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**CRIMEA AND THE RUSSIAN-UKRAINIAN CONFLICT**

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## Crimea and the Russian-Ukrainian conflict

*The recent Russian-Ukrainian dispute over Crimea attracted wide international attention. This paper is devoted to explaining its historic, demographic, legal, political and military strategic background, its similarities and differences with other “frozen” conflicts on the periphery of the former Soviet Union, the roles of three main parties directly involved in the Crimean conflict, its linkage with secessionist attempts in Eastern and Southern Ukraine, wider international ramifications of the conflict and the ensuing deterioration of the West’s relations with the Russian Federation.*

For the last four decades, security on our continent has been burdened by armed violence and wars and has accompanied the disintegration of a number of states in the Eastern Mediterranean, the Western Balkans and the former Soviet Union. These developments resulted in the appearance of more than a dozen new and internationally recognized states on the political map of Europe. The mostly successful secessions of these new states paralleled the development of a group



Map of Ukraine.



*Map of Crimea.*

of parastates unrecognized, or less than universally recognized, by the international community. Northern Cyprus, Transnistria, Abkhazia, Southern Ossetia, Nagorno Karabakh, and later also Kosovo came, to be treated in international relations literature as so-called “frozen” conflicts. With Kosovo moving out of this group, a newcomer appeared in the spring of 2014: the Russian-Ukrainian conflict over Crimea.

Like the four “frozen” conflicts mentioned above, Crimea is geographically located on the Southern periphery of the former Soviet Union. Substantively, the newest conflict bears a number of similarities with the four other ex-Soviet cases. The ex-Soviet entities involved in these conflicts share up to a two centuries-long history of Russian imperialism and, subsequently, of Soviet communist rule. The Russian rule of these entities was preceded by up to three centuries of direct Ottoman rule or of strong dependency on the Sublime Porte. In the 18th and 19th centuries, following Russian victories in several wars against the Ottomans, the five lands were militarily conquered by – or ceded to and then annexed by – the Russian Empire. Russian expansion in the Black Sea region and in the Caucasus had been opposed by the Western powers – Great Britain, France and Austria/Austro-Hungary. This opposition began in the mid-19th century and resulted in a direct military confrontation, fought mostly on Crimea.

The immediate pretext for the Crimean War was the Russian

occupation of two Danubian principalities Wallachia and Moldavia. In January 1854, the British and French fleets demonstratively sailed into the Black Sea. Following a Russian rejection of the British ultimatum to withdraw Russian troops from the principalities (territory that is today's Romania and Moldova), Great Britain and France declared war on Russia. In September 1854, almost one million Ottoman, French and British troops landed on Crimea and started a yearlong siege of the Russian stronghold Sevastopol. In January 1855, the Kingdom of Sardinia joined the coalition. The anti-Russian coalition suffered staggering losses of over 300 000 dead soldiers, mostly due to disease. The Western powers and the Ottomans won the war against the Russian Army (which lost about 400 000 soldiers) and achieved the destruction of the Russian Black Sea Fleet and of the fortress Sevastopol, as well as the military neutralization of the Black Sea. They failed, however, to dislodge Russia from Crimea. Austria's threat to join the coalition forced, however, the Russian government to withdraw its troops from the Danubian principalities. All of this happened in a geostrategic environment very different from the present one. Almost 160 years later, no one in the West even thought of undertaking a similar operation against the Russian Federation.

The newest conflict in and over Crimea has developed since 1991 along the porous ethnic, linguistic and cultural line within a young successor state of the Soviet Union, other than the Russian Federation. In Ukraine, this line has separated a majority within the titular nation, on the one hand, and a considerable part of the strong Russian-speaking minority, on the other hand. This "Russian" population has constituted a strong local minority – or a regional majority in parts of that successor state – in Eastern and Southern Ukraine and on Crimea. This particularity explains why the conflict in Ukraine bears resemblance with the Serbian armed secessions in Croatia and Bosnia and Herzegovina in 1991-1992. In two other ex-Soviet cases – in Abkhazia and Southern Ossetia – the political divide has separated a titular majority non-Russian nation (the Georgians) from two minorities living in entities bordering the Russian Federation, whose members were massively given Russian passports. In four out of the five cases considered, the presence of the Russian Armed Forces on the territory of a legally independent successor state offered not only psychological comfort, but also – when needed – physical protection

to separatists. This protection allowed the para-states to carry out illegal referenda and to proclaim, and then subsequently defend, the secession. In the four cases, the separatists pleaded for and received the Russian Federation's protection. Crimea became legally an exception. Unlike in three other cases, it was promptly admitted and became reunited with the Russian Federation.

This exception can chiefly be explained by Russia's wider geostrategic interests. Also, historically, for about 168 years, Crimea had been an integral part of imperial Russia and, after 1921, of the Russian Soviet Federation. Psychologically, Crimea is much closer to the hearts of many Russians and the Russian military than any of the four other ex-Soviet territories. Transnistria's additional drawbacks are related to its territorial discontinuity with the Russian Federation and to the landlocked position and awkward configuration of its narrow strip of land on the left bank of the River Dnestre. The main reasons for not annexing Abkhazia and Southern Ossetia seem to be primarily diplomatic ones, the desire of the Russian government to mend its relations with Georgia and the fact that neither of the two populations belongs ethnically or culturally to the Russian diaspora.

### **The Historic Background of the Conflict**

Since antiquity and until 2014, Crimea was ruled by many states and empires: by the Greeks, Bulgars, Scythians, Romans, Gots, Huns, Khazars, Kyivan Rus, the Byzantine Empire, Venice, Genoa, Kipchaks, the Mongol Golden Horde, the Ottoman Empire, the Russian Empire, Soviet Russia, the Soviet Union, Germany, the Soviet Union again and Ukraine. In its long history, Crimea has only been an independent state for less than four decades.

The two leaders involved in the newest conflict over Crimea – Ukrainian President Petro Poroshenko and Russian President Vladimir Putin – both represent Slavic nations. However, the present dispute is about the territory of the peninsula bearing the name Krim or Krym, which in their closely related Eastern Slavic languages was derived from the Turkic word qirim. In the 13th century this name was given initially to the capital of a province ruled by the Tatar-Mongol Golden Horde. The more ancient Greek name of that land, Tauris/Taurica, as well as the names of Sevastopol and of other old towns (Simpheropol, Feodosia etc.), points to the most ancient recorded inhabitants of

Crimea – the Tauris and the Greeks. Crimea became a colony of the Russian Empire in the late 18th century as a result of Russian victories in wars with the Ottoman Empire.

