quote: "Yesterday, a truly historic event took place – the reunification of Russia and Crimea, which our peoples have awaited for six decades. In strict compliance with international law and democratic procedure, without outside interference and through a free referendum, the people of Crimea have fulfilled what is enshrined in the Charter of the United Nations and a great number of fundamental international legal documents – their right to self-determination. A historic injustice has been righted. It resulted from the arbitrary actions of the leader of the Union of Soviet Socialist Republics at the time, Nikita Khrushchev, who, with the stroke of a pen in 1954, in violation of constitutional norms, transferred the Russian region of Crimea and the city of Sevastopol to the Ukrainian Soviet Socialist Republic, which was then part of the same State" (Meeting of United Nations of Security Council No. 7144, 2014).

And at the very end, Ambassador Churkin cynically added: "Establishing a multilateral mechanism for the settlement of the Ukrainian crisis could be promoted with out partners through our proposal to create an assistance group for Ukraine. We await responses to our constructive initiative".

In her speech, as always uncompromisingly, US Ambassador Samantha Power stated "The representative of the Russian Federation began his statement extolling the so-called referendum as embodying democratic procedures and having been conducted without outside interference. Russia is known for its literary greatness, and what the Council just heard from the Russian Ambassador showed more imagination than Tolstoy or Chekhov. Russia has decided, it seems, to rewrite its borders, but it cannot rewrite the facts. Two days ago, President Obama and

other world leaders put in place sanctions in response to Russia's blatant disregard for global opinion and the legal rights of Ukraine. We are prepared to take additional steps if Russian aggression or Russian provocations continue. In this Chamber, when the crisis began, the Russian Federation described its intervention into Crimea as a human rights protection mission. Indeed, if there was ever a time to be concerned about human rights in Crimea, it is now. Credible reports indicate that cases of harassment have been directed by Russian allies against ethnic Ukrainians and Tatars. Again today in Vienna, Russia was the lone country to block an Organization for Security and Cooperation in Europe monitoring mission. There, Russia was dramatically outnumbered. It was the lone dissenting voice out of 57 countries; 56, it seemed, had a different view. We want to thank members of the Council for taking a strong stance on Russia's intervention in Ukraine and for making it clear that Russia stands alone in its failed, illogical and mendacious attempt to justify actions that cannot be justified. Now the referendum has taken place, but the national and international legal status of Crimea has not changed. A thief can steal property, but that does not confer the right of ownership on the thief" (Meeting of United Nations of Security Council No. 7144, 2014).

Chinese Ambassador Liu Jieyi, in his speech, essentially repeated his previous proposals. I quote: "An international coordinating mechanism comprising all parties concerned should be established as soon as possible in order to explore political ways to address the situation in Ukraine" (Meeting of United Nations of Security Council No. 7144, 2014).

The statement by United Kingdom Ambassador Sir Mark Grant was unequivocal. He said, "The Permanent Representative of Russia spoke about that process being in compliance with international law, without outside interference and through a democratic process. It is hard to know which of those three assertions is the biggest lie. Russia claims not to be bound by any of its previous obligations and commitments in respect of Ukraine, including the 1994 Budapest Memorandum, on the grounds that it does not regard the new Government in Ukraine as legitimate. However, treaties and international agreements are between States, not Governments. A change in Government in Kyiv does not absolve Russia from its international obligations and commitments" (Meeting of United Nations of Security Council No. 7144, 2014).

The representative of Jordan, Mr Omaish, proposed the following: "Clearly, the time has come to set up an international contact group to achieve that objective, to work with all parties on the ground and to cooperate with the various monitoring and observation groups, which could be deployed to verify the situation throughout all regions in Ukraine, including Crimea" (Meeting of United Nations of Security Council No. 7144, 2014).

Taking the floor under "right of reply", Ambassador Churkin launched a furious verbal attack on all preceding speakers, especially targeting Samantha Power, asserting: "It is simply unacceptable to listen to such insults addressed to our country. If the delegation of the United States of America expects our cooperation in the Security Council on other issues, Ms. Powers must understand that quite clearly" (Meeting of United Nations of Security Council No. 7144, 2014).

