



DPSH MUN 2022

**UNITED NATIONS
SECURITY COUNCIL
BACKGROUND
GUIDE**

MANDATE

The UN Charter established six main organs of the United Nations, including the Security Council. It gives primary responsibility for maintaining international peace and security to the Security Council, which may meet whenever peace is threatened. According to the Charter, the United Nations has four purposes:

1. To maintain international peace and security;
2. To develop friendly relations among nations;
3. To cooperate in solving international problems and in promoting respect for human rights;
4. To be a center for harmonizing the actions of nations.

All members of the United Nations agree to accept and carry out the decisions of the Security Council. While other organs of the United Nations make recommendations to member states, only the Security Council has the power to make decisions that member states are then obligated to implement under the Charter.

Maintaining Peace and Security

When a complaint concerning a threat to peace is brought before it, the Council's first action is usually to recommend that the parties try to reach an agreement by peaceful means. The Council may:

1. Set forth principles for such an agreement;
2. Undertake investigation and mediation, in some cases;
3. Dispatch a mission;
4. Appoint special envoys;
5. Request the Secretary-General to use his good offices to achieve a peaceful settlement of the dispute.

When a dispute leads to hostilities, the Council's primary concern is to bring them to an end as soon as possible. In that case, the Council may:

1. Issue ceasefire directives that can help prevent an escalation of the conflict;
2. Dispatch military observers or a peacekeeping force to help reduce tensions, separate opposing forces, and establish a calm in which peaceful settlements may be sought.

Beyond this, the Council may opt for enforcement measures, including:

1. Economic sanctions, arms embargoes, financial penalties and restrictions, and travel bans;
2. Severance of diplomatic relations;
3. Blockade;
4. Collective military action.

A chief concern is to focus action on those responsible for the policies or practices condemned by the international community while minimizing the impact of the measures taken on other parts of the population and economy

Letter from the Executive Board

Your Excellencies,
Letter from the Executive Board

It is a pleasure to be hosting you at the Security Council at DPS Model United Nations 2022. We will follow the United Nations Security Council's UNA-USA Rules of Procedure and Working Methods. Importance will be placed on traditional methods of diplomatic courtesy, adherence to foreign policy, sovereign exercise of functions, and methodical negotiations. Through the annexures to this Letter, we are pleased to declare the flow of work for the meeting.

As a principal organ of the United Nations, we are guided by the principles enshrined in the Preamble of the United Nations Charter. Security Council meetings are inclusive, and strongly averse to discrimination, misconduct and malpractices. As a representative at the conference, Members shall be bound by the codes of conduct, policies and regulations of the conference and the Security Council. Needless to say, we expect the highest possible standard of commitment from all members involved.

Keeping in mind the agenda, we expect intense debate in the committee with active participation from all delegates. However, the avoidance of a blame-game routine would be highly appreciated. It is of paramount importance to ensure that we address all aspects of this agenda in keeping with the wide mandate of the Security Council. To that end, we expect all delegates to be well researched and aware of the geopolitical situation surrounding the Ukraine crisis. Your research should start with thoroughly reading and understanding this background guide followed by delving deep into the nuances of this agenda on your own by looking at relevant UN documents and other government sources. Generalization and impreciseness is the enemy of progress, especially on the international stage.

We hope that this will be a fun learning experience for all of us and we look forward to working with you in the conference!

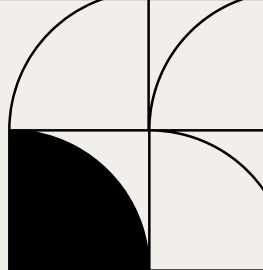
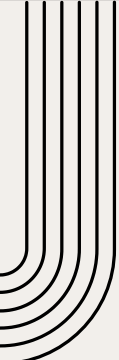
With choicest regards,

Ishan Jasuja
President

Vishnu
Vice-President

Anna Dhar
Rapporteur

INTERPRETATION OF CHAPTER VII OF THE UN CHARTER (THREAT TO THE PEACE) BY THE SECURITY COUNCIL. IS THE SECURITY COUNCIL

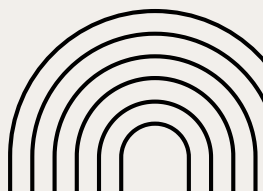
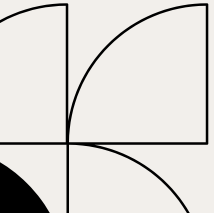


