

BIGMUN 2023

GA4: Special Political and Decolonisation (SPECPOL)

# Research Report

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Topic 1: Determining the outcome of occupied territories in Ukraine



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## Introduction

The mounting tension that has materialized as a result of the Russian invasion of Ukraine remains a critical focal point in the present global landscape. The UN has declared in resolutions that the Russian Federation immediately, completely and unconditionally withdraws all its armed forces from the territory of Ukraine within its internationally recognized borders.<sup>1</sup> However, since then, tens of thousands of people have been killed and many Ukrainian cities have been reduced to rubble. The issue of occupied territories in Ukraine is *particularly* significant. The modern occupation is rooted in historical, cultural and political factors dating back to over a thousand years ago and has been occurring since 2014, eight years prior to the invasion, escalating tremendously due to the 2022 full-scale invasion.

## Definition of Key Terms

**Occupied Territories:** In international law, a territory is considered “occupied” when it is actually placed under the authority of the hostile army.<sup>2</sup> It is important to note that in Ukrainian law, the territories are referred to as “temporarily occupied territories of Ukraine”.

**Geopolitical Conflict:** Disputes and tensions influenced by factors such as geography, economics, and demography on the politics and especially the foreign policy of a state.

**Sovereignty:** The ability and power for a country to control its own government.

**Humanitarian Crisis/Emergency:** Generally defined as an event or series of events that represent a critical threat to the health, safety, security or wellbeing of a community or other large group of people, usually over a wide area.<sup>3</sup>

## Background Information

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<sup>1</sup> United Nations, “General Assembly Overwhelmingly Adopts Resolution Demanding Russian Federation Immediately End Illegal Use of Force in Ukraine, Withdraw All Troops | UN Press,” Press.un.org, March 2, 2022, <https://press.un.org/en/2022/ga12407.doc.htm>.

<sup>2</sup> “Doctors without Borders | the Practical Guide to Humanitarian Law,” guide-humanitarian-law.org, n.d., <https://guide-humanitarian-law.org/content/article/3/occupied-territory/#:~:text=In%20international%20law%2C%20a%20territory.>

<sup>3</sup> Ronak B. Patel et al., “Humanitarian Evidence Programme:,” April 2016, <https://assets.publishing.service.gov.uk/media/57a08960e5274a31e00004a/r-r-vulnerable-populations-urban-humanitarian-emergencies-130416-en.pdf>.

On December 1st, 1991, not long after the fall of the Soviet Union, the Ukrainian people voted to become independent, making Ukraine a sovereign state.<sup>4</sup>

Even before the Russian invasion of Ukraine on February 24th of 2022, the issue of occupied territories had been prevalent and of great impact to many Ukrainian civilians. The gravity of this problem has been sparked by the illegal annexation of Crimea, a Ukrainian peninsula, by the Russian Federation between February and March of 2014. The event is not denied by the Russian Ministry of Defense, but instead they indicate that it was “For the return of Crimea”.

Following this, the President of Ukraine at the time, Viktor Yanukovich fled from Kyiv, and the Ukrainian parliament then passed a resolution stating that the president was no longer fulfilling his constitutional duties. Their decision to hold early presidential elections in Ukraine led Russia to later use this as their reason to accuse Ukraine of an “unconstitutional coup”.<sup>5</sup>

This was just the first step of undermining the sovereignty of Ukraine and led to their further occupation. The Russian government firmly believes that they are unable to become a world leader without control over Ukraine, and that a democratic Ukraine is a threat to authoritarian rule in Russia. This led to the aggression with an aim to destabilize Ukraine’s situation.<sup>6</sup> Whilst Ukrainians were able to disrupt the full intentions of Vladimir Putin’s plans, Russian troops began to occupy certain areas of Donetsk and Luhansk regions of Ukraine, breaking away from Ukraine in February 2014 under what the Ukrainian government believes to be Russian-backed terrorists. In February 2022, Putin recognized these territories as independent states, and sent troops in to ‘keep the peace’. Days after, the full-scale invasion of Ukraine occurred by the Russian Federation. Occupation attempts ensued, continuing to occur in two other regions of Ukraine, namely Kherson and Zaporizhzhia, being annexed on October 5th, 2022.<sup>7</sup> Illegal so-called elections ensued in September 2023 in these regions surrounding legislative control. The regions had a majority vote for Russia’s ruling party, United Russia, to the legislative assemblies of the four regions. The elections are condemned by the United Nations and the international community as a whole, as they have no legal grounds.