I also took the floor to react to some of the statements made by the Russian ambassador. Thus, in response to his statement about the lack of freedom of speech and access to information in Ukraine, I responded as follows: “Does know the difference between freedom of expression and access to information in Ukraine and in Russia? All the webcasts of the Security Council are broadcast in Ukraine on all channels, without editing. Not everything that was heard here today will sound pleasant to the ears of Ukrainians. There were a great many recommendations made here today that contain elements critical of Ukraine, but we are ready to listen to all of that. The only things that are heard in the Russian media are Russian statements... Yesterday, I met with a women’s non-governmental organization that participated in the Women’s Forum at the United Nations. One of the women was from Odesa, another from Donetsk and the third was from Chernihiv. All were Russian speakers. They turned to me and asked: “How can the whole world, watching on television, be told such lies as are heard in many of the statements made by representatives of the Russian Federation?” How could I answer them?” (Meeting of United Nations of Security Council No. 7144, 2014).

“My Russian colleague characterized as blasphemy the decision of the Ukrainian authorities yesterday to allow our military in Crimea to use weapons in self-defence, following the death of their fellow soldier (on the 18th, warrant officer Serhiy Kokurin was killed and Valentyn Fedun was injured). Today, we have heard that it is blasphemy because they are raising their weapons against their fellow countrymen. This is odd. The feeling one is left with is that it is Ukraine that has launched an attack by bringing its forces in, as opposed to the truth, which is that Russia three weeks ago deployed its forces throughout the sovereign territory of Ukraine — and this at the beginning of the Orthodox Easter, at the time when believers were to gather. I believe that there is an excess of cynicism and untruth here” (Meeting of United Nations of Security Council No. 7144, 2014).

UN General Assembly Resolution on “Territorial integrity of Ukraine”. Following the UN Security Council meeting on 19 March, colleagues and I coordinated with partners within the Security Council and other capital cities to convene a session of the United Nations General Assembly (UNGA) to pass a resolution regarding Crimea. Arrangements were made with the President of the 68th Session of the UNGA, the former Permanent Representative of Antigua and Barbuda, Mr John Ashe, to hold the session on 27 March under item 33 of the agenda, titled “Prevention of armed conflict”. Interestingly, the date proposed by the President coincided (although I think it was not a coincidence, but rather divine providence) with the planned commemoration at the UN of the 200th anniversary of Taras Shevchenko’s birth, with a concert in his honour and a conference.

Minister Andriy Deshchytsia approved the preparatory plan for the session, which involved all Ukrainian diplomatic missions abroad, with our mission leading overall coordination. Continuous updates were provided to Arseniy Yatsenyuk, who personally directed the joint efforts from Kyiv. My deputy, the adept international lawyer Oleksandr Pavlichenko, worked with colleagues from partner

missions – permanent members of the Security Council – to draft the resolution “Territorial Integrity of Ukraine”. Subsequently, meetings were held with permanent representatives from various UN member states and regional groups (except for Russia and its satellites). Colleagues at the Permanent Mission worked on their contacts. The Russian delegation was breathing down our necks, bypassing foreign missions, and trying to reduce the level of support for Ukraine through outright lies, often blackmail and pressure (as our colleagues informed us).

The situation was challenging, with ten Ukrainian diplomats against 120 Russians. Nevertheless, on the eve of the main UN forum, there was confidence that the support would be significant. In parallel with preparations for the General Assembly session on 27 March, we were in contact with the UN Secretary-General’s office, ahead of Ban Ki-moon’s visits to Moscow and Ukraine on 20 and 21-22 March, respectively.

Reports from Kyiv revealed that, during a 21 March meeting, Ban Ki-moon told Acting President of Ukraine Oleksandr Turchynov that “the current crisis between Ukraine and Russia regarding Crimea can only be resolved through peaceful diplomatic solutions based on the principles of the United Nations Charter, including respect for the sovereignty, unity, and territorial integrity of Ukraine, along with a resolute commitment to peace and security”. How mistaken the Secretary-General was regarding Russia’s willingness to pursue peaceful resolutions would soon become apparent.

