

THE RUSSIAN-UKRAINIAN CONFLICT OVER CRIMEA

Abstract. *For the last four decades security in Europe has been burdened by armed violence accompanying the disintegration of a number of states in the Eastern Mediterranean, Western Balkans and the territory of the former Soviet Union. They have resulted in the creation of new internationally recognised states, unrecognised state-like entities and unresolved 'frozen' conflicts. A probable newcomer to the last type appeared in spring 2014 – the Ukrainian-Russian conflict over Crimea. Most of the international community does not recognise its annexation by Russia and considers that Crimea still belongs to Ukraine. The annexation and related attempted secessions and armed hostilities in Eastern Ukraine have worsened the West's relations with Russia and the general political climate in the Euro-Atlantic area. The political and legal stand-off between Ukraine and Russia has created an additional 'frozen' conflict in Europe.*

Key words: *Crimea, Ukraine, Russia, EU, NATO, "frozen conflicts"*

Security on the European continent has for the last four decades been burdened by armed violence and wars accompanying the disintegration of a number of states in the Eastern Mediterranean, Western Balkans and the territory of the former Soviet Union. These developments have resulted in the appearance on the political map of Europe of more than a dozen new and internationally recognised states. Mostly successful secessions within some of these new states have also created a group of parastates that are unrecognised or less than universally recognised by the international community. Northern Cyprus, Transnistria, Abkhazia, Southern Ossetia, Nagorno-Karabakh and later also Kosovo have come to be treated in the international relations literature as 'frozen' conflicts in Europe and its vicinity. With Kosovo moving out of this group, a very probable newcomer appeared in spring 2014. This newcomer is the Ukrainian-Russian conflict over Crimea. This conflict has been closely related to the attempted secessions from Ukraine of the "Donetsk People's Republic" and "Lugansk People's Republic" and to

* Anton Bebler, PhD, Professor, Faculty of Social Sciences, University of Ljubljana.

the armed violence in Eastern Ukraine in which the Russian Federation is heavily implicated, mainly through proxies. However, the latter conflicts differ greatly in several respects from that over Crimea and so are, so far, their outcomes.

Like several 'frozen' conflicts mentioned above, Crimea is geographically located on the southern periphery of the former Soviet Union. Also substantively, the newest open conflict bears a number of similarities with four other ex-Soviet cases. The five ex-Soviet entities involved in these conflicts share an up to two-centuries-long history of Russian imperial and subsequently of Soviet communist rule. The Russian rule had been 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 or ceded to and then annexed by the Russian Empire. Russian expansion in the Black Sea region and in the Caucasus at the expense of the Ottoman Empire had been strongly opposed by the Western powers – Great Britain, France and Austria/Austro-Hungary. In the mid-19th century, this opposition went all the way to a direct military confrontation and a bloody war, fought mostly in Crimea.

The immediate pretext for the Crimean War was the Russian occupation of two Danubian principalities of 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 (whose territory lies in 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 in Crimea and started a year-long siege of the Russian stronghold of 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 from disease. The Western powers and the Ottomans won the war against the Russian Army, which had lost about 400,000 soldiers, achieved the destruction of both the Russian Black Sea Fleet and the fortress Sevastopol, as well as the military neutralisation of the Black Sea. Yet they failed to dislodge Russia from Crimea. However, Austria's threat to join the coalition forced the Russian government to withdraw its troops from the Danubian principalities. All of this happened almost 160 years ago in a geostrategic environment very different from the present one. No one in the West contemplated in 2014 waging a war against Russia.

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 one hand, and

a considerable part of the Russian and Russian-speaking minority on the other. This 'Russian' population has, however, constituted a strong local minority or a regional majority in parts of that successor state – in Eastern and Southern Ukraine and in Crimea. In two other cases mentioned above – in Abkhazia and Southern Ossetia – the political divide has separated a titular majority non-Russian nation (the Georgians) from two minorities living in provinces bordering the Russian Federation and whose members were given Russian passports en masse. In four out of five cases, the presence of Russian Armed Forces on the territory of a legally independent successor state offered not only psychological comfort but also, when needed or feared, physical protection for separatists. This protection allowed them to carry out illegal referenda, to proclaim and subsequently defend the secession. In the four cases mentioned above, the separatists appealed to and begged the Russian Federation to be admitted into it. So far, only Crimea has become legally (and to a lesser extent, substantively) an exception. Unlike in the three other cases, it was promptly admitted and became reunited with the Russian Federation.