The occupied areas of Ukraine are territories of fear and terror, with the Ukrainian Ministry of Foreign Affairs stating that “the occupying authorities act by repressive measures, resorting to systematic and large-scale violations of human rights and fundamental freedoms.”<sup>8</sup> The United Nations continues to condemn the attempts to occupy and illegally annex these

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<sup>4</sup> Madeline Fitzgerald and Elliot Davis Jr., “Russia Invades Ukraine: A Timeline of the Crisis,” US News, July 25, 2023, <https://www.usnews.com/news/best-countries/slideshows/a-timeline-of-the-russia-ukraine-conflict?onepage>.

<sup>5</sup> Ministry of Foreign Affairs of Ukraine, “10 Facts You Should Know about Russian Military Aggression against Ukraine,” mfa.gov.ua, December 19, 2019, <https://mfa.gov.ua/en/10-facts-you-should-know-about-russian-military-aggression-against-ukraine>.

<sup>6</sup> Ministry of Foreign Affairs of Ukraine, “10 Facts You Should Know about Russian Military Aggression against Ukraine,” mfa.gov.ua, December 19, 2019, <https://mfa.gov.ua/en/10-facts-you-should-know-about-russian-military-aggression-against-ukraine>.

<sup>7</sup> Madeline Fitzgerald and Elliot Davis Jr., “Russia Invades Ukraine: A Timeline of the Crisis,” US News, July 25, 2023, <https://www.usnews.com/news/best-countries/slideshows/a-timeline-of-the-russia-ukraine-conflict?onepage>.

<sup>8</sup> Ministry of Foreign Affairs of Ukraine, “10 Facts You Should Know about Russian Military Aggression against Ukraine,” mfa.gov.ua, December 19, 2019, <https://mfa.gov.ua/en/10-facts-you-should-know-about-russian-military-aggression-against-ukraine>.

regions, stating that their international recognition is to the belonging of Ukraine.<sup>9</sup> They additionally condemn the alarming human rights situations resulting from these occupations.

## Major Countries and Organizations Involved

**The Russian Federation:** The occupying authority.

**Ukraine:** Country in which the occupied territories belong, specifically in the eyes of the international community on a legal basis. The government considers these occupied territories to be an integral part of their country, seeking their reintegration.

**United Nations:** Condemn the actions of the Russian Federation.

**International community:** Many countries, with a specific emphasis on Western nations and the European Union, have condemned the actions of the Russian Federation, imposing sanctions in response to annexation and, hence, occupation.

## Relevant UN Resolutions

- **UNSC Resolution 68/262 (2014):** This resolution affirmed the territorial integrity of Ukraine and recognized Crimea as part of Ukraine. However, Russia vetoed the resolution.
- **UNGA Resolution 68/262 (2014):** This resolution affirmed Ukraine's territorial integrity, recognizing Crimea as part of Ukraine and expressing concern about the situation in Crimea.
- **UNGA Resolution 71/205 (2016):** The resolution expressed concern about the human rights situation in Crimea, including restrictions on the freedoms of expression, assembly, and association.
- **UNGA Resolution ES-11/1 (2022):** The initial resolution on the Russian invasion of Ukraine which demanded that Russia withdraw its forces from Ukraine.

**UNGA Resolution ES-11/4 (2022):** The resolution declares that the sham referendums held in Donetsk, Kherson, Luhansk and Zaporizhzhia as well as the subsequent annexation by Russia is invalid and illegal under international law.