Abstract: The Security Council of the United Nations has the obligation and the power to determine under Article 39 of the Charter of the United Nations "the existence of any threat to the peace, breach of peace or act of aggression" (in this article the author will only analyze the concept of "threat to the peace"). However, the Charter does not contain explicitly the limits to the Security Council for the interpretation of the concept. In accordance with the author, that interpretation must be undertaken in conformity with the rules of the Vienna Convention on the Law of Treaties of 1969 and in accordance with the principles and purposes of the United Nations Charter. Chapter VII of the United Nations Charter sets out the UN Security Council's powers to maintain peace. It allows the Council to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to take military and non-military action to "restore international peace and security".

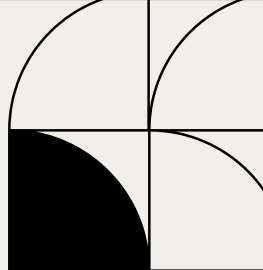
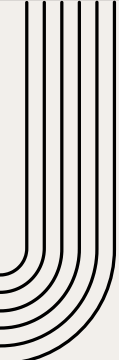
Chapter VII also gives the Military Staff Committee responsibility for strategic coordination of forces placed at the disposal of the UN Security Council. It is made up of the chiefs of staff of the five permanent members of the Council.

The UN Charter's prohibition of member states of the UN attacking other UN member states is central to the purpose for which the UN was founded in the wake of the destruction of World War II: to prevent war. This overriding concern is also reflected in the Nuremberg Trials' concept of a crime against peace "starting or waging a war against the territorial integrity, political independence or sovereignty of a state, or in violation of international treaties or agreements..." (Crime against peace), which was held to be the crime that makes all war crimes possible.

Descriptors: threat, peace, article 39 of the UN Charter, resolutions 1373 and 1540, Security Council, international legislation

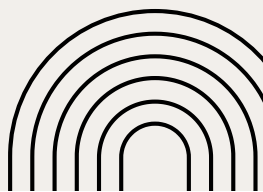
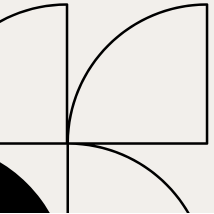


INTRODUCTION - FUNCTIONS AND POWERS OF THE SC



The Security Council in order to fulfill its obligations enjoys powers conferred by the UN Charter. Among these powers and in conformity with article 39 of the UN Charter, the Security Council shall determine the existence of any threat to the peace. Notwithstanding, as we will further analyze, there is no express provision in the UN Charter that establishes the limits of this power or suggests the form in which the Security Council has to interpret the term 'threat to the peace'. Since 1990 (after the end of the Cold War), the Security Council through several resolutions, has been developing a broader definition of the term 'threat to the peace' covering civil wars, violations of human rights and terrorism, among others. However, through all the UN Charter there is also no definition of this term, so in order to determine an act as a threat to the peace an interpretation of this term has to be done in conformity with the general rules of interpretation stated in the Vienna Convention on the Law of Treaties. In order to establish whether the Security Council has been interpreting article 39 of the UN Charter in conformity with the general rules established in the Vienna Convention, we will analyze the practice in which the Security Council has been determining what constitutes a threat to the peace through several resolutions. As we will see, the Security Council had only determined as threats to the peace those acts related to specific situations in a specific territory. Notwithstanding, with Resolutions 1373 and 1540 the Security Council created resolutions in a general and abstract form that can be considered by some authors as an exercise of law-making process by the Security Council in which general obligations were imposed on all States in a context not limited to a particular country. These means, that in both resolutions the Security Council for the first time declared an abstract phenomenon (international terrorism) as a threat to international peace.

The powers of the Security Council cannot be unlimited, the Security Council has to act at least in accordance with the principles and objects of the Charter and with the intentions of its drafters. However, we also have to take in consideration the new forms of attacks and problems that have been developing, especially the new mechanisms of attacks and the new non-state actors.



AGENDA: Situation in Ukraine

TIMELINE

1st December, 1991- Russia voted for its independence.

14th January, 1994-The Russian, Ukrainian, and U.S. presidents sign a statement that reaffirms Ukraine's commitment to transfer all strategic nuclear warheads to Russia and dismantle strategic launchers in its territory.