This exception may be explained chiefly by Russia's wider geostrategic interests. Historically, Crimea had for about 168 years been an integral part of imperial Russia and after 1921 of the Russian Federation. Crimea is psychologically much closer to the hearts of many Russians and particularly of 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, to the landlocked position and awkward configuration of its narrow strip of land on the left bank of the Dnestre river. The main reasons for, so far, not also legally annexing Abkhazia and Southern Ossetia seem to be diplomatic ones, the Russian government's desire to mend its relations with Georgia and the fact that neither of the two populations belongs to the Russian ethnic diaspora.

Historical background to the conflict

Since antiquity and up until 2014 the entire territory of Crimea or its parts were ruled by the Greeks, Bulgars, Scythians, Romans, Goths, Huns, Khazars, Kievan 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. After the destruction of the Golden Horde by Tamerlan, in 1441 the Crimean Tatars established an independent Crimean Khanate. It encompassed most of the peninsula along with the territory of today's southern Ukraine and part of southern Russia. Its capital for most of the Khanate's existence was in Bakhchisaray. The Ottomans conquered the southern coast of Crimea,

chased the Genoans away and annexed it to the Empire. In 1475 the Khanate was forced by them to become an Ottoman dependency. Thus, in its very long known history Crimea had 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 peninsula bearing the name Krim or Krym which, in their closely related Eastern Slavic languages, was derived from the Turkish word *qirim*. In the 13th century this name was initially given 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.) together with many toponyms point 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 the first and second wars with the Ottoman Empire. The first of these two wars broke out in 1768. The *casus belli* was Russian interference in Poland's internal affairs and the presence of Russian troops supporting the newly elected Polish King Stanislas Poniatowsky, a Russian *protégé*. Encouraged by France, the Ottoman government demanded the withdrawal of Russian troops from Poland. Following Russia's refusal, the Ottomans initiated naval and land warfare. The Khan of Crimea Sahin Giray with his cavalry invaded southern Russia and soon returned to Crimea, reportedly, with about 20,000 able-bodied captives. This invasion proved to be the last of the almost regular slave-capturing raids by the Crimean Tatars in the territory of today's Ukraine and southern Russia. In 1774, after another defeat, the Ottoman Empire was forced to recognise Crimea's independence, although the Sultan retained his spiritual power over all Crimean Muslims. Crimea's outright annexation by Russia followed in 1783. Sahin Giray fled Crimea in 1787 and was later executed by the Ottomans for treason. The Russian conquerors then gave Crimea a new name – the Taurida govenorate.

Numerous wars, the Russian imperial and later Soviet rule dramatically changed Crimea demographically, culturally, economically and politically. In the period 1780–1790s, the land experienced summary executions, the exodus and mass expulsion of Muslim Tatars and Turks, the demolition or conversion of most of 1,600 mosques and other Islamic monuments, the disbanding of Islamic *medressas* and other Islamic institutions. In the 19th century the policy of forced Russification of the remaining population followed through public schools and administration, obligatory military service and Orthodox Christianisation. The conqueror and military governor of the huge “Novorossia” (which also included Crimea), General Grigoryi

Potemkin, was the prime and energetic mover in this direction. For his victories, conquests and other achievements he was awarded the highest imperial decorations, vast estates and a princely title with the addition of *Tavrisheskiy* (Tauridian) to his family name. He soon became a favourite of the German-born Empress Catherine the Second, and a co-ruler of Russia. In 1783 General G. Potemkin initiated the massive resettlement of ethnic Russians and the already Russified subjects from central and northern Russia. In addition, the Russian authorities attracted colonists from the Balkans and southern German lands to Crimea. The oldest aboriginal Crimean population – the Greeks and other minorities, living principally in the cities – Armenians, Jews et al. survived throughout the Russian-Ottoman wars and the Russian imperial rule with their numbers steadily dwindling. In the summer of 1944, the last remnants of the Crimean Greek minority were finally deported by the Soviet authorities, and today about 50,000 of their descendants are living in and around the Ukrainian town of Mariupol.

