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Sturmak K. K.

**THE ROLE OF THE UNITED
NATIONS IN RESOLVING
THE CONFLICT BETWEEN
UKRAINE AND RUSSIA**

This article is aimed at understanding and evaluating the role of the United Nations in the process of resolving the ongoing Russian-Ukrainian war, caused by the full-fledged Russian invasion of Ukraine on 24 February 2022. The potential of the organization is analyzed here based on the effectiveness of its institutional bodies; the conclusions are related to the valuable opinions of both Ukrainian and foreign experts in mediation and resolving international conflicts.

Key words: *United Nations, Russian invasion of Ukraine, conflict settlement, mediation, UN reforms.*

Introduction. Traditionally, the United Nations (UN) is considered the main platform for negotiations between countries and the settlement of the most acute international conflicts. Through the efforts of its main bodies, many territorial disputes, genocides and full-scale wars have been put to an end, hence its authority as a successful mediator is disproportionately high in comparison with other intergovernmental organizations. The direct participation of the UN in the Ukrainian conflict was inevitable from the very beginning of its active phase in 2014, since the parties to the conflict are the two largest European states, and in the case of the Russian Federation – the largest country in the world with an enormous military and nuclear potential. This work will examine the role of the United Nations as a well-experienced international organization in the

mediation process of resolving the current Russian-Ukrainian war.

To start with, it should be noted that the crisis between Ukraine and Russia is one of the most important current issues of international security, which every day is transforming and breaking the previous principles of the international relations system. This is perhaps the largest and bloodiest armed conflict in Europe since the end of World War II. Its consequences, in addition to the security factor, have a negative impact on other areas of the international agenda, such as politics, economics, migration, law and socio-humanitarian problems etc. Now the UN is one of the most involved actors of the war, whose activities are equally concentrated in all of the above-mentioned areas. Based on this, the activities of the Organization shall be divided into several 'tracks' according to their nature. And each of them is associated with a specific body of the UN system, be it the Security Council, the General Assembly, the International Court of Justice or other special committees.

Security Council. At first, the most active and internationally prominent role in resolving the war in Ukraine is obviously given to the UN Security Council – the highest body concentrating the most power. It was at the meeting of the Security Council on February 24, 2022, when Russia officially announced its intention to launch a so-called 'special military operation' in Ukraine and then invaded the territory of another sovereign state. However, according to the UN Charter, adopted back in 1945, states are prohibited from resorting to the use of force against other states, except in cases of self-defense in case of attack. Therefore, the Russian Federation tried to present itself not as an aggressor, but as a victim, referring to the fact that the strike on Ukrainian positions had to be preventive. The Kremlin also used an 'invitation' from the unrecognized Donetsk and Luhansk Peoples Republics to legally justify its direct military intervention in Ukraine [1]. A similar

principle had been previously used to protect the Assad regime in Syria, but the situation is different since that President Assad at that time was the legally elected head of state, which exists legitimately and is a full-fledged member of the UN. In addition, the permanent representative of the Russian Federation to the Organization used a call for the protection of the Russian-speaking population in the Donbas, which 'suffered oppressions' since 2014, called it genocide and explained that the purpose of the so-called operation was not to capture Ukraine. Nevertheless, in this case, the reaction of the Security Council was disapproving, and the international community, represented by UN Secretary-General Antonio Guterres, condemned the Russian invasion as completely illegal [1].

However, such statements did not stop Moscow, which also presided over the Security Council in February this year. Indeed, the situation is greatly complicated by the fact that the RF is one of the five permanent members of the UN Security Council with the right to veto any decision, even if it concerns a conflict in which the permanent member state is a party itself. To note, Russia had been officially considered a party to the Ukrainian conflict not in 2022, but since 2016, when it had been officially recognized by the International Court in The Hague; the UN General Assembly Resolution No.71/205 recognized Russia as an occupying state in relation to Ukraine and Crimea in the same year [9]. Thus, other members of the Security Council can only call on Russia to stop the aggression, but at the same time they cannot take any practical steps to force it to act peacefully – any such resolution, even adopted unanimously, will be blocked by Moscow's veto – this is one of the principles of the functioning of the SC [7]. So, for example, an extraordinary session of the Council on February 24 only verbally condemned Russia's actions, which did not prevent the Russian Federation from vetoing a resolution condemning the aggression against