8th February, 1994-Ukraine Joins NATO's Partnership for Peace

5th December, 1994-Budapest Memorandum Signed

28th June, 1996-New Constitution Ratified

November, 2004 - December 2004-Orange Revolution Overturns Flawed Election

7th February, 2010-Yanukovych Elected President

21st November, 2013-Yanukovych Withdraws From EU Talks

November 2013 - February 2014-Euromaidan Protests Lead to Government Collapse February 2014 - March 2014-Russia Seizes Crimea, Holds Referendum

April 2014-Russia Backs Separatist War

5th September, 2014-First Minsk Agreement Signed

11th - 12th February, 2015-Second Minsk Agreement Signed

21st April, 2019-Volodymyr Zelensky Elected

June 2020 - Ukraine is named a NATO Enhanced Opportunities Partner in June, joining Australia, Georgia, Finland, Jordan, and Sweden as countries with deeper cooperation on NATO-led missions and exercises.

September 2020- President Zelensky approves the new Ukrainian New Security Strategy which emphasizes on potential partnership with NATO.

April 2021-Russian Military Buildup Raises Alarms, USA detects an unusual military buildup of Russia at the Ukrainian border. 92000 troops reportedly deployed at the international border.

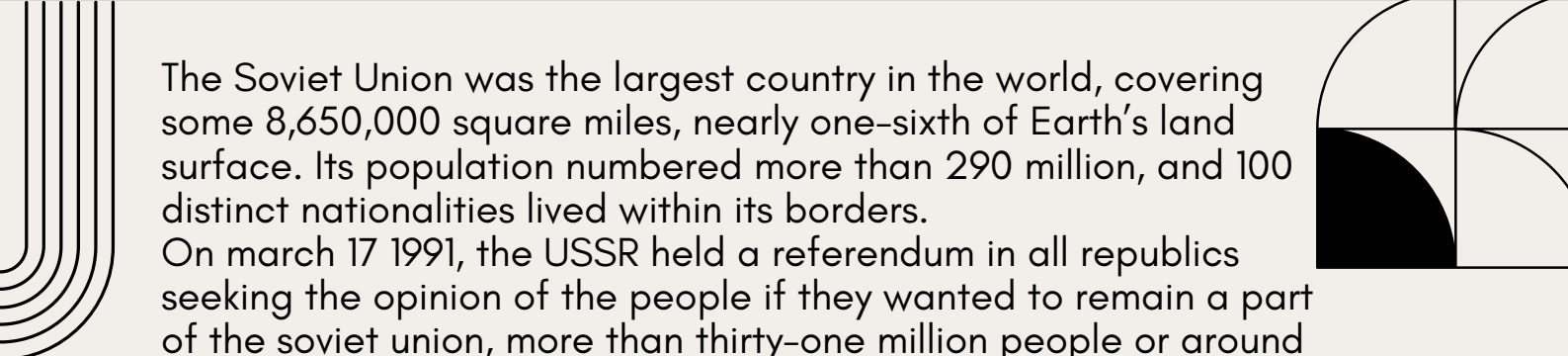
December 2021- Russia proposes limitations with respect to NATO's activities involving Ukraine. Ukraine opposes the limitations.

January 2022- Russian troops arrive in Belarus for a military exercise. Tensions in the region rise. NATO puts its troops on Standby.

February 2022- Separatists in regions of Ukraine maximize their rebellious activity thereby raising alarm over the integrity and sovereignty of Ukraine.

24th February, 2022- Russia launches full scale military offensive against Ukraine.

THE DISSOLUTION OF THE USSR



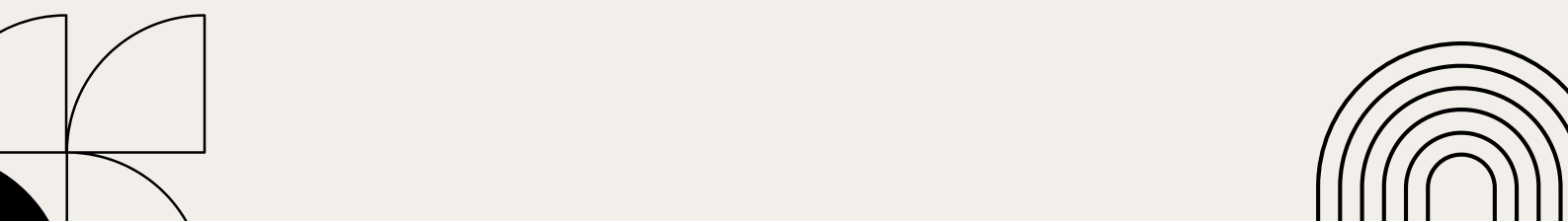
The Soviet Union was the largest country in the world, covering some 8,650,000 square miles, nearly one-sixth of Earth's land surface. Its population numbered more than 290 million, and 100 distinct nationalities lived within its borders.