The second oldest inhabitants of Crimea are Turkic by origin. Several tribal alliances of horse-riding semi-nomads were known in the 9th to 11th centuries under the names *Polovtsi* and *Cumanis*. Their descendants have subsequently been called the Tatars and Karaims. In the 14th century most Tatars adopted Islam a minority while Judaism. At the time of the Russian conquest, an estimated 420,000 Tatars reportedly constituted a strong majority of the Crimean population. According to Mustapha Dzhemilev, a leader of the Crimean Tatars, in the first ten years of the Russian occupation their numbers were reduced through persecution and exodus to about 112,000 (Dzhemilev, 2014: 10). Following the Crimean War (1853–1856) and the Russian-Ottoman war (1877–1878), the number of Crimean Tatars reportedly dropped from about 300,000 to about 100,000. Between 1917 and 1933 half of the Crimean Tatars perished or were deported.¹ They probably still constituted a sizeable minority at the end of the German occupation in spring 1944. In May of that year, one of the most tragic episodes in their history occurred. The entire Tatar minority was summarily repressed and deported by the Soviet authorities to Central Asia. It is estimated that almost half of the deported Crimean Tatars died during and immediately after the deportation. Unlike other deported Crimean minorities, the Crimean Tatars were banned from Crimea for several decades. Although legally rehabilitated in 1967, and since December 1991 allowed to return to their homeland, they have so far not been reinstated or compensated for the losses of life and property.

¹ Wikipedia Crimean Tatars.

The legal status of Crimea from 1917 to 2014

Since the collapse of the Russian Empire, the two revolutions in 1917 and the end of the Russian Civil War the official name and legal status of the peninsula have changed many times. The Russian *Bosheviki* launched a campaign to replace previously official imperial names of both provinces and cities with new ones. As an expression of the new nationality policy and a friendly gesture towards Kemal Ataturk's Turkey, the previous official name derived from Greek, 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, primarily of the Crimean Tatars. In 1922 Crimea was incorporated into the Soviet Union and remained within the USSR until it was dissolved 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* and, from 1 September 1942, it had been administered as the *Generalbezirk Krim* and *Teilbezirk Taurien*. In 1945, following the radical cleansing of national minorities Crimea was stripped of its pre-war autonomous status and became an ordinary *oblast* of the Russian SFSR.

Less than a year after the death of the all-mighty dictator Joseph Stalin, in February 1954 the Presidium 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 was then described by official communist propaganda as a symbolic brotherly gesture marking the 300th anniversary of when Ukraine joined the Russian Empire. This momentous decree by the Presidium (and not a federal law or a constitutional amendment passed by the entire Supreme Soviet of the USSR) provided a very dubious legal basis for a decision actually made by the Politburo of the Communist Party of the Soviet Union (CPSU). The Presidium decree was presumably adopted at the request of the Presidia of the two parliaments. The transfer of Crimea was said to have been prompted by the need to bring a large labour force and water for irrigation from Ukraine. However, the decree clearly violated Articles 14 and 18 of the then valid 'Stalin's' constitution of the Soviet Union which required a formal agreement between Soviet Socialist Republics for any change of their borders. The Supreme Soviet of the USSR (and not the Presidium) could only confirm such an agreement but not by itself pass a federal law and a constitutional amendment to that 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 adopted and signed. Moreover, the Crimean population was deprived

of its right to give or deny its consent for any major status change. Therefore, even in Soviet terms the transfer of Crimea to Ukraine was illegal, unconstitutional and clearly illegitimate.

The next status change of Crimea occurred during the 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 Mikhail Gorbachev took place in Crimea where the then President of the Soviet Union was vacationing. The coup, its aftermath and the referendum on Ukraine's independence on 2 December 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 in fact dissolved on 8 December 1991 at a meeting of the heads of the Russian Federation, Ukraine and Belarus. At that gathering held in the Belovezhska Pushcha hunting reserve, the Russian leader Boris Yeltsin failed to request Crimea's return to 'mother' Russia from his Ukrainian colleague, Leonid Kravchuk.

On 26 February 1992 the Supreme Soviet of the Crimean ASSR, without the consent of the Ukrainian authorities, changed the official name of the land to the Republic of Crimea. On 5 May 1992, the Crimean parliament proclaimed Crimea's independence and passed its first constitution. Under pressure from Kiev, the latter was amended on 6 May 1992 with a sentence on Crimea as being part of Ukraine. On 19 May 1992 the proclamation of Crimean independence was annulled by the Ukrainian Supreme *Rada* (parliament). As a *quid pro quo*, Kiev agreed to strength Crimea's autonomous status. Exploiting these increased legal prerogatives, on 14 October 1993 the Crimean parliament established the post of President of Crimea and granted the Crimean Tatars regular representation in the consultative Council of Fourteen. On 17 March 1995, the Ukrainian parliament annulled Crimea's constitution, removed the President of Crimea Yuriy Meshkov and abolished his office. The President was charged with anti-state activities and 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 of Ukraine and Russia have continued on many issues. These had included 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 in Crimea, the number and status of Russian military personnel in Ukrainian territory etc. Since 1991 Moscow has covertly and controlled the actions of Russian separatists in Crimea and also maintained a sizeable contingent of its own civilian (FSB) and military intelligence (GRU) agents.