Ukraine the next day, February 25 [4]. At that time, even China abstained from voting, which was immediately considered a small but important victory for Western diplomacy, however, it did not change the Kremlin's position. Moreover, Russia is actively using the Security Council as a platform for spreading disinformation, realizing that this does not bear any legal consequences for it. And due to the existence of the right of veto possessing principle, this particular body cannot now actively affect the consequences of the Russian-Ukrainian war.

General Assembly. Next in order but not of less importance is the UN *General Assembly*. This is the body that currently includes representatives of 193 sovereign countries of the world with equal voting rights, and does not recognize any right of veto. Within the framework of this platform, Ukraine and Russia are considered equal actors, and the view of the majority forms the international opinion. Since the beginning of the full-scale war, the General Assembly has made every possible effort to condemn the Russian position and maintain the territorial integrity and sovereignty of Ukraine. Its major session lasted from February 28 to March 2 had a number of important decisions. Firstly, it was an emergency meeting provoked by fail of peace enforcement within the framework of the Security Council. And secondly, during the meetings and the resolution drafting, the voices of the many Asian, African and Latin American countries were heard at the global level. Countries such as Kenya, Gabon, Brazil and Mexico have drawn parallels with many other global crises and unambiguously expressed their political support for Ukraine [11, p.1]. Finally, on March 2, the General Assembly adopted a historical resolution ES-11/1 condemning Russian aggression against Ukraine and calling on Moscow to stop the war. The number of those who voted is quite indicative because out of 193 countries, 141 supported the decision; 35 states, including China, Iran, India, Armenia and Cuba, abstained from voting,

and only 5 UN members voted against the adoption of the resolution – Russia, Belarus, North Korea, Syria and Eritrea. Yes, there were several countries whose votes were not counted (e.g. loyal to the Kremlin Venezuela, deprived of a vote for non-payment of its annual contribution to the UN), but their number does not exceed 12 and so does not significantly affect the results of the vote [3; 11]. Thus, the Russian Federation authorities faced condemnation for their actions by the whole international community. Could this have practical implications for conflict resolution?

Of course, it could. According to the Minister for Foreign Affairs of Ukraine D. Kuleba, the United Nations can send its peacekeeping contingent to Ukraine on the basis of the above-described resolution. Such a decision can be taken in circumvention of the Security Council's sanction and cannot be challenged by the Russian delegation – the majority will take it. The Minister also said that Ukraine had already sent such a request to the Organization [14]. In advance, it can be said that the presence of international peacekeepers would probably prevent Russia from continuing an active offensive and would significantly hasten the end of the war. Although the General Assembly lacks the Security Council's power to impose binding sanctions or other coercive measures, it nevertheless can help to galvanize global pressure to reverse Russian aggression and aid its victims [11, p. 2]. The most obvious enforcement mechanism would be comprehensive sanctions adopted at the level of the General Assembly, imposing a trade embargo on certain types of goods from the Russian Federation. Large-scale humanitarian assistance, mediation in the negotiation process, collecting evidence of international and humanitarian law violations and opening cases in the International Court of Justice are also possible. However, such a decision is still under discussion, and the main mechanism for its adoption is a universal vote in the UN General Assembly. Probably none of these

actions will end the war in one day in its own right. Nor the GA has the leverage to impose peace on Russia, but it definitely can, through both its words and resolutions, make it clear that the majority of UN members reject what Moscow has done [11, p. 3]. It will support peacemaking efforts and stand ready to help the victims of this tragic, needless and perilous war, so the Ukrainian authorities consider the GA a more effective actor in this process than the Security Council is.