After outright annexation by Russia in 1783, Crimea was given a new name - the Taurida governorate. Numerous wars and the Russian imperial and later Soviet rule have dramatically changed Crimea - demographically, culturally, economically and politically. It has experienced mass summary executions, the exodus and expulsion of Muslim Tatars and Turks, the demolition or conversion of close to 1600 mosques and other Islamic monuments and the disbanding of all Islamic institutions. In the 19th and 20th centuries, the Russification of the Crimean population was carried out through massive resettlement of ethnic Russians and already Russified subjects from central and northern Russia, through public schools and administration, obligatory military service, Orthodox Christianization, and – later – through Russian mass media controlled by the Soviet communist regime etc. By 1945, the entire Tatar, Greek and Bulgarian minorities were often brutally deported, Crimea's population almost fully Slavicized and mostly Russified. It is estimated that nearly a half of the deported Crimean Tatars died during and immediately following the deportation to Central Asia. Unlike other deported minorities, the Tatars were – for several decades – banned from Crimea. Although legally rehabilitated in 1967, and since December 1991 allowed to return to their homeland, they still have not been compensated for the losses of life and property.

### **The Legal Status of Crimea from 1917 to 2014**

Since the collapse of the Russian Empire, the official name and the legal status of the peninsula has changed many times. The Russian Bolsheviks launched an initiative to replace the previously official imperial names of provinces and cities with new ones. As an expression of the new nationality policy, guided by a Georgian Joseph Dzhughashvili (Stalin), Malorossiia, for example, got the name Ukraine. As a friendly gesture towards Kemal Atatürk's Turkey, the previous official designation of the peninsula Taurida was replaced with a Turkic name, Krym. In October 1921, the Crimean Autonomous Soviet Socialist Republic was proclaimed as a unit of the Russian SFSR. The new name and autonomous status were related to the presence of the still sizeable non-Russian minorities. In 1922, Crimea

became incorporated into the Soviet Union and remained within the USSR until its dissolution in December 1991. The only exception was the period from late summer 1941 until spring 1944. Most of Crimea was then occupied by the Third Reich. From September 1, 1942 the territory was administered as the Generalbezirk Krim and Teilbezirk Taurien. In 1945, following radical ethnic cleansing, Crimea was stripped of its pre-war autonomy status and became an ordinary oblast of the Russian SFSR.

Less than a year after the death of the dictator Joseph Stalin, in February 1954, the Praesidium of the Supreme Soviet of the USSR issued a decree transferring the Crimean Oblast from the Russian Soviet Federative Socialist Republic to the Ukrainian SSR. The transfer had been described by official communist propaganda as a symbolic brotherly gesture marking the 300th anniversary of Ukraine joining the Russian Empire. This momentous decree by the Praesidium (and not a federal law and a constitutional amendment passed by the entire Supreme Soviet of the USSR) gave a very dubious legal cover to a decision actually made by the Politburo of the Communist Party of the Soviet Union (CPSU). The transfer of Crimea was said to be prompted by the need to bring from Ukraine a large labor force and also water for irrigation. The decree clearly violated Art. 14 and 18 of the then valid "Stalin's" constitution of the Soviet Union, which required a formal agreement between Soviet Socialist Republics for border changes. The Supreme Soviet of the USSR (and not the Praesidium) could confirm such an agreement, but not by itself pass a federal law and a constitutional amendment to this effect. In the case of Crimea, no such parliamentary procedure was initiated and duly carried out in the two parliaments, no relevant parliamentary sessions were held, no debates took place, no votes were taken and no agreement was adopted and signed. Moreover, the Crimean population was deprived of its right to give or deny its consent to the major status change. The transfer of Crimea to Ukraine was thus illegal even in Soviet terms, unconstitutional and clearly illegitimate.

The next status change of Crimea occurred during the process of dissolution of the Soviet Union in 1990-1991. After an all-Ukrainian referendum in February 1991, the Crimean Oblast was upgraded again to the status of an autonomous republic, this time within Ukraine. In summer 1991, an attempted coup against Michail

Gorbachov took place in Crimea, where he was vacationing. The coup, its aftermath and the referendum on Ukraine's independence on December 2, 1991 actually sealed the fate of the USSR. At the latter referendum, the population of the Autonomous Republic of Crimea was not consulted on whether it desired to remain in Ukraine after the dissolution of the USSR or alternatively to re-join the Russian Federation. The Soviet Union was dissolved on December 8, 1991 at a meeting of the heads of the Russian Federation, Ukraine and Belarus. At that gathering in the hunting reserve Belovezhska Pushcha, the Russian leader Boris Yeltsin failed to request from his Ukrainian colleague, Leonid Kravchuk, Crimea's return to "mother" Russia.

On February 26, 1992, the Supreme Soviet of the Crimean ASSR, without the consent of Ukrainian authorities, changed the official name of the land into the Republic of Crimea. On May 5, 1992, the Crimean parliament proclaimed Crimea's independence and passed its first constitution. Under pressure from Kyiv, the latter was amended on May 6, 1992 with a sentence on Crimea as part of Ukraine. On May 19, 1992, the proclamation of Crimean self-government was annulled by the Ukrainian Supreme Rada (parliament). As a quid pro quo, Kyiv agreed to strengthen Crimea's autonomous status. Exploiting these increased legal prerogatives, the Crimean parliament established on October 14, 1993 the post of President of Crimea and granted the Crimean Tatars regular representation in the consultative Council of Fourteen. On March 17, 1995, the Ukrainian parliament annulled Crimea's constitution, removed President Yuriy Meshkov and abolished his office. The President was charged with anti-state activities, as well as with promoting Crimea's secession from Ukraine and its integration with the Russian Federation.

### **Crimea's Secession from Ukraine and its Annexation by the Russian Federation**

Since the breakup of the USSR, political tensions between the two neighbouring states - Ukraine and Russia - have continued on many issues. These included also those related to the status of Crimea, the division of the Soviet Black Sea Fleet between the two states, the basing rights of the Russian Black Sea Fleet in Sevastopol, the Russian use of military facilities on Crimea, and the number and status of the Russian military personnel on Ukrainian territory, etc.

Since 1991, Moscow has undercover supported, controlled and often restrained the actions of Russian separatists on Crimea. Russia has also maintained a sizeable contingent of its own civilian (FSB) and military intelligence (GRU) agents.

Russian contingency plans for annexation of Crimea have likely been prepared and regularly updated for the last two decade. In June 1993, the Russian State Duma adopted a resolution designating Sevastopol as a Russian. In 1996 a prominent Russian geostrategist, Sergei Karaganov, wrote about a possible disintegration of Ukraine and the absorption of its parts by Russia.<sup>1</sup> Yulia Timoshenko, the former Prime Minister of Ukraine, publicly warned the West in 2007 of Russia's policy of destabilizing the Ukrainian government, particularly in Crimea.<sup>2</sup> At the session of the NATO-Russia Council in Bucharest in April 2008, Vladimir Putin reportedly mentioned the possibility of absorbing Eastern Ukraine and Crimea into the Russian Federation. In 2008, the Ukrainian Foreign Ministry protested against the mass distribution of Russian passports in Crimea as a "real problem" in conjunction with Russia's declared policy of military interventions to protect Russian citizens living abroad.<sup>3</sup> In August 2009, anti-Ukrainian demonstrations broke out in Crimea calling on Russia to act in the same way as it did in Southern Ossetia and Abkhazia during the war with Georgia in 2008.