Russian contingency plans for the annexation of Crimea were probably prepared and regularly updated for at least two decades. Already in 1997, a prominent Russian geostrategist Sergei Karaganov wrote about the possible disintegration of Ukraine and the absorption of its parts by Russia (Karaganov, 1997: 300). Yulia Timoshenko, a former Prime Minister of Ukraine, publicly warned the West in 2007 of Russia's policy of destabilising the Ukrainian government, particularly in Crimea.² In 2008 the Ukrainian Foreign Minister Volodymyr Ohryzko protested against the mass distribution of Russian passports in Crimea. He described the campaign as a 'real problem' in conjunction with Russia's declared policy of possible military interventions to protect Russian citizens living abroad.³ Several deputies of Russia's State *Duma* had also acted in this manner while visiting Crimea. In August 2009 anti-Ukrainian demonstrations broke out in Crimea, calling on Russia to act in the same way as it had done 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 the Bucharest summit where NATO promised Ukraine (and Georgia) future membership in the Alliance. The operational plans for an invasion were probably temporarily postponed after Victor Yanukovich, was elected President of Ukraine. The penetration of high governmental offices by Russian citizens (particularly the defense and security systems) Ukraine's growing financial dependence on Russia, and expanded cooperation between the two military-industrial complexes probably reduced the need for annexation.

The situation abruptly changed on 22 February 2014 when President Victor Yanukovich and a group of high Ukrainian officials, closely connected to the Russian security services abruptly fled Ukraine, presumably fearing for their lives. The temporary power vacuum and the general confusion in Kiev offered an ideal opportunity to the Kremlin to carry out the latest version of the contingency plans to annex Crimea. These plans were executed exceptionally well on the military side and less so on the political side.

Clashes between pro-Russian and pro-Ukrainian protesters broke out on 26 February 2014 in front of the parliament building in Simferopol. During these clashes and at other rallies, the pro-Russian protesters were demanding

² *Foreign Affairs*, no. 3, 2007 and in *Rossia v globalnoy politike*, vol. 5, no. 3, 2007, pp. 104–105.

³ »Federal Law on the State Policy in Regard to the Fellow Citizens Residing Abroad« (1999).

secession from Ukraine and asking for assistance from Moscow. In the early hours of 27 February masked armed individuals seized and locked up government buildings in Crimea, including the premises of the Supreme Council. At an emergency session of the Supreme Council held behind closed doors, Sergey Aksyonov of the hitherto marginal Party of Russian Unity and himself a Russian from Moldova was appointed the new Prime Minister of Crimea. The Supreme Council also voted to hold a referendum on the status of Crimea. On 28 February 2014 a group of over 20 deputies of the State Duma submitted a draft amendment to the constitutional law on admitting new subjects to the Russian Federation to the Speaker of the Russian State Duma. The draft specifically justified the incorporation of parts of Ukraine into the Russian Federation on the grounds of alleged Ukrainian discrimination against national minorities. One 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 abstaining it was decided to start political and legal procedures to restore the national-territorial autonomy of the Tatars in Crimea.

Launched into action on 28 February 2014, Russian forces, assisted by armed 'self-defence' militias swiftly seized the strategically important Perekop Isthmus, blocked or cut off all land, sea and air connections of Crimea with the rest of Ukraine, took over all Crimean ports and airports, radio and TV stations, blocked and occupied all installations of the Ukrainian Army and Navy, and illegally expropriated practically all their stocks of arms and ammunition. They also assisted and protected unlawful actions by Russian-speaking separatists and thus enabled Crimea's amputation from Ukraine. The Crimean operation in 2014 in some respects bore a resemblance with 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 reportedly about 2,000 naval infantrymen (marines) stationed in and around Sevastopol, about 7,000 special troops brought into Crimea in early March mostly by air as well as about 15,000 troops transported by ferries to Kerch across the straits. These additional units mainly came from the Russian Southern Military District. At the time of the occupation, the Russian operational headquarters, probably located in Rostov, had about 30,000 troops available (Adomeit, 2014: 7). The forces participating in the Crimean operation were much better organised, trained and armed than the Russian units which were engaged in the war with Georgia in 2008. This time they also used a novel type of operation soon branded hybrid warfare. In this

type military power is combined with several kinds of non-military power resulting in 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 of regular infantry and anti-terrorist police units with a secret chain of command and bearing no insignia or visible ranks on their combat fatigues. All of this was clearly designed to conceal the state identity of the invading force.