## Previous Attempts to Solve the Issue

Multiple United Nations resolutions have been drafted to discuss and solutionize this issue. In regard to the illegal so-called referendums organized by the Russian Federation in these occupied regions, the United Nations principal position was reaffirmed on the 12th October 2022 through the adoption of a resolution. This resolution condemned the organization of these elections as well as the attempted illegal annexation of these four affected regions. It additionally declared that the actions of the Russian Federation “have no validity under international law and do not form the basis for any alteration of the status of these regions of Ukraine”.<sup>10</sup> The broader international community works with the United Nations to condemn the occupation and annexation of these Ukrainian territories by the Russian Federation.<sup>11</sup>

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<sup>9</sup> United Nations Press, “So-Called Elections in Occupied Areas of Ukraine ‘Have No Legal Grounds’, Undermine Peace Prospects, United Nations Official Tells Security Council | UN Press,” press.un.org, September 8AD, <https://press.un.org/en/2023/sc15405.doc.htm>.

<sup>10</sup> United Nations Press, “So-Called Elections in Occupied Areas of Ukraine ‘Have No Legal Grounds’, Undermine Peace Prospects, United Nations Official Tells Security Council | UN Press,” press.un.org, September 8AD, <https://press.un.org/en/2023/sc15405.doc.htm>.

<sup>11</sup> United Nations Press, “Political Solution Founded on International Law, Restoring Ukraine’s Territorial Integrity, Only Way to End War, General Assembly President Tells Delegates | UN Press,” press.un.org, July 18AD, <https://press.un.org/en/2023/ga12516.doc.htm>.

Collaborative political and diplomatic efforts by the global community is vital in response to Russian aggression and their actions of occupation. On March 27, 2014, the UN General Assembly approved a resolution titled "Territorial Integrity of Ukraine." This resolution affirmed Ukraine's internationally recognized borders and emphasized the absence of any legal grounds to alter the status of the Autonomous Republic of Crimea and the city of Sevastopol.<sup>12</sup> This same position was reiterated and reaffirmed in another resolution in 2016, as well as explicitly designating Russia as an occupying power and assigning full responsibility to Moscow for human rights violations in occupied territories.<sup>13</sup>

## Possible Solutions

The end of the occupation is largely linked to the end of Russia's invasion. On the 18th of July, 2023, the General Assembly of the UN met around this issue, where many delegates urged each other to further intensify their efforts to bring both Ukraine and the Russian Federation to the negotiating table. It was stated that a political solution that was rooted in international law and the Charter of the United Nations would be possible to restore the sovereignty of Ukraine as well as its territorial integrity. The restoration of the occupational territories will help to bring an end to the war. Political and diplomatic efforts of the international community is a vital element to counter Russian aggression and their actions of occupation.

International pressure in the form of sanctions have already been considered a solution towards urging the Russian Federation to end their invasion of Ukraine. This can be adopted regarding the occupation of Ukrainian territories. At the time leading up to the illegal 'so-called' elections in Russian-occupied territories, a statement from the Ministry of Foreign Affairs of Ukraine called upon the international community to impose sanctions on those involved in the elections, and hence the occupation.

Overall, and additionally, some solutions include:

Encourage direct diplomatic negotiations between Ukraine and Russia to find a peaceful resolution.

Engage international actors (UN, EU, other relevant organizations) to mediate and facilitate negotiations.

Further sanctions and incentives to influence the behavior of the involved parties.

Engage international legal mechanisms to address violations of international law, which are considered to be highly present. This could help to affirm Ukraine's sovereignty.

Focus on providing humanitarian assistance to affected populations and supporting areas affected by a conflict resulting from occupation.

Mobilize a united front of the international community to exert pressure on Russia to comply.

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<sup>12</sup>United Nations Press, "Political Solution Founded on International Law, Restoring Ukraine's Territorial Integrity, Only Way to End War, General Assembly President Tells Delegates | UN Press," press.un.org, July 18AD, <https://press.un.org/en/2023/ga12516.doc.htm>.

<sup>13</sup>Ministry of Foreign Affairs of Ukraine, "10 Facts You Should Know about Russian Military Aggression against Ukraine," mfa.gov.ua, December 19, 2019, <https://mfa.gov.ua/en/10-facts-you-should-know-about-russian-military-aggression-against-ukraine>.

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