On March 17, 1991, the USSR held a referendum in all republics seeking the opinion of the people if they wanted to remain a part of the Soviet Union. More than thirty-one million people or around 83.5 percent of the electorate in Ukraine participated in the referendum with ninety percent of voters supporting the preservation of the USSR.

Just nine months after the March referendum, another referendum was held on 1 December 1991. Around 84.2 percent of the country participated with ninety-three percent voting in favor of Ukrainian independence from the USSR. Support for this measure was lowest in Crimea followed by Luhansk, and Donetsk. The results of the referendum allowed the government to continue on their pathway towards independence and 24 days later there was formal disintegration of the USSR due to various social, political, economic, and cultural reasons.

The newly formed country Ukraine inherited a large amount of nuclear weapons from Russia and was recognized as one of the most powerful countries in the world. After a series of talks and agreements—the 1991 Minsk Agreement on Strategic Forces, 1992 Lisbon Protocol²¹, 1993 Massandra Accords²², 1994 Trilateral Statement, and the 1994 Budapest Memorandum on Security Assurances²³—was signed on 5th December 1994, Ukraine committed to full disarmament, including strategic weapons, in exchange for economic support and security assurances from the United States and Russia. Ukraine agreed to transfer its nuclear warheads to Russia and accepted U.S. assistance in dismantling missiles, bombers, and nuclear infrastructure. Ukraine's warheads would be dismantled in Russia, and Ukraine would receive compensation for the commercial value of the highly enriched uranium.

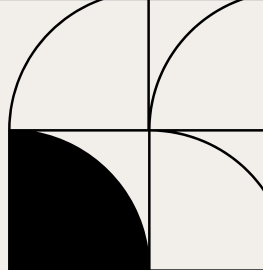
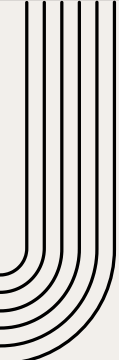
Russia and the United States released a joint statement in 2009 confirming that the security assurances made in the 1994 Budapest Memorandum would still be valid after START expired in 2009.



VICTOR YANUKOVYCH

Victor Yanukovich served as the president of Ukraine from 2010–2014. Yanukovich said Ukraine's integration with the EU was the country's strategic aim, and would work toward achieving it. Yanukovich announced that Ukraine would give up its stocks of highly enriched uranium and convert its nuclear research reactors, which it had inherited after the collapse of the Soviet Union, to run only on low-enriched uranium fuel. Both moves were hailed internationally as positive steps in nuclear nonproliferation; he also agreed to extend Russia's lease on its naval bases in the Crimea, which were due to expire in 2017, for an additional 25 years with a further five-year renewal option. In exchange, Ukraine was given a discount on purchases of Russian natural gas. Yanukovich was going to sign an agreement that would set the framework for Ukraine's relationship with the EU, and would set the path for Ukraine's EU membership, but he succumbed to pressure from Russia and reversed his decision saying he would not sign the EU alignment agreement, although he still favored eventual Ukrainian membership in the EU. Instead, he would accept a package of Russian financial assistance to meet the country's debt obligations. This move resulted in wide protests in the capital city, the protestors demanded Yanukovich sign the EU agreement, release jailed protesters, liberalize Ukraine's constitution, and resign from office. In an attempt to suppress the revolt Yanukovich signed into law a draconian series of restrictions of freedom of speech and assembly this led to violent protests across Ukraine. The increasingly violent clashes had claimed the lives of at least 28 demonstrators, seven police officers, and a civilian bystander, and injured hundreds of others. Yanukovich departed Kyiv. He eventually traveled to Crimea and then fled to Russia. Ukrainian parliament voted to formally remove him from office. Months later, the body issued an arrest warrant, accusing him of being responsible for the mass killing of civilians.