The easy success of the three-week operation was largely facilitated by three factors. The Russian marines who 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 in Crimea, including the Simpheropol airport, allowed for the quick insertion of air-transported troops and speedy acquisition of targets. Thirdly, the Ukrainian military personnel stationed in Crimea were not given orders to resist and thus all 190 military installations and most weapons were surrendered to the invaders. About 20,000 Ukrainian military personnel capitulated without a shot being fired. Moreover, most of them switched their loyalty and opted to remain in 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 several serviceable aircraft of the Ukrainian Navy escaped the capture. The Crimean police 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 namely prohibits an occupying power from creating another state in occupied territory or to annex it. It remains puzzling why on 4 March 2014 President Vladimir Putin still publicly denied the intention to annex Crimea. One possibility is that an Abkhazia-like scenario was still being considered by the Russian leadership.

A referendum on Crimea reuniting with the Russian Federation was hastily called on 27 February 2014, with insufficient notice. The time pressure very probably did not allow for and, more importantly, the Crimean secessionist authorities were not interested in updating the voter registers and in assuring that multiple voting (obviously by the proponents of secession) would be prevented. The referendum held on 16 March 2014 reportedly proceeded peacefully and orderly 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 Crimea rejoining 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 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 shortage of time did not allow for any real and substantive public debate on such a momentous issue.

Immediately after the takeover on 28 February 2014, Russian security personnel shut off all Ukrainian television channels, imposed a tight blockade on the land border with the mainland Ukrainian territory, closed the Simferopol airport to flights from Ukraine and thus prevented the diffusion in Crimea of Ukrainian-printed media (which still mostly appear in the Russian language). The population of Crimea was thus subjected to one-sided information and often outright disinformation by the Russian state-controlled mass media. The intense propaganda campaign, almost like that seen during the Cold War, depicted the interim Ukrainian authorities in Kiev as "fascists" or "neo-Nazis" who had presumably threatened the Russian and Russian-speaking population with "genocide". Public harassment and intimidation of Crimean Tatars by the so-called people's self-defence 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 Mustapha Dzhemilev, a leader of the Crimean Tatars and a deputy of the Ukrainian parliament, to return to his homeland. One known Tatar protester was reportedly abducted, apparently tortured and found dead. The referendum was held under the irregular circumstances of the Russian military occupation. The presence in public places of armed local Russian irregulars, Russian Cossacks and even Serbian 'Chetniks', as well as masked 'little green men' but undoubtedly belonging to the Russian Armed Forces certainly had an intimidating effect on those opposing Crimea's secession.

According to the Crimean authorities, 81.36 percent of registered voters took part in Crimea's referendum and 96.77 percent of them voted for its separation from Ukraine and for reunification with Russia.⁴ However, the official figures on voter participation and on the approval rate could not be verified by impartial international observers. The OSCE Chairperson-in-Office Didier Burkhalter did not accept an invitation from 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. Yet it is very likely that the official figures were artificially inflated in order to

⁴ *The percentage of »yes« votes on Crimea in 2014 was about three points lower than the official results of the Austrian plebiscite on Anschluss in 1938.*

legitimise Crimea's incorporation into the Russian Federation. The representatives of the Crimean Tatars denied that the official results⁵ reflected the position of presumably a majority among Crimea's indigenous population, who had opposed the separation from the Ukraine and boycotted the referendum. The main reason for this negative attitude was the painful collective memory of Russian colonialism and, in the 20th century of terror, deportation, harsh exile and collective discrimination which for many decades were carried out by Russian-speaking Soviet authorities. A good number of Crimean Ukrainians probably departed before the vote, abstained or voted against the secession. The Ukrainian authorities refused to recognise the legality of the referendum and its outcome on constitutional grounds. This opinion was shared by the Council of Europe's Venice Commission and several EU and NATO member states.

In spite of the referendum's numerous shortcomings, it seems reasonable to assume that the Russian-speaking majority among the Crimean population supported then Crimea's secession from Ukraine and its rejoining Russia. Their decision probably reflected their deep dissatisfaction with the state of economic and political affairs in Ukraine, as well as the widespread incompetence and rampant corruption in both Kiev and Eastern Ukraine. In these respects, the feelings of the Russian speakers in Crimea largely coincided with the feelings of many Ukrainians, and also those of the *Maidan* protesters. The very unwise bill hastily passed by the Ukrainian parliament to abolish 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 took legal effect). Most Russians in Crimea apparently no longer wanted to be a national minority in Ukraine, forced to learn and use another official language. Moreover, the Russian speakers in Crimea had been promised by the separatists and indeed expected a tangible improvement in their standard of living including, at least, twice higher Russian wages and retirement benefits etc. These factors largely explain the political side of Crimea's annexation.

