



The Causes of Political Reality - Understanding the present to shape the future

23th - 27th November 2018

Council of the European Union

Study Guide

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WORDS OF WELCOME

Distinguished Delegates of the Historical CEU,

Passionate MUNer and traveller Sebastian Pape along with aspiring international law scholar and lovestruck with Germany Ariadne Fatsi from Athens both welcome you to your new MUN experience in charming Bonn. It will be an honour and a pleasure for us to serve as your Chairs for the 2018 edition of the BIMUN/SINUB conference.

First off, we should congratulate you all for taking up the challenge to join an historical committee with an attempt to “make things right” and give an example of leadership and solution-orientation to the people who actually had to decide about these topics. Our choice of topics was directed towards situations which are relevant to the current day and can foster our understanding of the reasons why they were or were not addressed properly in the first place.

Moreover, we express our hope that this study guide will provide you with useful information and sources and facilitate your preparation for the conference over the coming months. This document is not intended to be your one and only source of information, but more like a general introduction to the topic and a guide to your overall preparation.

Last but not least, we encourage you all to step up your experience and challenge yourselves. Whether you are the delegate of 25 conferences or the most shy of newcomers, whether you want to meet new people or become a better orator and develop your public speaking, find the goal you want to achieve in this MUN and make each moment count.

We are looking forward to meeting you in person! Let the games begin!

Kind regards,
Ariadne Panagiota Fatsi and Sebastian Pape
Chairs of the Historical CEU

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Committee Overview

Distinction

The institutions of the European Union bear the potential to confuse European citizens and MUNers likewise. As the very functioning of this committee will be of essential importance for this year's historical simulation, we feel that it is not only highly recommended, but also necessary to thoroughly read this passage and ensure that all possible ambiguities are being removed.

First of all, it has to be noted that the rather unfortunate terminology of three different European bodies contain the term "Council" in their name: the European Council, the Council of Europe and the **Council of the European Union**. If you feel unsure about their distinction (which is not a shame, it happens even to more experienced MUNers), you can use the memory hook that those bodies with *European* in their names are bodies of the *European* Union, whereas the Council of *Europe* is an international institution with 47 members from the continent *Europe* – both EU and non-EU members.¹ The Council of Europe sees itself as guardian of democracy and human rights. Among its most important actions is therefore the passing of the European Convention of Human Rights 65 years ago.²

Having sorted this out, there are still two *Councils* in the EU, listed under 'Consilium' and a common emblem.³ The European Council consists of the heads of states and governments of the EU member states. It takes basic decisions and sets the general agenda and for the union.

¹ *Council of Europe* (2018) 47 Member States [online] Accessible at: <https://www.coe.int/en/web/portal/47-members-states> [Accessed 21 Oct 2018]

² *Council of Europe* (2018): A safety net for the people of Europe: 65 years of the European Convention on Human Rights [online] Accessible at <https://www.coe.int/en/web/portal/-/-a-safety-net-for-the-people-of-europe-65-years-of-the-european-convention-on-human-rights> [Accessed 21 Oct 2018]

³ Until 2014, The Council of the EU had a different emblem, but from July 1st 2014 on, it decided to put the 'Council family' into one visual presence: http://www.consilium.europa.eu/media/29366/a-new-visual-identity-for-the-_council-family_.pdf

The body, which is relevant for us, is the **Council of the European Union**. It looks back on an eventful history and is an active and important part of the legislation process of the European Union. It meets in ten different ‘configurations’ on various topic areas, each with the ministers or state secretaries of the EU member states responsible for the respective field. Therefore it is also called the ‘Council of ministers,’ or just short ‘the Council’.

In cases of doubt, a “Council” in EU context might most probably refer to the **Council of the European Union (CEU)**, as it plays an important role in the numerous legislative decisions taken in the European Union.

History

The Council is the main decision-making body which existed from the very beginning of the roots of the European Union, although it changed its name according to the development and the changes in the European community.

With the establishment of the European Coal and Steel Community (ECSC) through the Paris Treaty in 1952, there was also created a ‘Special Council of Ministers in the ECSC’, which held its first meeting on the 8th of November in the same year in Luxembourg. Simplified speaking, this was the first meeting of an ancestor of the CEU in the configuration of Economic and Financial Affairs, which has later been complemented by further topic areas.

With their entry into force in 1958 the Treaties of Rome established, besides the European Atomic Energy Community (EAEC, or Euratom), the European Economic Community (EEC) with its *Council of the EEC*. In 1967 and 1971, the Merger Treaties consolidated the three institutions ECSC, EEC and Euratom, giving them one single budget, a single Commission and one Council. The Councils of the ECSC and the EAEC were merged into the Council of the EEC, now representing the European Communities alone. With the establishment of the European Union through the Maastricht Treaty in 1992/93, the Council also adapted its name, turning into the *Council of the European Union* as it stands till date. The Lisbon Treaty, which came into force in 2009, promoted the European Council from

an informal body to an official institution of the EU (which now causes so much confusion with the **Council of the European Union**)⁴

Membership

The composition of the Council is determined on the one hand by the membership in the European Union, which means that the size of the Council varies according to the amount of members of the EU. There were six founding members of the EEC, whereas the CEU currently includes 28 member states.⁵ On the other hand, the representatives for the Member States are the ministers or secretaries of state in the topic area which is relevant for the respective one of the possible 10 configurations.

The first topic of this year's historic simulation will bring exceptionality with it, as the process of the creation of the constitution of Europe actually did not involve the CEU, but was developed and drafted by a specifically created organ, called the "Convention on the Future of Europe". This convent was set up by the European Council, which also took the final decision to adopt the draft of the constitution. Although this Convention included EU members and candidates to join likewise, we have decided upon a configuration that seems suitable for our purposes and which can be retrieved from the country matrix provided on the BIMUN website. The reasons for choosing the method of a Convention are explained and discussed in the source mentioned under "Further Readings".

For the second topic on the issue of Ukraine, we will meet as Council of the EU in the configuration of the Foreign Affairs Council, which means that you will act as foreign ministers of the respective country you represent.⁶ As Croatia was the last country to join the EU in 2013, and Great Britain (or United Kingdom) still being assumed to be an official member by the beginning of this conference, there will be 28 members in the Council by the time when this topic will be on the Agenda, dating back to 2015.

⁴ *Council of the European Union* (2018) History [online] Accessible at <http://www.consilium.europa.eu/en/history/> [Accessed 21 Oct 2018]

⁵ *European Commission* (2018) The 28 member countries of the EU [online] Accessible at https://europa.eu/european-union/about-eu/countries_en#tab-0-1 [Accessed 21 Oct 2018]

⁶ *Council of the European Union* (2018) Foreign Affairs Council configuration (FAC) [online] Accessible at <http://www.consilium.europa.eu/en/council-eu/configurations/fac> [accessed 21 Oct 2018]

Mandate

The Council is an important actor for the legislative process⁷ within the ‘Ordinary legislative procedure’, which applies for the vast majority of EU laws. The ministers of a topic area take decisions within their topics, but are not limited to their own subject areas: “As the Council is a single legal entity, [...] any of the Council's 10 configurations can adopt an act that falls under the remit of another configuration. Therefore, with any legislative act the Council adopts no mention is made of the configuration”⁸ However, it is effective to focus on the topic that the representatives are specialized upon.

