

The United Nations and the Issue of Ukraine's Sovereignty: The General Assembly vs. the UN Security Council

By [Alexander Mezyaev](#)

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On March 27 the United Nations General Assembly resolution entitled «Territorial integrity of Ukraine» (A/RES/68/262) was adopted with 100 votes in favour, 11 against (1) and 58 abstentions (2) (24 member states were either absent or present and not voting). Council members voted as follows: Russia voted against, Argentina, China and Rwanda abstained, while the remaining Council members voted in favour.

What does the new United Nations General Assembly document state? It affirms the UN commitment to Ukraine's sovereignty, political independence, unity and territorial integrity within its internationally recognized borders, underscoring the invalidity of the 16 March referendum held in autonomous Crimea. (3) There are two moments to note here: first, it is forbidden by the United Nations Charter to refer the issues considered by the Security Council within its competence to the UN General Assembly. No matter that, the issue of Ukraine was referred to the United Nations General Assembly. Second, as the Charter states, the resolutions adopted by the General Assembly are non-binding. Now, have the states, that supported the resolution, put forward solid arguments? Can these 100 states be considered to be united by taking the same legal and political stance? The answer is no!

A lot of time has passed since the start of anti-Russian campaign related to Crimea; the authors of the resolution have failed to come up with convincing arguments to substantiate their initiative in the form of the resolution A/RES/68/262.

The affirmation that the referendum in Crimea «contravenes international law» has no whatsoever justification at all. The representatives of Moldova, Japan and other states insisted that the referendum is in conflict with international law, but not any of them remembered which exactly article it contravenes. Their poor memory is explainable, they had nothing to say. International law offers no articles which ban referendums. To the contrary, the International Court of Justice has ruled that a unilateral declaration of independence does not contravene international law.

Neither the sponsors of [Ukrainian revolution](#), nor the pro-Western majority at the General Assembly, took great pains to substantiate their arguments. It all boiled down to pure propaganda. They purposefully distort the factual and legal state of things. For instance, they constantly use the term «annexation» while Crimea acceded by its own choice based on free expression of people' will to leave Ukraine and become part of another state.

Now a few words about the violation of Ukraine' territorial integrity. As I have mentioned before, the principle of territorial integrity is mentioned in the 1970 Declaration on Principles of International Law within the context of outside intervention. It does not apply to internal referendums held by people who have a right to self-determination. International law puts it plain that a part of a state has a right to become independent or accede to another state of its choice. For instance, it is stated in the Vienna Convention on the Law of Treaties between States and International Organizations or Between International Organizations, as well as other documents.

What about a large group of states who supported the resolution? First, there are grounds to believe that many of them were subject to pressure or even blackmail. (4) Second, many states are simply not aware of the situation in Ukraine, so their decision to vote was based on distorted information. Quite often those who vote fail to make head or tail of what is happening in the country referred to a UN vote. It's enough to browse the verbatim transcripts of the United Nations General Assembly's sessions when regional conflicts or official stances of states are considered by those who geographically happen to be situated at great distances. There were also the ones who had no idea of what was going on in Ukraine but voted for the resolution taking for granted what Washington's propaganda had to say. For instance, the representative of Nigeria supported the resolution saying he did it solely to protect the principles of international law and the United Nations Charter. He shied away from applying the slightest effort to understand what really happened. Some of those who voted for the resolution made it with strings attached, for instance, Chile said the sanctions against Russia were unacceptable.

There are quite different cases when some states, no matter how small they may be, did apply efforts to see what is what and were able to stand up to blackmail. The representative of Saint Vincent and the Grenadines said the draft resolution had other motivation than principles and said he was sorry the Assembly refused to take into consideration the historic facts and the truth about the new regime in Ukraine.

Russia has rejected the UN resolution as «confrontational», Russian UN Ambassador Churkin, said before the vote, adding that the document «undermines the referendum» and the right to [self-determination of the Crimean people](#).

He said that there were «some right things» about the document, however, as it speaks out against unilateral actions and provocative rhetoric. According to him, no UN resolution was needed to achieve those goals, as all sides simply need to start acting in the interests of the Ukrainian people. The initiative of Crimea's reunification with Russia came from the Crimean people themselves, not from Moscow, Churkin noted. The revocation of the official status of the Russian language and threats to send militants to Crimea by the coup-imposed government in Kiev provided «the critical mass» to push the peninsula to the referendum, added the Ambassador.

Having studied the vote procedure one is led to the following conclusion. The correlation of 100 «yes» versus «no» votes does not reflect the reality. Even if it were 100 versus 69 it would not provide the picture accurate enough. The real balance is 100 to 93. 169 countries took part in the vote (100+11+58) while there are 193 UN members. These votes should be added to the ones who did not support the resolution, certainly not the ones who voted «yes». It means 24 states, who took no part in the vote, should be added to the 58 who abstained.

It can be said the result is an evident testimony to the fact that the Western diplomacy failed. 100 states supported the Ukrainian territorial integrity while 93 did not. 100 states voted against the Crimea's new status, but 93 did not. This is the major total of the Western demarche in the United Nations.

Notes

- (1) Russia, Armenia, Belarus, Bolivia, Cuba, North Korea, Nicaragua, Sudan, Syria, Venezuela and Zimbabwe.
- (2) South Africa abstained – special note by the author, who is writing this article from South Africa.
- (3) The text of the resolution: UN Document A/68/L.39.
- (4) Official Comment by the Information and Press Department of the Russian Ministry of Foreign Affairs on the UN General Assembly [resolution](#) on territorial integrity of Ukraine

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Articles by: [Alexander Mezyaev](#)

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