On 17 March 2014 Crimea declared its independence and asked the Russian Federation to join it. The Sevastopol City Council requested the port's separate admission as a federal city. Then, on 18 March 2014, a treaty on incorporating Crimea and Sevastopol was signed in Moscow. In just 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 quickly railroaded through the Russian Federal Assembly, signed by the Russian President and put into force. On 3 April 2014 Moscow

⁵ <http://ru.krymr.org/content/article/25309070.html>

unilaterally renounced the agreements concerning the deployment of the Russian Black Sea Fleet in Ukraine's territory. According to these agreements, the Russian Federation had paid USD 530 million annually for the bases and written off close to USD 100 million of Ukrainian debt. The Russian government also discontinued its discount on the price of natural gas imported from Russia which was linked to the basing agreements.

Three actors in the Crimean conflict

Three entities have been involved in the Crimean conflict: *the Republic of Ukraine, the Russian Federation* and *the Autonomous Republic of Crimea*. The involvement of each of them varied greatly from the standpoints of legality and legitimacy.

Ukraine was clearly a victim of an external aggression since part of its internationally recognised national territory was occupied by the armed forces of a neighbouring state and subsequently annexed by the latter. However, the Ukrainian interim government failed to use the Ukrainian Army, Police and state security services to prevent the violation of Ukraine's territorial integrity and Crimea's separation. On 19 March 2014 it started to withdraw its personnel from Crimea. Ukraine's decision not to resist the occupation, to withdraw its personnel and protest only verbally and diplomatically amounted to Crimea's surrender to the Russian Federation, under duress.

As a consequence of the conflict, Ukraine lost about 3 percent of its state territory, about 5 percent of its population and about 3.6 percent of its GNP. Also lost were i.e. 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 and most of its military personnel located or stationed in Crimea, practically the entire Black Sea Fleet (with the accidental exception of one major surface combatant) etc.

The second entity was the *Russian Federation*. On 1 March 2014 the Council of Federation of the Federal Assembly of the Russian Federation unanimously approved the request by President Vladimir Putin to allow the bringing in of a "limited military contingent" of Russian armed forces to the territory of Ukraine. This act was in clear violation of Article 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 and which declared illegal any territorial acquisition resulting from the threat or use of force. The same applies to Principles I-V of the CSCE Helsinki Final Act (1975), to the "Treaty of Friendship and Cooperation between the Russian Federation and Ukraine" (1997), and 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 consultation with Ukraine and other states – guarantors of Ukraine's territorial integrity after, pursuant to the Budapest Memorandum (1994), it became a militarily denuclearised state. The Russian Federation has thus neglected its obligations under international law. The Russian Federation has also violated the Agreement from 8 August 1997 (extended in April 2010) between Ukraine and the Russian Federation on the status and conditions of the Black Sea Fleet of the Russian Federation in the territory of Ukraine. This applies in particular to paragraph 1 of Article 6, which states that the military units of the Black Sea fleet "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 obliges 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 relevant authorities of Ukraine and the Russian forces left their places of dislocation in clear violation of the agreement.

On the other hand, President Vladimir Putin and official Russian propaganda used the right of the Crimean people to self-determination in the form of secession as their chief argument to justify and legitimise the annexation.⁶ Russia's much stronger historical claim to Crimea was also mentioned. Russia had conquered Crimea and *de facto* possessed it for much longer than Ukraine (around 168 years vs. 60 years). Moreover, the reunification in 2014 was said to undo the unconstitutional and unjust separation of Crimea from Russia 60 years earlier, and it had been achieved with no known victims.

The annexation of Crimea has somewhat increased the territory, population, territorial waters, mineral and other natural resources of the Russian Federation. It has allowed an expansion of 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 TU-22 M3 strategic bombers, missiles, heavy armour and air-transported troops to Crimea and by improving the military infrastructure on the peninsula, the Russian Armed Forces has appreciably increased their power projection capabilities. The addition of one of the two *Mistral* amphibious assault ships being built in France and if delivered, would further strengthen the Russian military presence in the

⁶ Article 5 of the Russian Constitution contains a provision for the right of the peoples to self-determination but does not confer on them the right to secede from the Russian Federation.

Mediterranean. This has already for some time been one of Russia's strategic goals. Speaking internally politically, President Putin's gamble on Crimea has paid off as the annexation was met with overwhelming support by the Russian public and greatly boosted his popularity ratings. The concern for Crimean Russians' rights and well-being has likely been of secondary importance, although in justifying the annexation President Putin mentioned the alleged Ukrainian assimilationist pressures on the Crimean Russians and the recent 'terror' by Ukrainian ultranationalists.