The voting procedure in the Council depends on issue under discussion and requires, according to the character of the issue

- a) a simple majority (15 members),
- b) a qualified majority (55% of member states which represent at least 65% of the EUs population),
- c) unanimity (all members).

The quorum is a simple majority.⁹

The Qualified Majority Voting (QMV) has been used for about 70 percent of legislation procedures so far, which shows that the vast majority of cases discussed and decided upon by the Council apply to this voting method. Furthermore, regulations made by the Treaty of Lisbon contributed to an increase in usage of the QMV compared to procedures taken according to the Treaty of Nice, whereas the number of cases decided by unanimity decreased by a comparable amount. Unanimity applies for decisions on certain specified topics fields, such as membership of the union, taxation, finances or the common foreign, security and defense policy. Decisions taken by a simple majority are a rare exception in the Council and represent only about 5% of the cases.

Apart from those legal decisions, the Council may also pass legally non-binding Council conclusions and resolutions.¹⁰ This option might be

⁷ *Council of the European Union* (2018) The decision-making process in the Council [online] Accessible at: <http://www.consilium.europa.eu/en/council-eu/decision-making> [Accessed 21 Oct 2018]

⁸ *Council of the European Union* (2017) Council configurations [online] Accessible at <http://www.consilium.europa.eu/en/council-eu/configurations> [Accessed 21 Oct 2018]

⁹ *Council of the European Union* (2018) Voting system [online] Accessible at <http://www.consilium.europa.eu/en/council-eu/voting-system> [Accessed 21 Oct 2018]

considerable especially for the second agenda item. Within the simulation, the Rules and Procedures of any 'regular' UN body will apply then. It is also assumed that in decisions concerning foreign issues unanimity is sought.

The Convention

For the first topic on the agenda, there will be changes to your roles, as the creation of the European constitution was carried out not by the CEU itself, but by a European Convention. Therefore, we will effectively change the whole role of the Council and simulate this Convention for that Agenda item.¹¹

The composition of this Convention is of a much larger scope than the current CEU with a total of more than 100 members¹²: "In addition to its Chairman and Vice-Chairmen, the Convention will be composed of 15 representatives of the Heads of State or Government of the Member States (one from each Member State), 30 members of national parliaments (two from each Member State), 16 members of the European Parliament and two Commission representatives. The accession candidate countries will be fully involved in the Convention's proceedings. They will be represented in the same way as the current Member States (one government representative and two national parliament members) [...]"¹³

In order to keep the Council manageable, the real constellation as well as the representation will be simplified and take place with one single delegate per member according to the country matrix provided. In this case you do not act as ministers in a special field but as a general representative

¹⁰ *Council of the European Union* (2017) Council conclusions and resolutions [online] Accessible at <http://www.consilium.europa.eu/en/council-eu/conclusions-resolutions> [Accessed 21 Oct 2018]

¹¹ *Novak, P.* (2018) The Treaty of Nice and the Convention on the Future of Europe [online] Accessible at: http://www.europarl.europa.eu/RegData/etudes/fiches_techniques/2017/N50021/en.pdf [Accessed 21 Oct 2018]

¹² *The European Convention* (2003) Organisation [online] Accessible at: <http://european-convention.europa.eu/EN/organisation/organisation2352.html?lang=EN> [Accessed 21 Oct 2018]

¹³ *Office for Official Publications of the European Communities* (2001) "Presidency Conclusions of the Laeken European Council (14 and 15 December 2001). Bulletin of the European Union No 12, p. 22. [online] Accessible at https://www.cvce.eu/content/publication/2002/9/26/a76801d5-4bf0-4483-9000-e6df94b07a55/publishable_en.pdf [Accessed Sep 11 2018]

of your country to the Convention. We are convinced that this constellation will suit our needs for the simulation and create the environment for an amazing historical Council experience.

Further readings

For details on the CEU and other bodies of the EU, you find all relevant information on the websites of the European Union, as referred to in the footnotes.

Concerning the Convention on the Future of Europe, we recommend this evaluation on the decision for the Convention-Model for the development of a European constitution:

Hoffmann, L. (2002), The Convention on the Future of Europe - Thoughts on the Convention-Model. Jean Monnet Working Paper 11/02. NYU School of Law. ISSN: 1087-2221. [online] Available at: <https://jeanmonnetprogram.org/archive/papers/02/021101.pdf> [Accessed Sept 10th 2018]

Topic A: A constitution for Europe? (2003-2004)

Introduction

The European integration process reached a temporary peak with the establishment of the European Union through the Treaty of Maastricht, which came into force in 1993. However, this success also turned out to mark the beginning of a rocky road on which the union faced several new and unforeseen challenges, many of them in the economic field. However, driven by the desire to transform the EU into a fully integrated political union, several treaties were negotiated and signed. Yet a number of problems still remained unresolved. Additionally, waves of enlargement of the Union required new voting rules within the decision-making process as well as reforms of its institutions.

Hence, the idea of a constitution for the European Union arose in 2001, brought forward by former French President, Valéry Giscard d'Estaing. The constitution Treaty aimed at merging the existing pillars into the EU as one single entity. This would have had tremendous advantages regarding the ability to act among other global institutions, countries and alliances. Furthermore, a common constitution could not only have made decisions and processes more efficient and the entire system more democratic, but also give the European idea a foundation to build upon a fully integrated political Union.



At this point, the task of the Convention will be to design a “Treaty on Establishing a Constitution for Europe”, which will implement the beforementioned aims as effective as possible. It should keep in mind that a constitution as basic and general law would apply to all member states and has a far-reaching impact both on the functioning and the procedures of regional, national and European institutions as well as on the everyday-lives of its citizens. It is therefore the most important step of the integration

process, as the European continent has witnessed it during the second half of the 20th and the beginning of the 21st Century.

Furthermore, you should bear in mind that this constitution must go through a ratification process in each of the member states and that every country has different procedures of ratification, as there is no general harmonized rule on voting procedures for a constitution draft, reaching from the consent of a parliament over two- or more-chamber systems and royal approval to public referendums. Hence, politicians have to be convinced of the advantages of the draft as well as common citizens, respectively.

A central point will be the detailed elaboration of the content of the draft. The better the content, the easier it will be to solicit approval. On the other hand, a major task will also be to persuade the decision makers on two aspects. Firstly, it is needed to argue why it is necessary to have a common constitution for the European Union in the first place. As the initiative came from member states themselves, this shall rather be the less challenging task. To a greater degree it will be crucial to communicate, why this particular result of the drafting process is the best possible option and favorable for all parties involved. Furthermore, this document is of such importance and affects all members, that not only an all-over majority is needed but a majority in every single member state.

The main question on this agenda item is which vision the European Union would have based on the constitutional Treaty that you are about to design. You have the unique chance to make history and make a proposal for the European development and the future of Europe.