The decision to annex Crimea at an opportune moment was probably made in 2008, soon after NATO promised Ukraine (and Georgia) future membership in the Alliance. After Victor Yanukovich was elected President of Ukraine, the subsequent penetration of high governmental offices by Russian citizens, the increased financial dependence of Ukraine on Russia and the expanded cooperation between the two military-industrial complexes reduced the need for annexation. The situation changed abruptly on February 22, 2014 when President Yanukovich, with a group of high Ukrainian officials closely connected to the Russian security services, unexpectedly fled Ukraine, presumably out of fear for their lives. The temporary power vacuum, the state takeover by groups supported and – some

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<sup>1</sup> Sergei Karaganov, *Russia and the Slav vicinity* in Baranovsky, V. (1997), p. 300.

<sup>2</sup> *Foreign Affairs*, no. 3, 2007 and in *Rossia v globalnoy politike*, vol. 5, no. 3, 2007, pp. 104-105.

<sup>3</sup> »Federal Law on the State Policy in Regard to the Fellow Citizens Residing Abroad« (1999)

financed – by the West, as well as the general confusion, offered an ideal opportunity for the Kremlin to carry out the latest version of its contingency plans for annexing Crimea.

These plans were well executed on the military side and less so on the political side. Clashes between pro-Russian and pro-Ukrainian protesters broke out on February 26, 2014 in front of the parliament building in Simferopol. During these clashes and at other rallies, the pro-Russian protesters were demanding the secession from Ukraine and asking for assistance from Moscow. In the early hours of February 27, masked armed individuals seized and locked up government buildings in Crimea, including the building of the Supreme Council. At a behind-doors emergency session of the Supreme Council, Sergey Aksyonov of the hitherto marginal Party of Russian Unity and himself a Russian from Moldova, was appointed as new Prime Minister of Crimea. The Supreme Council also voted to hold a referendum on the status of Crimea. On February 28, 2014, a group of over 20 deputies submitted to the Speaker of the Russian State Duma a draft amendment to the constitutional law on admitting new subjects to the Russian Federation. The draft specifically justified the incorporation of parts of Ukraine into the Russian Federation on the grounds of alleged Ukrainian discrimination of national minorities. A day later, the Qurultay (Assembly) of the Crimean Tatars voted on the “Implementation of the Right of Crimean Tatar People to Self-Determination in Their Historical Territory-Crimea”. With 212 votes for, one against and four abstained, it was decided to start political and legal procedures to restore the national-territorial autonomy of the Tatars on Crimea.

Launched into action on February 28, 2014, Russian forces, assisted by armed “self-defense” militias, swiftly seized the strategically important Perekop Isthmus, blocked or cut off most land, sea and air connections between Crimea and mainland Ukraine. They also took control over all Crimean ports and airports, radio and TV stations, and blocked and occupied all installations of the Ukrainian Army and Navy, and illegally expropriated practically all of their stocks of arms and ammunition. Moreover, they assisted and protected unlawful actions by Russian-speaking separatists and thus enabled Crimea’s amputation from the Republic of Ukraine. The Crimean operation in 2014 bore, in some respects, resemblance to the German occupation

of Austria (1938) and Soviet occupations of Western Ukraine, Bessarabia, Northern Bukovina (1940) and of Czechoslovakia (1968).

The military take-over of Crimea was obviously well-prepared, rehearsed in advance and professionally executed. Assembled for this operation were about 2,000 naval infantrymen (marines), stationed in and around Sevastopol, about 7,000 special troops brought to Crimea in early March, as well as about 15,000 troops transported by ferries to Kerch across the straits. These additional units came mainly from the Russian Southern Military District. At the time of occupation, the Russian operational headquarters, probably located in Rostov, had on its disposal on Crimea about 30,000 troops.<sup>4</sup> The forces participating in the Crimean operation were much better organized, trained and armed than the Russian units engaged in the war with Georgia were in 2008. This time they also used a novel tactic with an emphasis on the economy of effort. The Russian command actively engaged fewer than 10,000 assault troops, mostly on wheeled BTR-80 armoured personnel carriers. The masked “green men” were a hybrid between regular infantry and anti-terrorist police units, having a secret chain of command and bearing no insignia or visible rank on their combat fatigues. All this was clearly designed to conceal the state identity of the invading force.

The easy success of the three week-long operation was to a large extent facilitated by three factors. The Russian marines were already legally stationed at Sevastopol, could well in advance reconnoitre the field, and acted unopposed by Ukrainian forces. The short distances to the most important strategic locations on Crimea, including Simpheropol airport, allowed for the quick insertion of air transported troops and the acquisition of targets. Thirdly, orders were given from Kyiv to the Ukrainian military personnel stationed in Crimea to not resist and to surrender all 190 military installations and all weapons. Thus, about 20,000 Ukrainian military personnel capitulated without a shot fired. Moreover, most of them switched their loyalty and opted to remain on Crimea. Most of the Ukrainian Navy was also captured by the Russian military without resistance. The Ukrainian commanding officers did not try to sail off with their ships and crews in order to reach mainland Ukrainian ports. Only a few of the serviceable aircraft of the Ukrainian Navy escaped the capture.

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<sup>4</sup> Adomeit Hannes (2014), p. 7.

The Crimean police personnel either failed to act or cooperated with the Russian Special Forces and Crimean separatists. Although the Russian Armed Forces de facto occupied Crimea, they did not establish a military occupation regime. International law prohibits an occupying power from creating another state on occupied territory or to annex it. Why President Vladimir Putin on March 4, 2014 publicly denied the intention of Crimea's annexation remains a puzzle. One possibility is that an Abkhazia-like scenario was still considered by the Russian leadership.

The referendum on Crimea's reuniting with the Russian Federation was called on February 27, 2014, on too short a notice. The time pressure probably did not allow for updating the voter registers and, more importantly, the Crimean secessionist authorities and the Russian security personnel were not interested in preventing multiple voting, obviously by the proponents of secession. The referendum on March 16, 2014 was reportedly conducted in a peaceful and orderly manner, but in several important respects did not conform to high democratic standards. The ballot contained two questions and only one positive response was considered valid:

1. Do you support re-joining Crimea with Russia as a subject of the Russian Federation?
2. Do you support restoration of the 1992 Constitution of the Republic of Crimea and Crimea's status as a part of Ukraine?

The ballot omitted two other possible choices – remaining part of Ukraine under the current constitutional structure or Crimea's independent statehood. The time shortage did not allow for a real and substantive public debate on such a momentous issue.