Court of Justice. The third most involved UN body is definitely the International Court of Justice – often regarded as a supreme juridical organ in international relations. On February 26, Ukraine filed a complaint against the Russian Federation for violating the Convention on the Prevention and Punishment of the Crime of Genocide. Russia, like Ukraine, is a party to the Convention, so when automatically undertook to resolve all disputes in the Court. On March 16, the ICJ issued an order granting interim measures [5]. This order fully supported Ukraine's demands and is considered a true victory for Ukrainian diplomacy. According to it, Russia must immediately suspend the military operation launched on February 24 on the territory of Ukraine and ensure that any military or other organizations or persons under Russian control do not continue military actions. This part of the order was adopted by a majority of judges of the Court – 13 against 2 (only judges from Russia and China voted against). The second part of the decision concerns both parties to the dispute: they must refrain from any action that may deepen or broaden the conflict [13]. However, it should be noted that the application of temporary measures is unlikely to stop the war, but will be another convincing argument in favor of Russia's illegal actions, and will help Ukraine advance not only on the military but also on the law front. In fact, this is a legally binding decision for Russia, but its implementation may and will face significant challenges; Russian officials are already saying they would not comply. In this

situation, from the point of view of international law, the only instrument to ensure the implementation is again the Security Council. Russia is likely to block any decision on the issue by using its veto power, however, this will further worsen Russia's position in the international arena, and its isolation might only deepen.

Secretary-General. Finally, it is necessary to denote the personal efforts of the UN Secretary-General in the negotiation process between Ukraine and Russia. From the very first day of the war, Mr. Guterres established a position of UN Crisis Coordinator for Ukraine. This is one of his assistants, who directly coordinates humanitarian and military issues related to the war in Ukraine. The Secretary-General himself repeatedly called on the parties to peace, and also visited Moscow and Kyiv on April 27 – 28. During the visits, he acknowledged the futility of many UN efforts to end the escalation. According to him, the organization is committed to a full-scale truce, while taking the necessary practical steps to save lives and alleviate suffering. Such measures include effective humanitarian corridors, local ceasefires, safe routes for the withdrawal of civilians and the delivery of aid [2]. Earlier, President V. Zelenskiy, speaking at a meeting of the UN Security Council, called on the organization to act more decisively, reform itself or, if it is impossible to achieve peace, dissolve itself [8]. Such words express justified disappointment due to the ineffectiveness of the UN's actions in relation to Russian aggression. Yes, among the important steps taken by the UN was even the exclusion of the Russian Federation from the Human Rights Council, but this did not have the proper impact on the behavior of the Kremlin [6].

Conclusions. In conclusion, it is impossible not to note the significant role of the United Nations Organization as the main international platform for negotiations and coordination of actions among its member

states. However, in the case of conflict between Russia and Ukraine, it is obviously taking second place. This is primarily due to the fact that, created back in 1945, the Organization has not been properly reformed for a long time and, using such archaic attributes as the right of veto for great powers, is becoming unable to adequately respond to modern challenges of international security. The contribution of the UN to the solution of the Ukrainian crisis is certainly huge, but it is unlikely to be decisive, given the fact that the current Russian leaders either ignore the norms of international behavior established by the Organization or skillfully adapt to them, using the privileges as the successor actor of the former Soviet Union [7]. In such conditions, the calls of the permanent representative of Ukraine S. Kyslytsya to reconsider the status of the Russian Federation as the heir to the seat of a permanent member in the Security Council do not seem unfounded [12]. Revision of the Russian status certainly can have a positive impact on the course of the war, but again, this requires a lot of time and gradual deep reforms.

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Стурмак К. К. – студент Факультету міжнародних відносин, політології та соціології ОНУ ім. І. І. Мечникова

Роль ООН у вирішенні конфлікту між Україною та Росією

Стаття спрямована на розуміння та оцінку ролі Організації Об'єднаних Націй у процесі врегулювання російсько-української війни, що була спричинена повноцінним вторгнення Росії в Україну 24 лютого 2022 року. В ній аналізується потенціал організації на основі ефективності діяльності її інституційних органів; висновки насамперед пов'язані з міркуваннями як українських, так і

зарубіжних експертів з посередництва та вирішення міжнародних конфліктів.

Ключові слова: Організація Об'єднаних Націй, вторгнення Росії в Україну, врегулювання конфліктів, посередництво, реформа ООН.

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