How will *your* constitution look like? Would (or will) it come into force? Is it robust against all imponderabilities? This is your chance to create YOUR Europe.

History and status quo in 2003

The work in this historic Convention will be based more on content than on chronological events. However, we set the starting point to the first Plenary meeting in the year 2003, taking place in Brussels, as foreseen for the

Convention, on the 6th and 7th of February.¹⁴ All events until that point are considered to be relevant, whereas all further events will depend purely on the decisions of the Convention. This means that all accessible information concerning any point of time past the 7th of February 2003 are considered to be irrelevant and will not be able to be referred to during the simulation.

In order to understand the circumstances under which the idea for the constitution was born and pursued, it is necessary to become aware of the preconditions the members of the Convention faced when they had commenced their work. The state of the union at that time was a Three-pillar-system which was subsumed under a roof called “European Union”, but there was no single Union as one legal entity. These three pillars were the European Community (EC), Police and Judicial Co-operation in Criminal Matters (PJCC) and the Common Foreign and Security Policy (CFSP). Although the Treaty of Nice just had come into force on the 1st of February 2003, this condition was not being touched by that treaty.¹⁵

Various attempts during the 1990s to react to the challenges which had been detected throughout the integration process remained fragmentary and the Treaty of Nice was neither the first nor the only outcome document of an Intergovernmental Conference (IGC) which did not solve the problems it was intended to tackle in a sufficient or satisfying manner. The dominating issue was the anticipated enlargement of the union, which could not be entirely handled by the Treaty of Amsterdam, as reforms in necessary fields, especially regarding institutions and voting systems, had been postponed. It was one of the main intentions of the IGC in Nice to tackle these so called “Amsterdam leftovers”.¹⁶ One main change of the treaty was a new way of voting weights, but many felt that it did not go far enough, for instance by not touching the Three-pillar-system or the imbalanced power distribution, giving preference to the Commission, which has been criticized, for instance for its election process being not democratic enough.¹⁷

¹⁴ *The European Convention* (2003) Timetable of meetings for 2003 [online] Accessible at: <http://european-convention.europa.eu/docs/calendar/Meetings3EN.pdf> [Accessed 21 Oct 2018]

¹⁵ *European Union* (2001) Document 12001C/TXT [online] Accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12001C%2FTXT> [Accessed 21 Oct 2018]

¹⁶ *Lymbouris, C.* (2010) The Treaty of Nice [online] Accessible at: <http://testpolitics.pbworks.com/w/page/20734326/The%20Treaty%20of%20Nice> [Accessed 21 oct 2018]

¹⁷ *De Ruyt, J. / Vos, S.* (2018) Elections and appointments in 2019: the EU institutional debate [online] Accessible at: <https://www.globalpolicywatch.com/2018/02/elections-and-appointments-in-2019-the-eu-institutional-debate> [Accessed 21 Oct 2018]

The feeling that the subsequent IGCs and the changes to the EU treaties decided upon had not been enough to actually impose the reforms necessary for the challenges that the EU was facing, must have been a driving force to the suggestion of a constitution on the one hand and the Convention model on the other hand. This legal, political and social state of the union in February 2003, which is indicated by the content of the Treaty of Nice, shall be the starting point and reference for all your thoughts on this issue.¹⁸

The purpose of your preparation shall be to enable yourself to think and act like a person in the year 2003. Given the aim to reach the best possible result when working on a document of such historic relevance, you should take into consideration not only the legal status quo but also the general circumstances at the beginning of the year 2003. What was the political environment like, especially in your countries, but also in Europe and the world? Which topics were being discussed and of interest? What were the positions of your governments and which ideas had majorities among politicians and citizens at that time? Which laws and documents had been passed recently? Going deeper, we also invite you to examine the atmosphere both in Europe and in your countries. What bothered the people, what influenced them? Which ideas were debated in public?

It could also be worthwhile to have a look at the topics dealt with by arts, culture and media these days. We also would like to advise you to be aware that developments happened which could not necessarily have been foreseen. Just to give you an idea: The burst of the dotcom bubble was only almost three years ago and the digital revolution was just at the beginning. The terror attacks on New York dated back only little more than one year. The internet was still new to many, Google mostly and purely known as a search engine and Nokia was world market leader for mobile cellphones¹⁹ and the development of *facemash.com* began.²⁰

¹⁸ Novak, P. (2018) The Treaty of Nice and the Convention on the Future of Europe [online] Accessible at: <http://www.europarl.europa.eu/factsheets/en/sheet/4/the-treaty-of-nice-and-the-convention-on-the-future-of-europe> [Accessed 21 Oct 2018]

¹⁹ "Smartphones" did not exist (the first iphone was launched in 2007)

²⁰ an ancestor of facebook (which was then launched later in 2004)

Laeken: Kick-off for Convention and constitution

At its meeting on the 13th to the 15th of December 2001 in Laeken, Belgium, the European Council decided to initiate a process with the goal to create a constitution for the European Union (Laeken Declaration).²¹ It was driven by the insight that despite several changes the structures and processes of EU were still too inefficient and ineffective, and the anticipation of the structural challenges caused by the impending enlargement of the EU. Although the signing of the Treaty of Nice dated back only 10 months, there was a desire to have one document as the foundation of the union, replacing several treaties as well as the union as single entity with a legal personality instead of pooling several organizations under a roof called "EU".

For the purpose of drafting the *Treaty establishing a Constitution for Europe*, the 'Convention on the Future of Europe' was created under the chairmanship of the former French President, Valéry Giscard d'Estaing. It commenced its work on the 1st of March 2001. The Convention worked with plenary sessions and working groups. The six working groups were divided by topics as follows:

- I. Subsidiarity,
- II. Charter of Fundamental Rights of the European Union,
- III. Legal personality,
- IV. National parliaments,
- V. Complementary competences,
- VI. Economic governance.

At the beginning of 2003, the results of these working groups were present to the Convention in order to be discussed and amended. However, if we want to tackle the roots of the constitution instead of only amending some proposals, we will start from scratch, assuming that there is no draft on the table at that point, and allow all members to make contributions to each topic area. We will simulate plenary sessions only. Also, our simulated Convention might make changes to its own way of operating and its procedures - it's all up to you!

²¹ *The European Convention* (2003) Laeken Declaration on the Future of the European Union [online] Accessible at: <http://european-convention.europa.eu/pdf/LKNEN.pdf> [Accessed 21 Oct 2018]

Contents of a constitution

The constitution shall address all six aforementioned topic areas likewise. However, it is up to the Convention to add or remove topic areas, focus on parts of them or to restructure their composition. Everything is possible. Nonetheless, it is recommendable to take these six subject areas as a guideline, as they represent the most pressing issues in the eyes of the members of the Convention at that time. The main issues and question of each working group and thereby topic area are all formulated so well on the website of the Convention, that it would be redundant to copy it from there. Therefore, you are invited to study this page intensively.²² You should pay attention in particular to the final reports of the Working groups²³, which will be the basis for our discussion.