As noted above, Russian security personnel had shut off all Ukrainian television channels, imposed a tight blockade on the land border with the mainland Ukrainian territory, closed the Simferopol airport's flights from Ukraine and thus prevented the diffusion on Crimea of Ukrainian printed media (which still appear mostly in the Russian language). The population of Crimea was thereby subjected to one-sided information, and often outright disinformation, by the Russian state-controlled mass media. The intense propaganda campaign depicted the interim Ukrainian authorities in Kyiv as "fascists" or "neoNazis" who presumably threatened the Russian and Russian-speaking population with "genocide". Public harassment and

intimidation of Crimean Tatars by the so-called “people’s self-defense” forces and by unidentified men in military fatigues, as well as physical and oral threats to Ukrainian opponents of secession were reported. Fifteen pro-Ukrainian journalists and activists were abducted, detained and ill-treated. The Russian authorities barred the return of Mustapha Dzhemilev, a leader of the Crimean Tatars and a deputy of Ukrainian parliament. One known Tatar protester was reportedly abducted, apparently tortured, and found dead. The referendum was held under the irregular conditions of Russian military occupation. The presence in public places of armed local Russian irregulars, of Russian Cossacks and even Serbian “Chetniks”, as well as of masked “little green men” undoubtedly belonging to the Russian Armed Forces, certainly had an intimidating effect on the opponents of Crimea’s secession.

According to the Crimean authorities, 81.36 percent of the registered voters took part in Crimea’s referendum and 96.77 percent of them voted for its separation from Ukraine and for reuniting with Russia.<sup>5</sup> The official figures of the voters’ participation and the approval rate, however, could not be verified by impartial, international observers and were probably artificially inflated in order to legitimize Crimea’s incorporation into the Russian Federation. The OSCE Chairperson-in-Office, Didier Burkhalter, did not accept an invitation by Crimea’s authorities to send ODIHR observers, citing the unconstitutional nature of the referendum. In addition, the invitation did not come from an OSCE participating state. Individually and selectively invited European observers stated that the referendum was carried out without violence and visible irregularities. The representatives of the Crimean Tatars denied the official results<sup>6</sup> reflecting the position of a presumed majority among Crimea’s indigenous minority population who opposed the separation from Ukraine and boycotted the referendum. The main reason for this attitude was the painful collective memory of Russian colonialism and of the terror, deportation, harsh exile and collective discrimination in the 19th century, which were for many decades carried out by the Russian-speaking Soviet authorities. A good number of Crimean Ukrainians

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<sup>5</sup> The percentage of »yes« votes on Crimea was in 2014 by about three points lower than the official results of the Austrian plebiscite on *Anschluss* in 1938.

<sup>6</sup> <http://ru.krymr.org/content/article/25309070.html>

departed before the vote, while those who remained probably abstained, or voted against the secession. The Ukrainian authorities refused to recognize the legality of the referendum and its outcome on constitutional grounds. This opinion was shared by the Council of Europe's Venice Commission and by a number of EU and NATO member states.

Despite numerous shortcomings of the referendum, it seems reasonable to assume that the Russian-speaking majority among the Crimean population generally favoured Crimea's secession from Ukraine and its re-joining Russia. Their attitudes probably reflected the deep dissatisfaction with the state of economic and political affairs in Ukraine and with the widespread incompetence and rampant corruption in both Kyiv and Eastern Ukraine. In these respects, the feelings of the Crimean Russian speakers largely coincided with the feelings of many ethnic Ukrainians, and also those of the Maidan protesters. The arguably unwise bill - hastily passed by the Ukrainian parliament - abolishing the official status of the Russian language was also aptly used by the Russian mass media propaganda to scare off all Russian speakers in Ukraine (N.B. The law was vetoed by the interim President and never went into effect). Most Russians on Crimea apparently did no longer want to be a national minority in Ukraine, forced to learn and use another official language. Moreover, the separatists promised them a tangible improvement of their standard of living, including, twice as high Russian wages and retirement benefits, etc. These factors help to explain the outcome of Crimea's referendum.

On March 17, 2014, Crimea declared its independence and asked the Russian Federation to be admitted into it. The Sevastopol City Council requested the port's separate admission as a federal city. On March 18, 2014, a treaty on incorporating Crimea and Sevastopol was signed in Moscow. In only five days, the "Constitutional Law on admitting to the Russian Federation the Republic of Crimea and Establishing within the Russian Federation the New Constituent Entities the Republic of Crimea and the City of Federal Importance Sevastopol" was railroaded through the Russian Federal Assembly, signed by the Russian President and entered into force. On April 3, 2014, Moscow renounced one-sidedly the agreements concerning the deployment of the Russian Black Sea Fleet on Ukraine's territory.

According to these agreements, the Russian Federation should pay USD\$530 million annually for the bases and write off close to USD\$100 million Ukrainian debt. The Russian government also discontinued a discount on the price of natural gas imported from Russia, which was linked to the basing agreements.

### **Three Actors in the Crimean Conflict**

There have been three parties involved in the Crimean conflict: the Republic of Ukraine, the Russian Federation and the Autonomous Republic of Crimea. The involvement of each of these actors differed greatly from the standpoints of legality and legitimacy.

*Ukraine* was clearly a victim of an outside aggression as part of its internationally recognized state territory was occupied by the armed forces of a neighbouring state and subsequently annexed by the latter. The Ukrainian interim government decided not to use the Ukrainian Army, Police or other state security services to prevent the violation of Ukraine's territorial integrity and Crimea's separation. On March 19, 2014, it started withdrawing its personnel from Crimea. Ukraine's decision not to resist the occupation, to withdraw its personnel and protest only diplomatically, amounted to Crimea's surrender to the Russian Federation, under duress. As a consequence of the conflict, Ukraine lost about three percent of its state territory, about five percent of its population and about 3.6 percent of its GNP. Also lost, were a good part of Ukraine's territorial waters and of its exclusive economic zone, which potentially contains rich oil and gas deposits, considerable civilian and military state property, most of its military personnel stationed on Crimea, and practically the entire Black Sea Fleet (with the accidental exception of only one major surface combatant).