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 have been indeed several similarities between the Kosovo and Crimea cases. Russian officials and propaganda have however consistently omitted very important differences. The Russian-speaking population of Crimea has not experienced anything similar to the 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, mass displacement and expulsion from Crimea of several hundred thousand Russians and several thousand deaths. 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.⁷ 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

⁷ William W. Burke – White. *Crimea and the International Legal Order, Survival*, vol. 56, no. 4, August-September 2014, pp. 65–80.

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.

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 that Moscow will repeat the same scenario. The mass unrest, anti-Kiev demonstrations, tearing down Ukrainian state symbols and hoisting up Russian national flags, breaking-in and occupying numerous official buildings 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.

There have been however considerable differences between Crimea and "Novorossia" as the Eastern part of the Republic of Ukraine has been frequently called in the Russian mass media and occasionally also by Russian politicians. "Novorossia" and particularly the area of Donbass have been much more closely economically and energy-wise connected with and more important to the Russian Federation than Crimea. "Novorossia" contains a somewhat lower percentage of ethnic Russians but together with numerous other Russian-speakers (including many ethnic Ukrainians) they constitute a regional majority. Unlike Crimea "Novorossia" has been legally part of Ukraine since 1919, with only one exception during the Second World War. The flare-up of unrest and subsequently of violence in the Donbass area had however a somewhat different origin. It expressed regional grievances against Kyiv centralism, the defense of Russian language rights and strong opposition to Ukrainian ultranationalists and "fascists" who "staged a coup in Kyiv". High representatives of US and EU did a great disservice to Ukraine's integrity when they openly and uncritically supported (and US allegedly also financed) one side in the internal conflict which included also armed Ukrainian ultranationalists and neofascists. This ill-advised Western policy aggravated the conflict and contributed to the development which seriously threatened also mainland Ukraine's territorial integrity. The unrest in "Novorossia" quickly deteriorated from seizures of state

institutions to clashes with the Ukrainian forces which degenerated into a full-fledged civil war. In it heavy conventional weapons (tanks, armoured personnel carries, artillery and rockets) have been used by both sides, while helicopters and fixed-wing aircraft by the Ukrainian Army only and international humanitarian law gravely violated, more by the Ukrainian side.

The insurgents have enjoyed moral and political support of the Russian Federation and received critically needed economic, logistic, humanitarian, information, intelligence and other kinds of assistance, particularly since the Ukrainian government removed its offices and stopped payments of all salaries, retirement benefits etc. in the areas controlled by the insurgents. The insurgents seized considerable stocks of arms, munitions and captured many heavy and often obsolete conventional weapons from the Ukrainian forces. According to Ukrainian and NATO sources some military and Russian security personnel has advised and guided the insurgents. Russian government representatives had rather unconvincingly denied the reports on a flow of sophisticated arms across the unmarked interstate 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 Presidents of Russia and Ukraine, with OSCE's facilitation and with Ukraine's former President L. Kuchma chairing 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 1300 victims of violence. The four parties' agreement reached on February 12, 2015 in Minsk and signed by the highest representatives of the Russian Federation, Ukraine, Federal Republic of Germany and France paved the way to a peaceful resolution of the armed conflict in South Eastern Ukraine. If and when fully implemented the agreed upon measures would restore mainland Ukraine's territorial integrity and meet at the same time the demand for extensive political, economic and cultural autonomy of the Donbass area. A reform of Ukraine's present constitution, to be adopted by the end of 2015, is expected to enshrine Ukraine's, at least, partial decentralization and, very importantly, remove the grounds for grievances related to assimilationist pressures and to the alleged discrimination of the Ukrainian Russians and Russian-speakers. These reforms by themselves will not terminate the sharpest conflict in Ukraine but, if carried out in good faith, would allow for its peaceful management in years to come. By mid-February 2015 the civil war in Ukraine affected more than five million of its inhabitants, caused more than six thousand dead (recorded by the UN and OSCE plus probably several thousand of unrecorded deaths), more than eleven thousand wounded,

over a million and a half internally displaced persons and refugees and a huge economic damage.

A very different course of events in territorially undefined “Novorossia” led, so far, to a different than in Crimea outcome of the conflict. The highest Russian officials, including President V. Putin, publicly spoke 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” and 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 and the Province of Quebec in Canada come close to a model presumably favoured by Moscow.