The overall aim of the establishment of a constitution was to harmonize and simplify the bodies and procedures of the EU, making it more democratic and capable of acting at the same time. Therefore, the document shall address mainly institutions but also fields of acting and the distribution of responsibilities as well as procedures. All measures included into the constitution should be justifiable in the light of these aims. It is also possible for the Convention to define new aims or prioritize them differently.

As a constitution shall cover all aspects of the state and functioning of the EU, it must address numerous issues, which might be quite ambitious for our session. You are invited to suggest and include the aspects which are important to you into the debate. At this point, we would like to point at a few main points which we find important to be tackled and/or considered.

Principles of the constitution

The basic principles of the integration process that resulted into the foundation of the European Union shall be reiterated by the constitution:

- **Conferral:** All member states voluntarily give up some of their competences and transfer those to a supranational institution, i. e. the

²² *The European Convention* (2003) Working groups [online] Accessible at: <http://european-convention.europa.eu/EN/grprtrav/grprtrav2352.html?lang=EN> [Accessed 21 Oct 2018]

²³ *The European Convention* (2003) Working groups [online] Accessible at: http://european-convention.europa.eu/EN/grprtrav/doc_wg2352.html?lang=EN [Accessed 21 Oct 2018]

EU. This principle is essential for a successful and legitimized integration.

- Subsidiarity: The union makes only use of these conferred powers if issues cannot be solved on national levels. Decisions shall always be taken at the lowest level possible.
- Proportionality: The union acts not exceeding the extent necessary to reach its aims and goals.
- Primacy of EU law: No national laws shall be passed that contradict binding EU legislation in that field.²⁴

Especially the conferral of competences may often be critical, as it requires sovereign nations to give up parts of their democratic sovereignty. The expected gain from this act must at least pay off for the credit of trust the affected country makes. Furthermore, every country has topic areas that are extremely important to them which makes it even more difficult for them to give up at least partial control over them. Therefore it is important to be aware of such key topics of your respective countries.

For instance, every member of the Union has a differently structured economy and therefore will have an interest in regulations which support their respective sectors. For example, France has always been very keen on the protection of their agricultural industry, which even led them to boycott the Council in the so called “Empty Chair Crisis” in 1965²⁵. You should be aware of the structure of the economy of your country and try to protect it as well as possible, but also do not neglect the fact that partial interests might be even better served in a whole common strategy in the long run and compromised might be needed to reach this.

Reform of institutions

One of the most crucial questions is the structure and functioning of EU bodies and institutions. On the one hand, they shall not be too complex for EU citizens to be understood, on the other hand they shall work efficiently, effectively and with expertise in the respective fields.

The aforementioned three pillars shall be merged into one entity and the relations, jurisdictions and functioning of the institutions may (and shall) be redesigned. This is also a chance to react to criticism which had evolved regarding the institutions. The main debate is about a lack of democratic

²⁴ https://en.wikipedia.org/wiki/Treaty_establishing_a_Constitution_for_Europe

²⁵ https://en.wikipedia.org/wiki/Luxembourg_compromise

legitimation of the EU (“democratic deficit”), which hasn’t been solved satisfactorily, even though every Treaty increased the power and influence of the European Parliament, which had consistently been called for.²⁶ Yet the parliament still did not have the right of initiative for legislative procedures, which was a prerogative of the Commission. Thus, a main task for the Convention will be to arrange and organize the legitimization, election and competences of the institutions as well as their relations with each other.

Reform of the weighted voting system

As mentioned earlier, one of the most pressing issue regarding the further steps of integration was the fact that the union was about to incorporate several countries as new members, which raised especially the question how necessary majorities for laws to pass should be adjusted and in which cases which majorities shall apply.

The main challenge that arises with a further enlargement of the union is the question of a fair voting system within the democratic bodies. On the one hand, each member state represents one entity and shall have a vote, on the other hand, some countries represent by far more EU citizens than others. It is in the interest of the smaller countries to have such an importance that their vote cannot be simply overruled by the large countries, and the larger countries seek for a solution that does not overrate the voting power of smaller countries compared to the number of inhabitants of those.

The Treaty of Nice already modified the existing voting system, but as this is crucial to the functioning of legislative processes as well as to the outcome of far-reaching decisions, the Convention shall take this issue especially into account.

Economic Policy

The roots of European integration go back mainly to economic and security interests. Meanwhile, the union has become a single market with a

²⁶ *The economist* (2014) Elected, yet strangely unaccountable [online] Accessible at: <https://www.economist.com/briefing/2014/05/15/elected-yet-strangely-unaccountable> [Accessed 21 Oct 2018]

common central bank and a common currency for those countries who voluntarily have agreed to participate and fulfilled certain criteria.²⁷

This constellation bears certain difficulties. First of all, central banks are sometimes controlled by a government and some politicians argue that this should be the case for the ECB as well. Although the ECB is independent and its only objective is price stability, in both cases the bank possesses power with limited democratic control. Furthermore, the economies of the member states are very diverse and require some balancing mechanism. As there are no exchange rates between them, which would usually balance inequalities between different economies, a fiscal union would be another possible option, which was also much-debated. The approach by the Economic and Monetary Union (EMU), that only economies which fulfil the convergence criteria may join the circle, has been at least questioned, as these criteria seemed to be at least partially inefficient and the only sanction measures were fines, which do not deter from violations of these criteria as much as intended.

Judiciary

The European Court of Justice plays an important role as the sole judiciary power within the democratic framework of the European Union and also has been criticized for exceeding its powers, which seem not always to be clear. It may therefore be worthwhile to precisely define its role, power and limits within the constitution.

Suggestion: a vision

Although it might seem obvious why the European continent needs the integration process which has taken place during the last decades and why it is worth to be supported, it is necessary not to forget for whom all this happened: for the people, the European citizens. Therefore, it might be a good idea to develop a vision, a long term goal which shall guide all thoughts and actions made within and by the EU. This may help to include common European people into the integration process and make them part of the European development. In the end, it will be them who decide whether the whole process will be successful: with their acceptance of the European

²⁷ European Commission (2018) Convergence criteria for joining [online] Accessible at: (https://ec.europa.eu/info/business-economy-euro/euro-area/enlargement-euro-area/convergence-criteria-joining_en)

Union as their democratic power. And in the short run: with their approval of the constitution treaty. Or not.

Conclusion

Establishing a constitution for the European Union is a huge chance and a tremendous challenge at the same time. The result of this process may have effects on the development and success of the European integration project and may either turn into a huge leap for the continent towards a unity of nations or even cause the opposite if measures turn out to be ineffective or even counterproductive.

The Convention will need all of its expertise, providence and wise decisions in order to fulfil the hopes and expectations resting on its shoulders. We are convinced and optimistic that you will fulfill these expectations and master this opportunity to make democratic history. The destiny of Europe is in your hands!

Questions a constitution should answer

Besides many aspects that could be addressed, a few points are central to the character of the constitution.

Institutions

- Which institutions shall the EU have and how shall they be composed and elected?
- How should the existing institutions be transformed into the new ones?
- Shall there be a common government and if yes, how could it be appointed?
- How should membership be obtained?
- Which majorities shall apply at which areas?
- How can democratic legitimization be combined with an efficient operating principle?