ANNEXATION OF CRIMEA



In 1991 with the collapse of the Soviet Union led to many soviet republics declaring independence and in Ukraine's process to independence the legal status of Crimea was raised before the parliament of the Ukrainian SSR. In February 1991, the parliament of Ukrainian SSR voted for a law which restored the Crimean Autonomous Soviet Socialist Republic. According to Art. 2 of the Constitution of Ukraine²⁴, Ukraine is a unitary state and its sovereignty extends to all its territory. Art. 133 states that the Autonomous Republic of Crimea (ARC) is an integral part of the administrative and territorial structure. The ARC has its own constitution however the Constitution of the ARC has to be approved by the Ukrainian Parliament, all the legislative acts should be in conformity with the Constitution of Ukraine, acts of the president and the council of ministers. The ARC can only regulate the questions of the local economy and the process of formation of the local representative bodies (the parliament and the council of ministers). In simpler words, Ukrainian constitutional law views the ARC as a limited political autonomy.

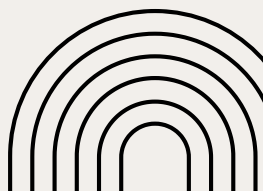
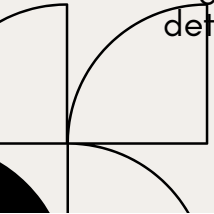
After Victor Yanukovich was ousted and he fled to Russia in February 2014, the move provoked immediate unrest in the east of Ukraine bordering Russia, where pro-Kremlin sentiments are higher Russia mobilized its troops in February and March 2014 to seize control of Crimea, masked Russian troops without insignia moved to capture strategic sites across Crimea.

Russia justified the action stating the cultural inclination towards Russia. In the 1950's, the population of Crimea was around 1.1 million, out of which 75% was ethnic Russian and 25% was Ukrainian. A sizable population of Tatars had lived in Crimea for centuries until May 1944, but when they were deported en masse by the Stalinist regime to barren sites in Central Asia, Stalin also forcibly deported smaller populations of Armenians, Bulgarians, and Greeks from Crimea, completing the ethnic cleansing of the peninsula, making it a lot less Pro Russian than it was before.

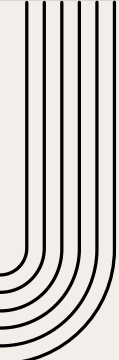
Soon On March 6 the Crimean parliament voted to secede from Ukraine and join the Russian Federation, with a public referendum on the matter scheduled for March 16, 2014, which was rejected by the international community, and the results of the referendum according to Russia showed that 96.77 percent of Crimeans voted to become part of Russia.

Despite international outcry, Russia formally incorporated Crimea as two Russian federal subjects

- the Republic of Crimea and the federal city of Sevastopol - on 18 March 2014. Russian MFA claimed that Crimea's independence was a 'legitimate exercise of the right of the people of Crimea to self-determination.

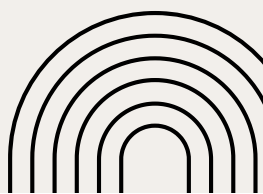
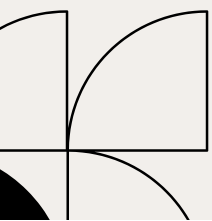
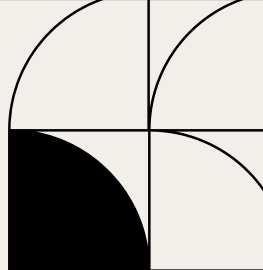


ZELENSKY

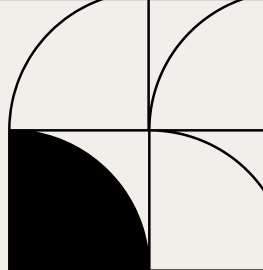
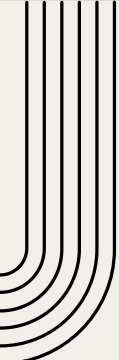


Volodymyr Zelensky, a Ukrainian actor, was elected president of Ukraine in 2019. Although he was a political novice, Zelensky's anti-corruption platform won him widespread support, and his significant online following translated into a solid electoral base. He won a landslide victory over incumbent Petro Poroshenko in the second round of the 2019 presidential election.

When Russia attacked Ukraine, Zelensky became the face of Ukrainian resistance. He refused to surrender to Moscow and is leading Ukraine in its fight to protect its sovereignty.