Details of the Secretary-General’s discussions in Moscow and Kyiv emerged a week later in his press conference on 28 March, following a Security Council meeting in which Ban Ki-moon reported on his visits to the two capitals. From his comments, it was clear that his primary aim in meeting with Putin and Ukrainian leaders was “...to seek a peaceful and diplomatic solution to the crisis in keeping with the fundamental principles of the United Nations Charter”.

“I strongly urged the Russian and Ukrainian leaders to de-escalate the situation, avoid hasty actions and immediately engage in direct and constructive dialogue to resolve all the problems. At this time of heightened tensions, even small sparks can ignite larger flames of unintended consequences,” the Secretary-General said.

He also expressed his concern that “...the international community over the situation could harm our ability to address other pressing concerns, conflicts and humanitarian emergencies. I am concerned that all these important issues have not been given much attention by world leaders over many regional crises issues, including Ukraine and Syria and the Central African Republic” (Ki-Moon, 2014).

And so, 27 March arrived. President of the General Assembly John Ashe opened the session. John Ashe immediately gave the floor to Acting Foreign Minister of Ukraine Andriy Deshchytsia, who had specially arrived in New York. Here are some excerpts from his speech: “Over the past month, we have witnessed the most flagrant violations of international law since the inception of the United Nations. After two weeks of military occupation, an integral part of Ukraine was forcibly annexed by a State that had previously committed itself to guaranteeing the independence, sovereignty and territorial integrity of my country in accordance with the Budapest Memorandum,

by a State that happens to be one of the permanent members of the Security Council, entrusted by the membership of the United Nations with the primary responsibility for maintaining international peace and security. That act of aggression was meticulously calibrated to strike at a time when Ukraine was forming an inclusive Government. Now, despite all odds, such a Government is up and running. The act was aimed at – and continues to be aimed at – undermining the presidential elections in my country. Let me assure the General Assembly that Ukraine is determined to carry out its elections as scheduled on 25 May. Eight rounds of urgent discussions on the Russian military intervention in Ukraine held by the Security Council clearly demonstrated how isolated Russia is on the issue. The mixture of false justifications, halftruths, deliberate distortions, insults and naked lies offered by the Russian side have failed to impress the Council” (Plenary Meeting of UN General Assembly No. 80, 2014).

“...draft resolution A/68/L.39, before the Assembly today, was drafted with the sole and strict goal of upholding the principles of the Charter of the United Nations. The purpose of the draft resolution is to reinforce core United Nations principles at a moment when they are experiencing a major challenge. The text addresses respect for territorial integrity and the non-use of force to settle disputes. One month has cost us dearly. More inaction may cost us the Organization itself. By voting in favour of the draft resolution, the General Assembly will vote in favour of the United Nations Charter; a vote against it or abstention in the voting is tantamount to undermining the Charter of UN (1945)” (Plenary Meeting of UN General Assembly No. 80, 2014).

During the discussion of the draft resolution, many supporters of Ukraine spoke, as well as some satellites of Russia and those whose capitals, for various reasons, decided to abstain. Russia’s Ambassador Vitaly Churkin also spoke, delivering a predictably Soviet-style speech with imperialist undertones. Lacking veto power in the General Assembly, he asserted in frustration that “Russia is against the draft resolution A/68/L.39. It is confrontational in nature and seeks to put into question the meaning of the referendum that took place in Crimea, which has already played a key historical role,” Churkin said (Plenary Meeting of UN General Assembly No. 80, 2014).

In her speech, US Ambassador Samantha Power emphasised: “We meet today to express our collective judgement on the legality of the Russian Federation’s military intervention in, and occupation of, Ukraine’s Crimea region. The draft resolution before us (A/68/L.39) is about one issue and one issue only – affirming our commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine. Through it, we make clear our ongoing support for the fundamental idea that borders are not mere suggestions. At the same time, this draft resolution expresses the desire of the international community to see a peaceful outcome to the dispute between Ukraine and Russia and stresses the importance of maintaining an inclusive political dialogue that reflects every segment of Ukrainian society” (Plenary Meeting of UN General Assembly No. 80, 2014).