Competences

- How should the legislative process be designed?

- Which institution shall have which powers?
- How shall the voting rights distributed?
- How should a common foreign policy be regulated?
- Which shall be the powers and limits of the ECJ?

Finances and Economy

- How should fiscal policy decisions be made?
- How shall convergence measures being designed in order to be effective?

Suggestions for further research

- The drafting of the Treaty establishing a Constitution for Europe: https://www.cvce.eu/content/publication/2006/1/9/092e0568-de5b-4306-a583-e0f363ceeff4/publishable_en.pdf
- The Convention on the Future of Europe and the EU's "Democratic Deficit": <http://www.dtic.mil/dtic/tr/fulltext/u2/a442416.pdf>
- Coping with constitutional incompatibilities Bargains and Rhetoric in the Convention on the Future of Europe: <http://www.jeanmonnetprogram.org/archive/papers/03/031401.pdf>
- The European Convention, Speeches: <http://european-convention.europa.eu/EN/dynadoc/dynadocc48b.html?lang=EN&Content=DOCSPEE>

TOPIC B: The crisis in Ukraine: Occupation of Crimea (2015)

Introduction

The Ukrainian crisis has been a debated issue ever since the anti-government demonstrations which took place in Ukraine in 2013. In 2017, the casualties from acts of violence directly related to the events of the past three years were higher than they ever had been after the Minsk agreement of 2015, which was never actually fulfilled²⁸.

Such incidents and political actions demonstrate how a situation like the Ukrainian crisis, when it remains unresolved, can continue to cause hostilities, sprout controversy, hinder the everyday lives of affected citizens and obstruct any attempt of reconciliation and collaboration between the parties involved for years after the actual events. Was it a miscalculation of the required course of action which led to this or rather an inevitable turn of events? Could something have been done better or should we accept the outcome as necessary evil concluding in the words of Pittakos of Mytilene that “needs can even convince gods”²⁹? These are exactly the questions which you as delegates of the Historical Committee of the CEU will have to keep in mind while preparing, lobbying and working on their documents.

A final word of clarification before we move on to the actual content of the study guide; as this is a historical committee, for the discussion of topic B we take January 1st of 2015 as a starting point. The events which have taken place up to this point in time can be taken as reality, while everything which has happened later can only be used as a source of ideas during the preparation process of the delegates and has no effect for the work of the committee. Hence, the delegates will have to keep in mind that the policies they will represent in the committee should be the ones the government of their country would support at the designated point in time, which for Topic B is 2015.

²⁸ *Eckel, M.* (2017), U.S. Envoy Says 2017 Deadliest Year In Ukraine Conflict, Warns Of Spiking Violence. [online] Available at: <https://www.rferl.org/a/ukraine-russia-volker-2017-deadliest-year-spiking-violence/28927525.html> [Accessed 17 Aug 2018]

²⁹ One of the Ancient Greek “7 wise men of the ancient times”, 650 - 560 BC.

Useful terms and definitions

Ukrainian crisis

The Ukrainian crisis refers to the events which took place starting from the anti-government demonstrations and the ousting of President Yanukovich in 2013 and leading to the annexation of Crimea in 2014 and the international complications which took place as a result³⁰.

Annexation

To annex means “to incorporate (a country or other territory) within the domain of a state³¹”. It is used especially when the region in question is significantly smaller than the state which commits the annexation.

Coup d’etat

A coup d’etat (literally translated from French as a “blow against the state”) refers to “an illegal and overt seizure of a state by the military or other elites within the state apparatus”³².

People’s Right to Self Determination

The principle which states that all people have the right to decide for themselves and freely select their political status and pursue economic, social and cultural development was first declared in the 1960 as a part of the “Colonial Independence Declaration” and is recognized by article 1 paragraph 2 of the UN Charter³³. This principle is central within the

³⁰ Yuhas, A. (2014), Ukraine crisis: an essential guide to everything that's happened so far. [online] Available at: <https://www.theguardian.com/world/2014/apr/11/ukraine-russia-crimea-sanctions-us-eu-guide-explainer> [Accessed 19 Aug 2018]

³¹ Annex [Def. 4]. (n.d.), In Merriam Webster Online, Available at: <http://www.merriam-webster.com/dictionary/annex> [Accessed 19 Aug 2018]

³² Powell, Jonathan M.; Thyne, Clayton L. (2011), Global instances of coups from 1950 to 2010 A new dataset. *Journal of Peace Research*. 48 (2): 249–259. doi:10.1177/0022343310397436. ISSN 0022-3433

³³ Art. 1 p.2, Charter of the United Nations: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;”

arguments of the Russian Federation supporting the referendum of Crimea, and thus the understanding of this principle and whether it can or cannot apply to the given conflict is relevant to the issue at hand³⁴.

Historical Background

It is only natural for the Crimean peninsula to have strong bonds with the Russian Federation. Crimea was a part of Russia ever since 1783, when the Tsarist Empire annexed it about a decade after beating the Ottoman Forces at Kozludzha. In 1954, nevertheless, Soviet Russia transferred Crimea to the Ukrainian Soviet Socialist Republic (UkrSSR). The reasons for this transfer are still disputed to this day, as none of the two official explanations (namely commemorating the 300th year of the “reunification of Ukraine with Russia” or the territorial proximity of Crimea to Ukraine) are considered plausible by modern day analysts. It is entirely more likely that it was a political action, aiming at strengthening Moscow’s influence on Ukraine and consolidating the collaboration between Khrushchev, First Secretary of the Communist Party and leading figure from Stalin’s death until 1964, and Kyrchenko, whose support was required by Khrushchev, as the latter had ongoing power struggles with USSR Prime Minister Georgii Malenkov³⁵.

When the USSR collapsed, Crimea became a part of Ukraine with the status of an autonomous republic. It was the region with the lowest percentage of voters in favour of the independence of Ukraine (54%), but in its constitution of 1992, it accepted to remain a part of the state in exchange for significant autonomy, including its own constitution and legislature³⁶. However, it is only natural that a region with a vast majority of Russians has always had bonds with the Russian Federation. Many were very skeptical towards Ukraine and over the course of time there have been substantial

³⁴ *Kapustin, A.* (2015), Crimea’s Self-Determination in the Light of Contemporary International Law. [online] Available at: <http://www.zaoerv.de> [Accessed 23 Aug 2018]

³⁵ *Kramer, M.* (2014) Why Did Russia Give Away Crimea Sixty Years Ago? [online] Available at: <https://www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago> [Accessed 26 Aug 2018]

³⁶ *Taylor, A.* (2014), To understand Crimea, take a look back at its complicated history. [online] Available at: https://www.washingtonpost.com/news/worldviews/wp/2014/02/27/to-understand-crimea-take-a-look-back-at-its-complicated-history/?noredirect=on&utm_term=.be2843579422 [Accessed 25 Aug 2018]

challenges of the Ukrainian government towards the population of Crimea and the autonomy status³⁷.