CURRENT DAY ACTION



On February 24 Vladimir Putin in a televised address announced a special military campaign against Ukraine. On the same day blasts were heard in several parts of Ukraine, including Kyiv, Kharkiv and Mariupol. A Russian warship attacks Snake Island with Ukrainian Soldiers bravely refusing to surrender. Since the full scale attack by Russia there have been several human rights violations in Ukraine.

The war has left the people of Ukraine in a grave situation. Satellite images show a 40-mile convoy of Russian tanks and troops outside the capital city of Kyiv. Human Rights Watch reported that Russians are using cluster bombs against civilians, There have been reports of Russia bombing Hospitals, Schools, and Residential apartments among many other places that the civilians were using as safe houses. Although Russia has agreed to ceasefire and allow humanitarian corridors for the civilians to pass there have been accusations of Russian soldiers blocking humanitarian aid and bombing humanitarian corridors.

Russia's act of invading Ukraine has received wide criticism from the international community, with many countries like the United States, the EU, and the United Kingdom imposing sanctions. The EU bans Russian civilian aircraft from EU airspace. State-owned media Sputnik and Russia Today (RT), along with their subsidiaries, are banned from EU airwaves and the internet.

Many cities in Ukraine like Mariupol have been completely destroyed in the war.

The escalation of conflict in Ukraine has caused civilian casualties and destruction of civilian infrastructure, forcing people to flee their homes seeking safety, protection and assistance. More than 11 million people are believed to have fled their homes in Ukraine since the conflict began, according to the United Nations.

Over 5.5 million have left for neighboring countries and another 6.5 million people are thought to be displaced inside the war-torn country itself.

Russian forces pressed their attack on a crucial energy-producing Ukrainian city by shelling Europe's largest nuclear plant, sparking a fire and raising fears that radiation could leak from the damaged power station. This act led an outrage from the international community as it poses a grave threat to the world if a nuclear disaster unfolds.

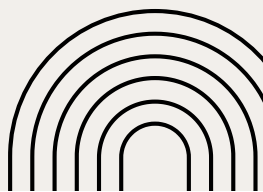
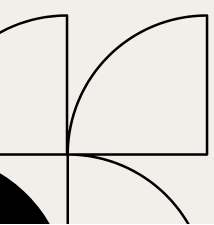
Both parties involved have been accused of multiple war crimes, which include mass killings, sexual harassment etc.

Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas of the Chernihiv, Kharkiv, and Kyiv regions of Ukraine. These include a case of repeated rape, cases of summary execution and other cases of unlawful violence and threats against civilians. Soldiers were also implicated in looting civilian property, including food, clothing, and firewood.

Ukraine however seems to be resisting Russian advances in key strategic locations and launching counter-attacks with the aim of regaining lost territory. The success of these military operations however remains to be seen.

On the international front, the situation seems to be grim. Russia has shut down Europe's most significant gas pipeline indefinitely due to an "oil leak" with other pipelines running at low capacities. This has caused a major energy crisis in Europe leading to inflation reaching record levels bringing most European countries on the brink of a recession.

European nations and their trading partners hence have a major role to play in this committee in order to solve their economic problems and avoid a tragic winter. Hope for success was shown by the recent grain deals between Russia and Ukraine mediated by the United Nations and Türkiye. Delegates can take inspiration from such international efforts to find creative solutions for this conflict



ALLEGED WAR CRIMES AND VIOLATIONS DURING WAR

Both Russia and Ukraine have been accused of multiple war crimes during the tenure of the war. Several videos have surfaced on the internet which show Ukrainian soldiers inflicting wounds on and executing Russian prisoners of war, violating multiple articles of the Geneva

Convention²⁷ and the international humanitarian law. The Ukrainian Ministry of Defense reported the destruction of the Russian convoy.

Human Rights Watch (HRW) had already reported allegations of abuse on Russian POWs by Ukrainian fighters in a report.

Russia on the other hand has been accused of extra judicially executed civilians in Ukraine. The intentional killing of civilians is a human rights violation and a war crime.

Deliberate killings of civilians, rape, torture, and inhumane treatment of prisoners of war are human rights violations and war crimes. Those who directly commit war crimes should be held criminally responsible for them. Under the doctrine of command responsibility, hierarchical superiors - including commanders and civilian leaders, such as ministers and heads of state - who knew or had reason to know about war crimes committed by their forces, but did not attempt to stop them or punish those responsible, should also be held criminally responsible.