The second entity has been *the Russian Federation*. On March 1, 2014, the Council of Federation of the Federal Assembly of the Russian Federation unanimously approved the request by President Vladimir Putin to allow a "limited military contingent" of the Russian armed forces on the territory of Ukraine. This act was taken in a clear violation of Art. 2(4) of the UN Charter, which states that "all Members shall refrain ... from the threat or use of force against the territorial integrity ... of any state". It also violated the "Declaration on Principles of International Law" (1970), adopted by the UN General

Assembly, which declared illegal any territorial acquisition resulting from a threat or use of force. The same applies to Principles 1-5 of the CSCE Helsinki Final Act (1975), to the "Treaty of Friendship and Cooperation between the Russian Federation and Ukraine" (1997), as well as to a number of other bilateral and multilateral interstate treaties and agreements which affirmed and guaranteed Ukraine's sovereignty and territorial integrity. At the same time, the Russian Federation rejected prior consultations with Ukraine and other states – guarantors of Ukraine's territorial integrity after, according to the Budapest Memorandum (1994), it became a militarily denuclearized state. The Russian Federation thus neglected its obligations under international law. The Russian Federation also violated the agreement between Ukraine and the Russian Federation on the status and conditions of the Black Sea Fleet of the Russian Federation on the territory of Ukraine from August 8, 1997, and extended in April 2010. This applies particularly to paragraph 1 of Article 6, which stated that the military units of the Black Sea fleet that "operate in places of their dislocation in accordance with the Russian law, respect the sovereignty of Ukraine, observe its laws and do not allow interference in the internal affairs of Ukraine." Paragraph 2 of Article 8 obliged the military forces of the Black Sea Fleet to "conduct exercises and other activities of combat and operational training within the training centres, landfills, positioning areas and dispersal areas, shooting ranges and, in restricted areas, in designated areas airspace in coordination with the competent authorities of Ukraine." The movements of Russian troops in February-March 2014 in Crimea were in no way coordinated with the competent authorities of Ukraine, and the Russian forces left their places of dislocation in a clear violation of the agreement.

On the other hand, it may be pointed out that President Vladimir Putin and official Russian propaganda used the right of the Crimean people to self-determination in the form of secession as the chief argument to justify and legitimize the annexation.<sup>7</sup> Russia's much stronger historic claim to Crimea was also stated. Russia conquered Crimea and de facto possessed it much longer than Ukraine (for

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<sup>7</sup> N.B. Art. 5 of the Russian Constitution contains a provision for the right of the peoples to self-determination but does not confer to them the right to secede from the Russian Federation.

around 168 years vs. 60 years). In his Presidential address to the Federal Assembly on December 4, 2014, Vladimir Putin stressed the strategic importance of the peninsula also as “the spiritual source” of the Russian nation and state, citing the fact that Grand Prince Vladimir was baptized in Herson. According to Putin’s claim, Crimea has had “invaluable civilizational and even sacral importance for Russia, like the Temple Mount in Jerusalem for the followers of Islam and Judaism”.<sup>8</sup> Moreover, the reunification in 2014 was said to undo the unconstitutional and unjust separation of Crimea from Russia sixty years earlier and was achieved without known victims.

The annexation of Crimea has increased the territory, population, territorial waters, mineral and other natural resources of the Russian Federation. It allowed for an increase in Russian military capabilities by taking over most of the Ukrainian Black Sea Fleet, about 190 Ukrainian military installations, stocks of arms, ammunition and other equipment. By subsequently relocating additional strategic bombers TU-22 M3, missiles, heavy armour, air transported troops to Crimea and by improving the military infrastructure on the peninsula, the Russian Armed Forces have increased their power projection capabilities. The addition of one of the two Mistral amphibious assault ships, at present being built in France, if delivered, would further strengthen the Russian military presence in the Mediterranean. This has, for some time, been one of Russia’s strategic goals. On the internal political scene, President Putin’s gamble on Crimea paid off as the annexation was met with overwhelming support by the Russian public and greatly boosted his popularity ratings. Concern for the Crimean Russians’ national rights and well-being has likely been of secondary importance, although in justifying the annexation President Vladimir Putin mentioned the alleged Ukrainian assimilationist pressures on the Crimean Russians and the recent “terror” by Ukrainian ultranationalists. The annexation has, on the other hand, considerably burdened the Russian treasury, in addition to the much heavier losses due to the falling prices of oil and to Western sanctions. Federal financial aid to Crimea is expected to be about € 2 billion annually, which does not cover the rise in wages and pensions in Crimea and the costs of adapting its financial,

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<sup>8</sup> Presidential Address to the Federal Assembly, URL: <http://eng.kremlin.ru/transcripts/23341>, accessed 12.12.2014.

monetary and legal systems. The total of needed investments in transport (including a long bridge across the Kerch Strait), electricity and gas, in the new border infrastructure, and other additional expenses, could well exceed €60 billion. The Kremlin is apparently resolved to absorb these and other, notably external, political, costs for the achieved geostrategic gain in the ex-Soviet space, in the Black Sea area, in the Mediterranean and – as it sees it – in competition with NATO and the European Union.

The third entity has been *Crimea and Sevastopol*. In the framework of Ukrainian constitutional and legal order, the holding of the referendum on March 16, 2014 and the declaration of secession was clearly illegal and unconstitutional. Article 73 of the Constitution of Ukraine prescribes: “Alterations to the territory of Ukraine shall be resolved exclusively by the all-Ukrainian referendum”. However, most declarations of independence have been unconstitutional, including the declaration of USA in 1776 and, more recently, Kosovo’s declaration in 2008. The International Court of Justice, in its opinion issued in July 2013, concluded that the Kosovo declaration did not violate the norms of international public law. President Vladimir Putin and the leaders of Russian separatists in Crimea and Eastern Ukraine used the Kosovo example to justify their actions. There are several similarities between the Kosovo and Crimea cases. Russian officials and propaganda have, however, consistently omitted the very important differences. Unlike in Kosovo, the Russian-speaking population of Crimea has not experienced protracted repression by the Ukrainian authorities, massive and grave violations of human rights and fundamental freedoms, the de facto abolition of Crimea’s autonomous status, massive discrimination and firing of Russians from the public sector, or the mass displacement and expulsion from Crimea of several hundred thousand Russians and several thousand deaths. On the contrary, prior to its separation from Ukraine, Crimea and the ethnic Russians, as no other Russian minority in ex-Soviet republics, had enjoyed in Ukraine a very considerable autonomy and protection of human rights and fundamental freedoms. Although there was no need, unlike in Kosovo, to apply on humanitarian grounds the “responsibility to protect”, the majority among the population of the Autonomous Republic of Crimea nevertheless claimed and, with decisive outside assistance, like in Kosovo, realized

its right to self-determination. Whether it was entitled to exercise this right is a debatable legal proposition.<sup>9</sup> The facts are that this right was flatly denied to it by the Soviet Communist authorities in 1954 and neglected by Russian and Ukrainian leaders in 1991. Moreover, the Russian-speaking majority in Crimea has relatively peacefully expressed and exercised this right, in conformity with principle 8 of the Helsinki Final Act. The two sizeable minority communities (Ukrainians and Tatars) apparently acquiesced to the desire of the Russian-speaking majority. These facts confer a measure of legitimacy to Crimea's secession and to its reunification with the Russian Federation.