The US Permanent Representative further noted that “Ukraine was wise to bring its concerns before the General Assembly. It is wise to seek our backing for the preservation of its rights, which are also the rights of all

of us to have our territory and independence respected. Ukraine is justified in seeking our votes in reaffirming and protecting its borders. It is justified in asking us not to recognize the new status quo that the Russian Federation has tried to create with its military. Ukraine merits our commendations for the restraint it has shown and the positive steps it has taken to prevent a further escalation of the crisis and deserves our full support in trying to persuade Russia to end its isolation and to move from a policy of unilateral confrontation and aggressive acts to a good faith diplomatic effort informed by facts, facilitated by dialogue and based on law” (Plenary Meeting of UN General Assembly No. 80, 2014).

From meetings with Chinese Ambassador Liu Jieyi before the General Assembly session, I knew that his delegation would abstain during the vote, but it was very important to hear his statement and see if he would be as consistent as he had been in the Security Council meetings. I was not mistaken in my predictions – China did not play along with Russia. Here are some excerpts from the Chinese ambassador’s speech: “China has always been opposed to intervention in the internal affairs of other countries and has always respected the independence, sovereignty and territorial integrity of all countries. China has adopted a consistent, balanced and impartial approach to the question of Ukraine. China has proposed an initiative comprising three principled points for the political settlement of the crisis in Ukraine. China calls for the early establishment and implementation of an international coordination mechanism, with the participation of all parties concerned, in order to explore and consider the ideas, concepts and proposals for a political settlement. The most pressing matter now is to identify those ideas, concepts and proposals so as to prevent further escalation of tension. China will continue to do its utmost to promote the maintenance of peace and dialogue and to play a more constructive role in achieving a political settlement of the Ukrainian crisis” (Plenary Meeting of UN General Assembly No. 80, 2014).

I also highlight the speech of Ambassador Christian Wenaweser of Liechtenstein: “The recent events and the current situation in Ukraine are a major challenge to the rule of law. All members of the Organization are bound by the obligation to refrain from the threat or use of force against the territorial integrity of any State. The annexation of Crimea and Sevastopol is therefore a very serious violation of international law and of grave concern to the Government of Liechtenstein. We consider that action null and void and will not recognize it or its consequences. The annexation was preceded by an illegitimate declaration of independence based on a referendum held in violation of the Constitution of Ukraine and of basic tenets of international law, including paragraph 4 of Article 2 of the Charter of UN (1945). The events also starkly illustrate the continued relevance of an internationally agreed definition of aggression. Such a definition was agreed on by consensus at the Review Conference of the Rome Statute on the International Criminal Court (2010) in Kampala. We hope that States will continue to expeditiously ratify the amendments to the Rome Statute on the crime of aggression. The UN Charter (1945) commits us to both the principle of territorial integrity and the right of all peoples

to self-determination. The two are designed to be compatible, and the relationship between them was further elaborated in subsequent texts. In adopting the Declaration on Friendly Relations in 1970, the Assembly struck a careful balance between the right of self-determination and the principle of territorial integrity” (Plenary Meeting of UN General Assembly No. 80, 2014).

“The failed adoption of the draft resolution in the Security Council earlier this month raises important governance questions for the Organization. There has been a worrisome increase in the use of the veto and the threat thereof in the recent past, sometimes in a manner that prevented the United Nations from fulfilling its core functions. But the vote in the Council on 15 March (Meeting of United Nations of Security Council No. 7138, 2014) gave rise to an additional concern that requires further consideration” (Plenary Meeting of UN General Assembly No. 80, 2014).

And here is an important reminder from the Ambassador of Liechtenstein: “According to paragraph 3 of Article 27 of the UN Charter (1945), Council members that are parties to a dispute shall abstain from voting on decisions under Chapter VI UN Charter (1945). It seems to us that this provision should have been applied – a perception that has been only strengthened by the events since. It is important that the question finds the attention of the wider membership, together with other urgent issues concerning the use of the veto”.