Through signing Budapest Memorandum on Security Assurances, the Russian Federation in 1994 officially recognized the territorial integrity, sovereignty and political independence of Ukraine and thereby the status of Crimea as a part of the Ukraine. Therefore the annexation of the Crimean peninsula has been interpreted as a violation of international law by many western scholars and policy makers ³⁸.

Recent³⁹ developments

In Ukraine, anti-government demonstrations otherwise known as the “Euromaidan” broke out in November 2013, following the announcement of President Yanukovich to suspend the talks for an association agreement with the EU and turn more towards Russia as a trade partner. The protests hold strong until January 2014, when they were outlawed by a new legislative attempt to ban anti-government demonstrations. Yanukovich reached an agreement with the opposition to form a unity government and turned towards the EU again in February 2014, but this did not stop the protesters, and as a result Yanukovich was forced to flee the country after a coup d’etat⁴⁰. Before the end of February, pro-Russian protests started in Crimea.

Crimean local authorities asked Russia for help in March and President Putin took the endorsement of the Parliament to use military forces. However, when asked, he denied having besieged the Ukrainian troops and maintained that the Russian troops were only in the region for self-defense purposes⁴¹. The Ukraine offered to negotiate on the condition that the Russian troops are withdrawn, but Russia did not agree.

³⁷ *Kramer, M.* (2014), Why Did Russia Give Away Crimea Sixty Years Ago? [online] Available at: <https://www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago> [Accessed 26 Aug 2018]

³⁸ Read more at: <http://theconversation.com/russia-doesnt-just-violate-international-law-it-follows-and-shapes-it-too-92700>

³⁹ As of 2015 as the present time.

⁴⁰ *Walker, S.* (2014), Ukraine's former PM rallies protesters after Yanukovych flees Kiev. [online] Available at: <https://www.theguardian.com/world/2014/feb/22/ukraine-president-yanukovych-flees-kyiv> [Accessed 26 Aug 2018]

⁴¹ *The Telegraph* (2015) Ukraine crisis: timeline of major events. [online] Available at: <https://www.telegraph.co.uk/news/worldnews/europe/ukraine/11449122/Ukraine-crisis-timeline-of-major-events.html> [Accessed 26 Aug 2018]

The Security Council attempted to vote upon considering the referendum as illegitimate, but Russia vetoed this⁴². As a result, in March 16th, the referendum of Crimea took place, with a 97% majority of voters wishing to separate from Ukraine. On the next day, Crimea officially declared independence with a wish to join the Russian Federation and President Putin accepted, while Ban Ki Moon, current Secretary General of the UN, expressed his deep disappointment⁴³. On March 24th 2014, the G-8 members decide to meet as G-7 and leave Russia out of their summits until it changed course.

In May, violent acts took place in many regions of Ukraine and the report on human rights in the area was disappointing. The Office of the UN High Commissioner for Human Rights expressed concerns about “an alarming deterioration in the human rights situation in the east of the country, as well as serious problems emerging in Crimea, especially in relation to the Crimean Tatars⁴⁴”, but Russia discredited the report, complaining about no mentions whatsoever to the rise of nationalism in Ukraine. Pro-Russian militants were roaming the land of Ukraine and took the airport of Donetsk in late May 2014. Apart from that, they seemed to have brought down a helicopter and killed 14 Ukrainian soldiers. The new President of Ukraine, Poroschenko, promised to combat the rebels.

During June, the G7 tried to convince President Putin to negotiate with President Poroschenko, but this finally happened on June 9th, in negotiations mediated by the EU. Meanwhile, the Ukrainian government constantly complained about Russian tanks and troops entering their territory⁴⁵ and a plane brought down by insurgents caused the death of 49 people, but Russia denied being responsible for the incident and cut off the gas supply to Ukraine for a delayed payment. On June 20th, the Ukrainian government

⁴² Delegates can watch footage from the SC at the following link: <https://www.c-span.org/video/?318324-1/un-security-council-meeting-ukraine>

⁴³ *The Kremlin, Moscow* (2014), Address by President of the Russian Federation. [online] Available at: <http://en.kremlin.ru/events/president/news/20603> [Accessed 26 Aug 2018]

⁴⁴ *UN HRC* (2014), Report on the human rights situation in Ukraine. [online] Available at: <https://www.ohchr.org/Documents/Countries/UA/HRMMUReport15May2014.pdf> [Accessed 27 Aug 2018]

⁴⁵ *CNN* (2014), Ukrainian official: Russian tanks have entered the country. [online] Available at: <https://edition.cnn.com/2014/06/12/world/europe/ukraine-russia-crisis/> [Accessed 27 Aug 2018]

proposed a ceasefire, which Putin accepted. The ceasefire finally lasted until June 30, when Poroschenko ended it⁴⁶.

During July, skirmishes and the recapturing Ukrainian cities went on. On the 17th, a Malaysian Airlines MH17 flight was taken down over Eastern Ukraine and the UNHRC stated that this could constitute a war crime committed by Russia. In middle August, Russia offered to send aid to the cities of Eastern Ukraine. Hundreds of trucks with aid were sent to Ukraine, but Russia was treated with much attention, as Ukraine believed that this was only a way to facilitate future military intervention⁴⁷. On August 26th, the negotiations of a peace agreement started at Minsk and produced the Minsk Protocol in September. The document seemed to alleviate the conflicts in the area for the coming months, though minor skirmishes went on^{48,49}.

The truce was about to blow in the air in late October, when the insurgents announced local elections at Donetsk and Lugansk. Both, the UN and the EU criticized the announcement⁵⁰. Fights between the rebels and the Ukrainian military went on with the same intensity as before around Donetsk. In December 2014, the peace talks of Minsk were called off.

Previous EU involvement

April 29th 2014	Sanctions for 15 Russian officials
June 9th 2014	EU provides negotiation process for Putin and Poroschenko
June 27th 2014	EU signs Association Agreements with Ukraine, Moldova and Georgia

⁴⁶ Walker, S. (2014), Ukraine government declares start of unilateral ceasefire. [online] Available at: <https://www.theguardian.com/world/2014/jun/20/ukraine-government-declares-ceasefire-poroshenko-pro-russian-separatists> [Accessed 27 Aug 2018]

⁴⁷ *The Telegraph* (2015) Ukraine crisis: timeline of major events. [online] Available at: <https://www.telegraph.co.uk/news/worldnews/europe/ukraine/11449122/Ukraine-crisis-timeline-of-major-events.html> [Accessed 26 Aug 2018]

⁴⁸ Note for the delegates: The Minsk Protocol was signed on Sept. 4, but the Minsk Agreement wasn't signed until early 2015!