The abrupt separation from Ukraine has created a number of serious problems for Crimea due to – among other things – its high dependency on Ukraine for water, electricity, rail and road connections to the mainland. Crimea lost about two thirds of its budget revenue, which used to come from the Ukrainian central budget. The separation also entailed the loss of about 70 percent of all tourists from Ukraine. It is unlikely that an increased influx of Russian and other tourists will compensate for this loss in the near future. Many Crimean companies became deprived of their access to European markets. The Crimean authorities have faced huge problems with issuing new citizenship, ownership and property documents, as Ukraine blocked access to the central registries and the Crimean government did not have its own records. The replacement of the Ukrainian hryvna as currency with the Russian ruble has created additional disturbances in the economy and for the Crimean population. An important motivation for secession – the expected rise in the standard of living – has not, so far, materialized as the wage earners and pensionists started receiving their income in rubles recalculated on the official exchange rate from hryvnas. Members of the Ukrainian and Tatar minorities have also experienced pressures, dismissals and threats from Russian nationalists

### **Crimea and the Civil War in Mainland Ukraine**

The annexation of Crimea encouraged the Russian-speaking separatists in Eastern and Southern Ukraine who apparently hoped

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<sup>9</sup> William W. Burke – White. *Crimea and the International Legal Order, Survival*, vol. 56, no. 4, August-September 2014, pp. 65-80.

that Moscow would repeat the same scenario. Mass unrest took place in April 2014 in a number of Ukrainian cities: In Kharkov, Donetsk, Lugansk and Odessa “People’s Republics” were proclaimed. Numerous Crimean Russians have presumably also participated in these events. Russian, Chechen and other non-Ukrainian “volunteers” from the Russian Federation’s territory and other countries have constituted, according to some estimates, over a third of the insurgent forces. Their Southward advance toward Mariupol and the Azov Sea was obviously intended to shorten the distance and make easier communication between Crimea and the Donetsk republic.

However, there are considerable differences between Crimea and “Novorossia” – as the Eastern part of the Republic of Ukraine has been called in Russian mass media and by Russian politicians. “Novorossia”, and particularly the area of Donbass, has been much more closely economically and energy-wise connected with, and more important to, the Russian Federation than Crimea. “Novorossia” contains a lower percentage of ethnic Russians, but – together with numerous other Russian-speakers (including many ethnic Ukrainians) – they constitute a strong regional majority. Unlike Crimea, “Novorossia” has legally been part of Ukraine since 1918, with only one exception during the Second World War. The flare-up of unrest, and subsequently of violence, in the Donbass area had a different origin: It expressed regional grievances against Kyiv centralism, the defence of Russian language rights, and strong opposition to Ukrainian ultranationalists and “fascists” who “staged a coup in Kyiv”. High representatives of the US and EU did a great disservice to Ukraine’s integrity when they openly and uncritically supported one side in the internal conflict, which also included armed Ukrainian ultranationalists and neo-fascists. This ill-advised Western policy aggravated the conflict and contributed to the development which seriously threatened – and perhaps ruined – mainland Ukraine’s territorial integrity. The unrest in “Novorossia” has quickly deteriorated from seizures of state institutions to clashes with the Ukrainian forces. This has since degenerated into a full-fledged civil war. In it, heavy conventional weapons (tanks, armoured personnel carriers, artillery and rockets) have been used by both sides, while helicopters and fixed-wing aircraft have been used by the Ukrainian Army only. International humanitarian law has been gravely violated, mostly by the Ukrainian side.

The insurgents have enjoyed moral and political support from the Russian Federation. They have also received economic, logistic, humanitarian, information, intelligence and other kinds of assistance, especially since the Ukrainian government removed its offices and stopped payments of all salaries, retirement benefits etc. to the areas controlled by the insurgents. The insurgents seized considerable stocks of arms, munitions and captured many heavy – though often obsolete – conventional weapons from the Ukrainian forces. According to Ukrainian and NATO sources, some plain-clothes Russian security personnel have advised and guided the insurgents. The Russian side has, rather unconvincingly, denied the reports on a flow of sophisticated arms across the Russian border, but not the participation of Russian citizens as “volunteers” on the side of insurgents. Unlike in Crimea, however, no complete units of the Russian Army have been verifiably observed.

Following several meetings between the Presidents of Russia and Ukraine, an agreement was reached in September 2014 in Minsk. It allowed for a truce and the stabilization of armistice lines, an exchange of prisoners and considerable reduction of shelling and missile attacks. In the four following months there were, nevertheless, recorded about 1 300 victims of violence. By January 1, 2015 the civil war in Ukraine had affected more than five million of its inhabitants, caused at least 4.700 dead (recorded by the UN and OSCE, the real number is likely to be several thousand higher), more than ten thousand wounded, over a million internally displaced persons and refugees and a huge economic crisis.

A very different course of events in “Novorossia” will very probably lead to a different outcome than in Crimea. The highest Russian officials, including President V. Putin, have publicly spoken in favour of reintegrating the Donbass area into Ukraine’s “common political space”. They are also on record favouring Ukraine’s federalization and a wide autonomy of the predominantly Russian-speaking regions. These statements, and the lack of open and massive military intervention across the Ukrainian border, indicate Moscow’s real strategic intentions, which apparently exclude a legal annexation of “Novorossia” or an Abkhazia-like model of secession. These intentions seem to be (1) the creation of (a) Russian autonomous region or republic(s) legally within Ukraine but which will continue to be

closely economically, culturally and politically linked to the Russian Federation; (2) ideally barring forever Ukraine's entry into NATO – or, at least, preventing the extension of the North Atlantic Treaty Area into the predominantly Russian-speaking areas in Eastern and Southern Ukraine. The Republica Srpska in Bosnia and Herzegovina comes close to a model presumably favoured by Moscow.

The “liberation” of Crimea and crushing the rebellion in South Eastern Ukraine is beyond the Kyiv government's capabilities, and the Ukrainian nationalists' hope that the West's sanctions against Russia will resolve the problem is utterly unrealistic. The termination of hostilities and normalization in mainland Ukraine could result from a political solution only. This solution will, by necessity, be a compromise affecting Ukraine's state structure, the relations between its central institutions, regions and national minorities, as well as Ukraine's economic, security and foreign policy orientations between the West and Russia. The renunciation of non-alignment by the Ukrainian parliament on December 23, 2014 threw an additional roadblock to national reconciliation and peaceful termination of the Ukrainian civil war. In Moscow's eyes, this action fully justified its decision to reacquire Sevastopol and Crimea. It also hardened the determination of Russian-speaking insurgents. The new law could be viewed, on one hand, as an emotional and unwise gesture, or, alternatively and less probably, as a bargaining chip to be exchanged for the restoration, at least, juridically of mainland Ukraine's territorial integrity.