Moscow’s supporters – North Korea, Nicaragua, Venezuela, Bolivia, Zimbabwe, and others – in their speeches essentially repeated the postulates of the Russian ambassador that the crisis in Ukraine was caused by Western states led by the USA, which illegally interfered in Ukraine’s internal affairs and contributed to a coup d’état. The President of the General Assembly put to a vote draft resolution No. 68/262 (2014) entitled “Territorial integrity of Ukraine”:

“The General Assembly,

Affirms its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders;

Calls upon all States to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine, including any attempts to modify Ukraine’s borders through the threat or use of force or other unlawful means;

Underscores that the referendum held in the Autonomous Republic of Crimea and the city of Sevastopol on 16 March 2014, having no validity, cannot form the basis for any alteration of the status of the Autonomous Republic of Crimea or of the city of Sevastopol;

Calls upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the above-mentioned referendum and to refrain from any action or dealing that might be interpreted as recognizing any such altered status”.

The President of the General Assembly then called the vote on Draft Resolution No. 68/262 (2014), titled “Territorial integrity of Ukraine”. Co-sponsors included Albania, Australia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Malta,

Marshall Islands, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Portugal, Romania, San Marino, Slovakia, Slovenia, Somalia, Spain, Sweden, Turkey, the United Kingdom, and the United States. The final count was 100 nations in favour, 58 abstentions, and 24 non-votes. Only 11 states – Armenia, Belarus, Bolivia, Cuba, North Korea, Nicaragua, Russia, Sudan, Syria, Venezuela, and Zimbabwe – voted against (Fig. 3).



Figure 3. Voting results displayed on the board
Sources: author’s archive

Importantly, this resolution became system-forming. All UN-affiliated institutions, one after another, adopted decisions not to recognize the occupation authorities in Crimea in their respective areas – the International Maritime Organization, the International Civil Aviation Organization, the World Tourism Organization, the Universal Postal Union, and others. Ban Ki-moon, responding to journalists’ questions on 29 March, stated that in the matter of Crimea, the United Nations is guided by Resolution Adopted by the General Assembly No. 68/262 (2014), adopted on 27 March.

Honouring the Great Kobzar at the UN. At 1:00 pm, John Ashe announced the adjournment of the General Assembly session, after which Andrii Deshchytsia and I quickly moved to another hall, where attendees gathered for the bicentennial event commemorating the birth of Taras Shevchenko. The event was titled: “Taras Shevchenko: Champion of the Ukrainian language, self-determination of peoples, human rights and social justice”. Among the more than five hundred guests were representatives of the US government and organisations, delegates from UN member states, academics, cultural figures, and leaders of the Ukrainian American community. This gathering served as a symbolic capstone to the recent triumph of democratic nations in the UN General Assembly. I stated this in my greeting to the distinguished gathering, and Andriy Deshchytsia emphasised this in his speech (Fig. 4). A welcoming speech on behalf of the President of the 68th General Assembly, John Ashe, was delivered by Ambassador Noel Sinclair. Maher Nasser greeted the attendees on behalf of UN Secretary-General Ban Ki-moon. The keynote address was delivered by Professor Maxim Tarnawsky of the University of Toronto. Orysia Sushko, the head of the World Federation of Ukrainian Women’s Organizations, addressed the audience. The address of the President of the World Congress of Ukrainians, Eugene Czolij, was read by Tamara Gallo, Chair of the Ukrainian Congress Committee of America.



Figure 4. Andrii Deshchytsia's address at the Shevchenko commemoration at the UN

Sources: author's archive

The artistic program of the event included a performance by the male choir "Prometheus" from Philadelphia,

the duet "Lisova Pisnia", a performance by the Dobriansky Brothers, and recitations of Shevchenko's works by Sofika Zielyk and Xenia Ferencevych. The master of ceremonies was Peter Fedynsky, the author of a recently published complete translation of Shevchenko's "Kobzar". The Ukrainian press in America noted at the time that "the wonderful, historic celebration was informative and magnificent, simultaneously emphasising the relevance of Shevchenko's creative legacy for the present day not only for Ukrainians but for the global community".

Indeed, 27 March 2014 became a day for Ukraine and its friends at the UN. However, new challenges and further confrontations in the UN Security Council lie ahead, with the Council's inability to restrain aggressors increasingly threatening peace and security.

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