The Russian assault on the Zaporizhzhia nuclear power station in Ukraine, unleashed a destabilizing cocktail of events that, in the worst case, could still lead to a severe nuclear accident. Russian troops fired ammunition, including grenades and perhaps artillery shells, at the station, violating the CPPNM.²⁸

The World Health Organization (WHO) is gathering evidence for a possible war crimes investigation into attacks it says it has documented by Russia on healthcare facilities in Ukraine, it said in Kyiv on Saturday.

WHO Emergencies Director Mike Ryan, on an unannounced visit together with WHO chief Tedros Adhanom Ghebreyesus, told a news conference it was the explicit responsibility of warring parties to avoid attacking health facilities, yet the WHO had already documented 200 attacks on hospitals and clinics in the country.

RECENT DISCUSSIONS IN UNSC

The Ukrainian–Russian conflict has widely been discussed at the international level. Both the Security Council and regional organizations like the Organization for Security and Co-operation in Europe have extensively discussed the topic on multiple occasions.²⁹

Since the military offensive by Russia this February, UNSC has discussed the situation on multiple occasions with multiple documents being introduced by both sides. A few recent documents have been mentioned below.

Documents introduced by the Western block:

19 FEBRUARY

2019 S/2019/163

This was a letter from Russia to the Security Council on the fourth anniversary of the signing of the Package of Measures for the Implementation of the Minsk Agreements.

25 FEBRUARY

2022 S/2022/155

This Security Council draft resolution authored by Albania and the US, co-sponsored by 81 member states, deploring Russia's aggression against Ukraine in violation of Article 2 (4) of the UN Charter. The draft resolution failed to be adopted because of a veto cast by Russia. Eleven members voted in favor, one against (Russia) and three members abstained (China, India and the United Arab Emirates).

Documents introduced by the Russian block:

23 MARCH

2022

S/2022/231

This was a Security Council draft resolution on the humanitarian situation in Ukraine drafted by Russia and co-sponsored by Belarus, the Democratic People's Republic of Korea (DPRK) and Syria. The resolution failed to be adopted because it did not garner the requisite support, receiving two votes in favor (China and Russia) and 13 abstentions.

Any direct foreign intervention into the crisis has been blocked by the stakeholders in SC.

FURTHER READING



● <https://www.aljazeera.com/news/2022/2/13/timeline-how-the-ukraine-russia-crisis-reached-the-brink-of-war>

● <https://www.securitycouncilreport.org/chronology/ukraine.php>

● https://news.un.org/pages/wp-content/uploads/2022/06/GCRG_2nd-Brief_Jun8_2022_FINAL.pdf

● <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine>

● <https://www.orfonline.org/expert-speak/growing-divergence-in-europe-over-russia/>

● <https://www.orfonline.org/expert-speak/the-ukrainian-crisis/>

● <https://sgp.fas.org/crs/row/R45008.pdf>

● <https://www.usip.org/sites/default/files/SR366-The-Ukraine-Russia-Conflict.pdf>

● <https://news.un.org/en/story/2022/02/1112412>

● BBC News

● Brookings - Quality. Independence. Impact.

● Carnegie Endowment for International Peace

● CIA World Factbook

● Foreign Affairs

● Foreign Policy - the Global Magazine of News and Ideas

● PassBlue: Home Page Content



QUESTIONS TO CONSIDER

1. Countries in Eastern Europe such as Bulgaria and Belarus often differ heavily on stances in this crisis. What is the role of ex-Soviet countries and Eastern European countries in swaying the situation towards one side or another?
2. How might your country's economic, military or geographic situation affect its ability to take direct and decisive action?
3. At what point, if at any point, does diplomacy become obsolete when negotiating this crisis and what should be done when this moment is reached?
4. What are effective ways that the UN Security Council can utilize funds and resources to provide aid to those whose basic human rights are being violated?
5. Are economic sanctions effective or are they inadvertently financially crippling to innocent civilians within Russia who may not support the conflict?
6. How can the UN Security Council work with pre-existing international bodies, such as NATO, to take a holistic approach to the conflict between Russia and Ukraine?
7. Should the UN Security Council advise that neighboring nations as well as the global west not intervene militarily in the conflict?