### **Ukraine's Conflicts and the International Community**

The conflict over Crimea and Sevastopol has developed in an international environment which, apart from the two directly involved states, included other important actors. These have been the European Union, NATO, OSCE, UN, USA, Germany, France, Poland etc. The Russian leadership has, for many years, openly opposed Ukraine's integration into the economic, and hence also political, “West”. In particular, Russia has opposed the possibility of Ukraine's NATO membership. This Russian position has been well known, but regularly ignored by Western leaders who insisted on every European state's legal right to decide on its association with other states freely – including membership either in EU or NATO. The high

representatives of the Soviet Union and of its legal successor – the Russian Federation – officially recognized this right of all European states in several documents, including the “Charter of Paris for a new Europe” (1990). However, in practice the implementation of this abstract legal right depends on a number of internal political and wider geopolitical considerations.

In his keynote speech at a joint session of the two chambers of the Russian parliament on March 18, 2014, President Vladimir Putin clearly stated the geopolitical rationale for the annexation of Crimea. NATO’s presence in close proximity to Russia’s Southern borders, “directly in front of the Russian house”, “on Russia’s historic territories” remains utterly unacceptable to President Putin and to the Russian elite. The sheer possibility of Ukraine’s membership in NATO has been viewed by Putin as an acute threat to the security of Southern Russia. In order to not be “lost in the near future”, Crimea needed to be under “a strong and steady sovereignty...” which “could be only Russian”.<sup>10</sup> President Vladimir Putin’s statement expressed the primary motivation of the Russian leadership – the annexation prevented Crimea’s conceivable inclusion into the North Atlantic Treaty area. The Russian actions in 2014 related to Ukraine and Crimea were thus largely – if not primarily – conditioned by EU and NATO enlargement into the ex-Soviet space. To a considerable but critical extent, Crimea’s straightforward annexation was a consequence of the decision by the US administration under George W. Bush to offer Ukraine (and Georgia) NATO membership. Other members of the Alliance unwisely succumbed, then, to American “friendly persuasion” and agreed to include the promise of membership in the conclusions of the Bucharest summit of 2008. This promise was not preceded by a careful examination of its medium and long-term security and political consequences and of the Alliance’s ability to bear their burden. It can be argued that this “misguided strategy” by the USA and NATO is, to a large extent, responsible for the crisis in Ukraine.<sup>11</sup> The promise, despite having neither a date nor inclusion into the Membership Action Plan, was later repeated in NATO documents. Although the

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<sup>10</sup> Kremlin. »Address by President of the Russian Federation«, 18 March 2014, <http://eng.kremlin.ru/news/6889>

<sup>11</sup> John J. Mearsheimer, *Why the Ukraine Crisis is the West’s Fault*, Foreign Affairs, September-October, 2014, URL: <http://www.foreignaffairs.com/articles/141769/john-j-mearsheimer/why-the-ukraine-crisis-is-the-west-s-fault> (12.09.2014)

promise did not entail an Art. 5 guarantee, it morally implied that the states promised membership would not be left “cold in the rain” if their territorial integrity and sovereignty were to be grossly violated. Yet, Ukraine in 2014 (and earlier Georgia in 2008) was effectively punished by the Russian Federation while NATO basically stood by. It certainly has not increased the Alliance’s credibility. In September 2014, NATO indirectly admitted the mistake when the Wales Summit Declaration did not repeat the promise to Ukraine.

Moscow’s action on Crimea expressed its defiance of NATO’s further enlargement into Russia’s backyard. It could be more generally understood as renunciation of the balance of power in the Euro-Atlantic area formed after the end of the “Cold War” and as a demand for a redefinition of legitimate “spheres of interest” in Europe. It could be also taken as a stern warning to other ex-Soviet republics, such as Kazakhstan and Azerbaijan, to behave.

The occupation and annexation of Crimea has provoked a vivid reaction in the international community, in the form of diplomatic protests, declarations and resolutions passed by international organizations among other things. On March 27, 2014, the UN General Assembly adopted a resolution on Ukraine’s territorial integrity. The resolution condemned the annexation of Crimea, declared the referendum “non-valid” and appealed to the international community not to recognize changes in the status of Crimea. A majority of one hundred UN members supported the resolution while eleven voted against it. The vote showed the Russian Federation’s considerable diplomatic isolation. Understanding and support for its action were expressed by states such as North Sudan, Syria, Zimbabwe, North Korea, as well as by four Latin American countries. Among the ex-Soviet republics, only states highly dependent on Russia, namely Armenia and Belarus, voted with in Russia’s favour, while Ukraine and Georgia understandably condemned the Russian action. The annexation put a large group of 58 states (including the BRICS members China, India, Brazil and South Africa) into a delicate situation. While supporting the principle of territorial integrity of member states they – for various reasons – did not want to condemn the Russian Federation and decided to abstain.

Active condemnation of Russia’s action was expressed in the strongest terms by a number of EU and NATO members, including

those from Eastern Europe. It was also shared by many non-aligned states who, as a matter of principle, oppose any infringement on the territorial integrity of member states. On April 1, 2014, the foreign ministers of NATO member states condemned the annexation of Crimea as illegal and illegitimate. They also approved a number of measures negatively affecting NATO's relations with the Russian Federation. On September 5, 2014, leaders at the NATO Summit in Wales called on the Russian Federation to "reverse" the annexation of Crimea and declared the suspension of all practical, civilian and military cooperation and the freezing of the activities of the bilateral forum, the NATO-Russian Council. The ministers also decided to assist Ukraine with advisory teams, to support Ukraine's defence reforms and to boost NATO's collective defence posture by demonstrative deployments of its assets geographically close to Ukraine and the Russian Federation. The United States, and later the European Union, added to these measures economic and political sanctions targeting – among others – a group of prominent Russian and Crimean personalities.

The conflicts over Crimea and in Eastern Ukraine raised the fears of escalation to a hot war between Ukraine and the Russian Federation. The shooting down, probably by Russian rebels, of the Malaysia Airlines flight 017 on July 17, 2014, which killed three hundred innocent civilians, further sharpened the political confrontation between EU, USA and NATO, on the one hand, and the Russian Federation, on the other. The confrontation has worsened the general political climate in the Euro-Atlantic area. The conflict has had a number of other negative international effects: The substantive breach by the Russian Federation of its obligations to Ukraine under the Budapest Memorandum (1994) certainly weakened the nuclear non-proliferation regime. The conflict also brought the US-Russia talks on anti-ballistic defence and on other strategic issues to an end. Russian non-compliance with its obligations of notification and the international observation of large movements of troops in border areas harmed the system of Confidence and Security-Building Measures (CSBM) under the OSCE Vienna Documents (1990, 1994). The Crimean conflict heightened the sense of insecurity in states bordering on the Russian Federation, particularly those having Russian minorities within their borders. These states are most concerned with the possible resurrection of Russian neo-imperialism

The Crimean affair has also reduced the possibility of de-escalation in several “frozen” conflicts on the ex-Soviet periphery, e.g., over Transnistria.