⁴⁹ Walker, S. (2014), Ukraine forces admit loss of Donetsk airport to rebels. [online] Available at: <https://www.theguardian.com/world/2015/jan/21/russia-ukraine-war-fighting-east> [Accessed 27 Aug 2018]

⁵⁰ Heinrich, M. (2014), EU, U.N. condemn Ukraine rebels' election plans. [online] Available at: <https://www.reuters.com/article/us-ukraine-crisis-elections-criticism/eu-u-n-condemn-ukraine-rebels-election-plans-idUSKBN0I124Y20141029> [Accessed 27 Aug 2018]

July 16th 2014	EU and US impose further sanctions on RF because of Russia's support to insurgents in Ukraine
July 29th 2014	Sanctions of the EU and US on Russia become even harsher, targeting sales of arms, equipment for oil industry and money functions in Western capital markets
September 12th 2014	Harsher sanctions on the energy and banking sectors

The policy mainly used by the EU to combat Russian aggression in Eastern Ukraine has been imposing sanctions. At the same time, the EU tried to facilitate peace talks between Putin and Poroschenko and further look into the issue of Ukraine's membership, as well as association agreements with Moldova and Georgia, states which had historically been under the influence of the former USSR.

First of all, the sanctions proved to be only partly effective. The Russian Federation is a strong economy and the counter measures taken, such as threatening to stop incoming flights from western airlines and boycotting products from most EU states had an impact on the member states. On the other hand, it seems that the sanctions on the sectors of energy and banking have taken their toll on the Russian Federation, as those were the ones which caused the biggest part of criticism on Putin's behalf. Officials of the Russian Federation complained that the sanction policy is similar to blackmail⁵¹. During the last months of 2014, it was evident that especially the fall in oil prices, the inflation and the challenge of defending the value of the Rouble had worsened the problems the Russian economy had already been facing⁵².

The attempts to create a negotiation process paid off in September 2014, when the Minsk Protocol was signed after the extensive peace talks in Belarus, which took place under the auspices of the Organization for Security

⁵¹Kanter, J. & Herszenhorn, D. (2014) U.S. and Europe Back New Economic Sanctions Against Russia. [online] <https://www.nytimes.com/2014/09/12/world/europe/eu-pushes-forward-with-tougher-sanctions-on-russia.html> [Accessed 25 Sept. 2018]

⁵² Read more at: <https://www.nato.int/docu/review/2015/russia/sanctions-after-crimea-have-they-worked/EN/index.htm>

and Cooperation in Europe, but by January 2015 the ceasefire had collapsed. Last but not least, the EU membership process for Ukraine is quite slow because of the substantial changes which have to be made in order for the state to qualify for membership.

Previous UN Involvement

March 15th 2014	Attempt of the SC to deem the referendum invalid vetoed by RF
March 27th 2014	GA resolution calls Crimean referendum invalid (68/262)
April 16th 2014	UNHRC publish report on human rights in Ukraine ⁵³
July 21st 2014	SC unanimously passes a resolution condemning the downing of MH17 and endorsing the investigation
August 24th 2014	SC meeting, important because major stakeholders clarified their positions
October 27th 2014	UN condemned the local elections in Donetsk and Lugansk

Stakeholder Positions

European Union

The European Union was negotiating an Association Agreement with Ukraine only months before the demonstrations started to take place because the government had decided to pause the negotiations. Since the spring of 2014, the EU has made its support for Ukraine even more intense. It is important to note the strategic location of Ukraine, which is according to most analysts the reason both the EU and NATO are interested in expanding their influence to the country and in the same time reducing the influence of the Russian Federation. After the agreements of 2014, Ukraine has been making progress on human rights, rule of law, energy and other sectors to

⁵³ Read the entire report here:

<https://www.ohchr.org/Documents/Countries/UA/HRMMUReport15May2014.pdf>

come closer to its EU counterparts, though there is still a long way to go in this area. The EU has also assisted Ukraine with humanitarian aid⁵⁴. States within the EU that would like to be on good terms with the Russian Federation are mostly the states which have strong trading relations to Russia, as there have been boycotts of the Russian Federation of products from states which would originally be its trade partners because of their support towards the EU's policy⁵⁵. Thus, because of financial ties and the nature of agricultural products, states which export a lot of these goods to the Russian Federation have either been mediocre in their approach or experienced economic losses due to their pro-Ukraine policies. As the leading EU nation, Germany has historic, economic, and cultural ties with Russia which are far more extensive than those of some other members. Hence it has been very cautious in laying blame for the Ukrainian crisis and attempted to bring the Russian Federation closer to the EU. However, following the escalation of violence in Eastern Ukraine Angela Merkel openly supported the sanctions against Russia.

Russian Federation

The main argument of the Russian Federation on the issue of Crimea is that the people of Crimea had exercised their right to self-determination. The Russian Federation has denied on multiple occasions having sent troops to the Ukrainian borders. Furthermore, President Putin has complained about the sanctions being detrimental to Russia's economy and the relations of his country to the West having worsened not because of the Ukrainian Crisis, but because the Crimea issue provided the West countries with a chance to isolate the Russian Federation. Putin believes that Russia was only safeguarding the interests of its people and warns the leaders of the West that Russia will not be isolated behind an "iron curtain" again⁵⁶. It is only natural for the Russian Federation to not only want to have within its territory a region with the strategic importance of Crimea, but also to wish

⁵⁴ https://eeas.europa.eu/delegations/ukraine_en/1937/Ukraine%20and%20the%20EU

⁵⁵ *Michalopoulos, S.* (2014), Η Ρωσία παρατείνει το εμπόριο κατά των αγροτικών προϊόντων της ΕΕ (Russia keeps on boycotting EU produce). [online]
Available at: <https://www.euractiv.gr/section/georgia-kai-trofima/news/i-rosia-paratini-to-ebargko-kata-ton-agrotikon-proionton-tis-ee/> [Accessed 23 Aug 2018]

⁵⁶ *Baczynska, G.* (2014), Putin says Russia not isolated over Ukraine, blames West for frosty ties. [online]
Available at: <https://www.reuters.com/article/us-russia-putin/putin-says-russia-not-isolated-over-ukraine-blames-west-for-frosty-ties-idUSKCN0J709320141123> [Accessed 23 Aug 2018]

for as few as possible interference and influence of the EU, US and NATO in their neighbouring countries, while the neighbouring Baltic states are already aligned with the aforementioned stakeholders.

United States of America

The United States of America have had a good working relationship with Ukraine for many years. President Obama has expressed his support to Ukraine, as the US is a signatory in the 1994 agreement to protect Ukraine's sovereignty and territorial integrity. The President of the US promised to help Ukraine combat such incidents in the future, condemned Russia's annexation of Crimea, welcomed the actions of the EU and encouraged collaboration of all the stakeholders to ensure a better transition for Ukraine going forward and working towards financial stability⁵⁷. However, leaks to the press in March 2014 pointed out that the US intelligence, and especially CIA, had been aware of possible invasion scenarios in eastern Ukraine. Reuters reported that the CIA had indeed warned the Pentagon of their findings before the Russian Federation made its move on Crimea, but the Pentagon's Defense Intelligence Agency had found such a move highly unlikely⁵⁸.

Future prospects and solutions

The situation in Ukraine by the dawn of 2015 calls for drastic measures. Casualties are being reported every single day and two major cities in Eastern Ukraine - Donetsk and Lugansk are occupied by the insurgents, who wish to hold local elections.

Ukraine has a long path to economic growth and reaching all the standards to develop. Therefore, stakeholders from within the country claim that the support from more technologically advanced states can help the Ukraine to take advantage of its rich natural resources in a sustainable

⁵⁷ *The New York Times* (2014), Transcript of Obama's Remarks on Ukraine. [online] Available at: <https://www.nytimes.com/2014/03/01/us/politics/transcript-of-obamas-remarks-on-ukraine.html#> [Accessed 23 Aug 2018]

⁵⁸ Hosenball, M. (2014) Ukraine crisis: CIA, not Pentagon, forecast Russian move - sources. [online] Available at: <https://www.reuters.com/article/us-ukraine-crisis-intelligence/ukraine-crisis-cia-not-pentagon-forecast-russian-move-sources-idUSBREA242I720140305> [Accessed 26 Sept 2018]

manner. Other sources suggest that improving the infrastructure of Ukraine is a likely solution, as it can also give the areas of fighting better ways to combat the insurgents. Furthermore, a more careful financial planning and a better level of public services would attract investors and not only bring Ukraine closer to its Western counterparts, but also convince the citizens in the eastern parts of the country that Ukraine can offer them solutions for a better life⁵⁹.

The CEU can also look into the issue of Ukraine's membership in the EU. After its association agreement in 2014, the state of Ukraine has a long path ahead to fulfill all the standards necessary for an EU-membership. However, Ukraine's place within the EU would, according to political actors from the country, ensure safety and be a source of hope, and also have a symbolic meaning, which will let the Ukrainian government know that the steps they are taking and the changes they have accepted to make are being recognized⁶⁰. Humanitarian aid by the EU and especially the Commission's partner organizations could also be maintained in the form of monetary assistance to fund the provision of shelters, health care, protection, food, water, sanitation and other basic goods, especially in the zones affected by the hostilities, while in other areas benefits in cash or even coupons are given to the most vulnerable groups.

The issue of Crimea is believed to be very hard to reverse. Many analysts claim that since Crimea is lost to Russia, the Western states better negotiate on what they can gain from Russia in return for rerunning the referendum, which will once again turn out in Russia's favour. In other opinions, the EU shouldn't push Ukraine into becoming a place of Western influence. Instead, the suggestion is to collaborate with Russia, as sanctions after sanctions are probably not going to make the President of the Russian Federation change his stance. Many analysts believe that the EU membership will not be realistic for the years to come, thus Moscow could be invited in the programmes of financial aid to Ukraine instead of being isolated and

⁵⁹ Nalyvaichenko, V. (2017) How to End the War in Ukraine in 2017. [online] Available at: <http://www.atlanticcouncil.org/blogs/ukrainealert/how-to-end-the-war-in-ukraine-in-2017> [Accessed 2 Sept 2018]

⁶⁰ Emmott, R. (2017) Ukraine's Promise of EU Membership Remains Elusive. [online] Available at: www.reuters.com/article/us-ukraine-crisis-eu/ukraines-promise-of-eu-membership-remains-elusive-idUSKBN1DO18R [Accessed 2 Sept 2018]

faced with a growing insecurity because of the expansion of NATO, which has reached its borders with the latest memberships of the Baltic countries⁶¹.

Last but not least, the negotiations for the Minsk agreement should be resumed. Signing and implementing such a document, provided that the two parties will be assisted in finding common grounds, is just as important as finding the way to ensure that the agreement will be kept.

Conclusion

The crisis in Ukraine is an issue which will still be relevant in the years to come. The participation of major stakeholders who are interested in the region can prove to be to the advantage or to the disadvantage of Ukraine and its citizens. As the membership of Ukraine in the EU is a matter of utmost importance to the Ukrainian government to this day, bringing this topic before the CEU for the purposes of this conference creates many possibilities of stakeholder collaboration and further assistance to the solution of the crisis.

The solutions provided in this study guide are only an indicator of what the committee will actually work on and the results which can be produced. The delegates are encouraged to provide their own innovative solutions and suggestions and have a fruitful and bold debate. The challenge of our committee? Rewrite history!

Questions a Resolution should answer

- 1) How will the negotiations for the Minsk agreement go on? What can be done to ensure they will be efficient enough to harness the violence?
- 2) What can be done in terms of humanitarian aid?

⁶¹ Dejevsky, M. (2014) *Solution to Crimean Crisis Is Clear: Work Together with Russia*. [online] Available at: www.independent.co.uk/voices/comment/the-silver-bullet-solution-to-the-crimean-crisis-is-clear-work-together-with-moscow-for-our-benefit-9217009.html [Accessed 2 Sept 2018]

- 3) How can Ukraine's growth regarding human rights and the rule of law be fostered by the EU?
- 4) What can be improved in the current agreements between Ukraine and the EU?
- 5) How can Ukraine make steps towards a more stable economic and political future?
- 6) What is the international law status of Crimea?
- 7) How can the Russian aggression be harnessed? What will be the future regarding lifting the sanctions?
- 8) What about Ukraine's EU membership?
- 9) Which other stakeholders can the CEU collaborate with in resolving the issue? How?

Suggestions for further research

For the UN involvement in Ukraine:

www.un.org

<https://news.un.org/en/story/2014/03/464812-backing-ukraines-territorial-integrity-un-assembly-declares-crimea-referendum>

<https://www.securitycouncilreport.org/un-documents/ukraine/>

For the EU involvement in Ukraine:

https://eeas.europa.eu/headquarters/headquarters-homepage_en/8322/EU%20restrictive%20measures%20in%20response%20to%20the%20crisis%20in%20Ukraine

https://eeas.europa.eu/headquarters/headquarters-Homepage/37464/eu-non-recognition-policy-crimea-and-sevastopol-fact-sheet_en

<http://www.consilium.europa.eu/en/press/press-releases/2018/06/18/illegal-annexation-of-crimea-and-sevastopol-eu-extends-sanctions-by-one-year/>

<https://www.theguardian.com/world/2014/apr/11/ukraine-russia-crimea-sanctions-us-eu-guide-explainer>

<https://www.reuters.com/article/us-ukraine-crisis/u-s-eu-set-sanctions-as-putin-recognizes-crimea-sovereignty-idUSBREA1Q1E820140317>

For the history of Crimea:

Kramer, M. (2014) Why Did Russia Give Away Crimea Sixty Years Ago? [online] Available at: <https://www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago>

For the timeline of events:

<https://www.telegraph.co.uk/news/worldnews/europe/ukraine/11449122/Ukraine-crisis-timeline-of-major-events.html>

For an overview based on international law:

Merezhko, O. (2016), Crimea's Annexation in the Light of International Law. A Critique of Russia's Legal Argumentation. *Kyiv-Mohyla Law and Politics Journal* 2 (2016): 37-89 (Ukrainian side)

Kapustin, A. (2015), Crimea's Self-Determination in the Light of Contemporary International Law. [online] Available at: <http://www.zaoerv.de> (Neutral-to-Russian side)

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Available at: <https://www.reuters.com/article/us-russia-putin/putin-says-russia-not-isolated-over-ukraine-blames-west-for-frosty-ties-idUSKCN0J709320141123>

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