The application of EU and US sanctions raised the question of their objectives, effectiveness and consequences. The true objectives of the sanctions have been never clearly stated. These could be: a) a restitution of Crimea to Ukraine, b) the termination of Moscow’s support to the insurgents in Eastern Ukraine and exerting pressure on them to desist and return to Kiev’s rule c) to force Moscow to agree to EU’s and NATO’s further enlargement into the post-Soviet space, d) to force a regime change in the Kremlin and “shackle” the disobedient Russian “bear”.

President Putin apparently believes that the latter alternative is the objective of the sanctions.<sup>12</sup> Washington’s hostility to Russia was evident, he claims, even prior to the crisis. The crisis in Crimea and the Ukrainian crisis were used only as a pretext. I would argue that it is ironical that the US initiated and still presses for sanctions against Russia, while having openly admitted the failure of its own sanctions applied for 50 years against incomparably smaller, weaker and much more vulnerable Cuba. While the sanctions harm Europe economically, US exports to Russia have considerably increased in 2014. Furthermore, they are unlikely to achieve any of the above-stated objectives. This is certainly true of the prohibition of military exports, as Russia is near self-sufficient in arms as the second largest exporter of weapons world-wide. Moreover, this ban is to be applied to new contracts only. It seems clear that no international sanctions will ever return Crimea to Ukraine. In this particular sense, the application of economic sanctions by the European Union seems pointless. The sanctions have had no educational or deterrent effect and no discernible positive impact on the developments in Eastern Ukraine. The absence of a direct and massive military intervention by the Russian Army should be not attributed to the sanctions: An open and massive Russian invasion would have caused an all-out war between Russia and Ukraine, with catastrophic consequences. Although probably quickly victorious on the battlefield, the Russian forces would face the prospect of waging a bloody anti-guerrilla warfare for many years, similar to that in Western Ukraine in 1945-

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<sup>12</sup> News conference of Vladimir Putin, December 18, 2014.

1949. The human, political and economic costs of a massive invasion and of the protracted occupation of Eastern Ukraine would by far outweigh any possible gains for Russia. Meanwhile, Moscow cannot and will not allow a military defeat of the insurgents in Eastern Ukraine. Generally, sanctions often provide results contrary to those intended. The sanctions have already strengthened the autocratic elements of Vladimir Putin's regime and slowed down or stopped internal political and economic reforms in Russia favoured by the West.

There have been many commentaries and a number of proposals on how to deal with the conflict related to Crimea and Ukraine. Some commentaries revive the spirit of the "Cold War", depicting President Putin as a new Hitler and presenting Russia's behaviour as a threat to the very foundations of international security, international law and the liberal West. More realistic commentaries, on the other hand, admit the mistake made by NATO and propose that the Alliance assures Moscow that it will not draw Ukraine into its membership (H. Kissinger, Z. Brzezinski). Some proposals demand that Russia, in exchange for normalisation of relations, recognizes Ukraine's sovereignty over autonomous Crimea (H. Kissinger). Another suggestion, made by M. O'Hanlon and J. Shapiro, request a repeated and binding referendum on Crimea, this time under international supervision.<sup>13</sup> The same authors propose other conditions for gradual lifting of sanctions: a verifiable removal of Russian "volunteers" from Eastern Ukraine, Russia's guarantees of mainland Ukraine's territorial integrity, the termination of NATO's enlargement and making Ukraine's relations with EU compatible with its membership in the Eurasian Economic Union.

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The Republic of Crimea and the federal city Sevastopol are today de facto parts of the Russian Federation constituting the Crimean Federal District and part of Russia's Southern Military District. On

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<sup>13</sup> N.B. A representative public opinion poll conducted by OSCE could be more palatable to Moscow. O'Hanlon, Michael, Shapiro, Jeremy. *Crafting a win-win-win for Russia, Ukraine and the West*. Washington Post. URL: [http://www.washingtonpost.com/opinions/crafting-a-win-win-win-for-russia-ukraine-and-the-west/2014/12/05/727d6c92-7be1-11e4-9a27-6fdb612bff8\\_story.html](http://www.washingtonpost.com/opinions/crafting-a-win-win-win-for-russia-ukraine-and-the-west/2014/12/05/727d6c92-7be1-11e4-9a27-6fdb612bff8_story.html) (accessed 07.01.2015)

April 11, 2014 a new constitution was adopted by the Republic of Crimea. Most of the international community, however, does not recognize the annexation by the Russian Federation and considers the Autonomous Republic of Crimea as still belonging to Ukraine. On April 15, 2014, the Ukrainian parliament declared Crimea and Sevastopol “occupied territories” while Ukraine’s Prime Minister, Arseniy Yatsenyuk, solemnly declared several times that “Crimea has been, is and will be Ukrainian”. In December 2014, his government discontinued all rail and rail connections to Crimea, thus completing its full separation from Ukraine. Dmitri Medvedev, the Prime Minister of Russia, on the other hand, declared that the present status of Crimea is a non-negotiable “closed chapter”.<sup>14</sup> The political and legal stand-off between Ukraine and the Russian Federation is therefore likely to create an additional “frozen” conflict in Europe.

#### Bibliography

1. Baranovsky, Vladimir. *Russia and Europe – The Emerging Security Agenda* (1997). SIPRI – Oxford University Press, Oxford.
2. Grushevski Mihail. *Ilustriovannaia istoria Ukrainy* (2008). BAO, Donetsk (reprint of the edition by Prosveshchenie, S. Petersburg, 1911)
3. Hammer, Joseph von. *Historija Turskog Osmanskog carstva* (1979), N. Smailagić, Zagreb, pp. 411-414, 416-420.
4. Saharov, Andrei, ed. *Istoria Rossii* (2010). Prospekt, Moscow.
5. Karaganov, Sergei. *Rossia i Mir. Novaia Epoha* (2008), Rus-Olimp, Moscow.
6. Tantsura, B., ed. *Politichna istoria Ukraini* (2008). Akdamvidav, Kiiv.
7. Freedman, Lawrence. *Ukraine and the Art of Crisis Management* (2014), *Survival*, IISS, London, vol. 56, no. 3, June-July 2014, pp. 18-21.
8. OSCE, *Human Rights Assessment Mission in Ukraine* (12 May, 2014), The Hague-Warsaw.
9. Dzhemilev, Mustafa. *Interview* (12 July 2014), *Delo*, Ljubljana, pp. 10-13.
10. Adomeit, Hannes. *Die Lehren der Russischen Generäle* (18.7.2014), *Neue Züricher Zeitung*, p. 7.

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1. <sup>14</sup> Dmitri Medvedev, *Rossia i Ukraina*, *Nezavisimaya gazeta*, December 15, 2014.

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