The “liberation” of Crimea and crushing the rebellion in South Eastern Ukraine is beyond the Kiev government’s capabilities while the Ukrainian nationalists’ hopes that the West’s sanctions against Russia will resolve the problem are utterly unrealistic. Stable peace and normalization in mainland Ukraine could result from a political solution only. This solution will have to be by necessity 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 less than fully representative Ukrainian parliament on December 23, 2014 threw an additional roadblock to national reconciliation. In Moscow’s eyes it fully justified its decision to reacquire Sevastopol and Crimea. It also hardened the determination of Russian-speaking insurgents (still called “terrorists” by the Ukrainian authorities). 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.

Conflicts in and related to Ukraine 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 et.al. The Russian leadership has for many years openly opposed Ukraine's integration into the economic, and hence also political, "West" and in particular the possibility of its NATO membership. This Russian position has been well known but consistently ignored by Western leaders who insisted on every European state's legal right to decide on its association with other states freely, including on 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 always depends on and is conditioned by a number of internal political and wider geopolitical, also limiting, 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 "reunification" with 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 to President Putin and to the Russian elite utterly unacceptable. 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".⁸ 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 – provoked 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. A "misguided strategy" by the USA and NATO has been to a large extent responsible for the crisis in and partial disintegration of Ukraine (Mearsheimer, 2014). The promise, despite having neither a date nor inclusion into the Membership

⁸ *Kremlin. »Address by President of the Russian Federation«, 18 March 2014, <http://eng.kremlin.ru/news/6889>*

Action Plan, was repeated in NATO's later documents. Although the 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) were in fact effectively punished by the Russian Federation while NATO basically stood by. This act 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 "zones of interest" in Europe. It could be also taken as a stern warning to other ex-Soviet republics to behave, for instance, to Kazakhstan and Azerbaijan.

The occupation and annexation of Crimea 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 members 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 and by four Latin American countries. Among the ex-Soviet republics, only states highly dependent on Russia, namely Armenia and Belarus, voted 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 generally 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 shared also 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 and qualified it 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 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 in land, air and sea configurations within the North Atlantic treaty area 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 conflict over Crimea and the related conflict in Eastern Ukraine raised the fears of escalation to a hot war between Ukraine and the Russian Federation. The shooting down, possibly 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. Some aspects of the confrontation and of the Western sanctions bore resemblance with the "Cold War" period. The conflict over Crimea and its further ramifications have 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) 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, although they were already in deep troubles. 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). Moscow subsequently also withdrew from the Conventional Forces Agreement in Europe (CFE). The Crimean conflict heightened the sense of insecurity in states bordering on the Russian Federation, particularly those having within their borders Russian minorities. The three Baltic republics increased their defense expenditures while Lithuania decided to reintroduce universal military obligation. These states are most concerned with the possible resurrection of Russian neoimperialism, while the former Soviet republics with a new, narrower version of L. Brezhnev's doctrine of "limited sovereignty". 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 Kyiv's rule c) to force Moscow to agree to further EU's and NATO's enlargement into the post-Soviet space, d) to effect a regime change in the Kremlin and "shackle" the disobedient Russian "bear".

President Putin apparently firmly believes in the latter.⁹ Washington's hostility to Russia has been evident, according to him, already earlier and Crimea and the Ukrainian crisis were used only as a pretext for mobilizing European allies. It is an irony that 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. The war of sanctions economically harms also Europe, but not US. Most importantly they are not likely to achieve any of the above-stated objectives. This is certainly true of the prohibition of military exports to Russia due to the near self-sufficiency in arms of the second largest exporter of weapons world-wide. In addition this ban is to be applied to new contracts only. It is already clear, that no kind and no intensity of international sanctions will ever return Crimea to Ukraine. In this particular sense, the application of economic sanctions is pointless. They have had no educational or deterrent effect and no discernible positive impact on the developments in Eastern Ukraine. The absence, so far, of a direct and massive military intervention by the Russian Army could be not attributed to them. The Crimean scenario has not been repeated for a number of other reasons. 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 for many years a bloody anti-guerrilla warfare, similar to that in Western Ukraine in 1945-1949. The human, political and economic costs of a massive invasion and of the protracted occupation of Eastern Ukraine would far outweigh any possible gains for Russia. On the other hand, Moscow politically cannot and will not allow a military defeat of the insurgents in Eastern Ukraine. Generally, sanctions often provide results contrary to those intended. The war of sanctions 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 Western commentaries revive the spirit of the "Cold War" depicting President Putin as a

⁹ *News conference of Vladimir Putin, December 18, 2014.*

new Hitler and presenting Russia's behaviour as a threat to the very foundations of international security, international law and liberal West. Much more realistic commentaries, on the other hand, admit the mistake made by NATO and propose that the Alliance's 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 (i.a. H. Kissinger). Another suggestion was made by M. O'Hanion and J. Shapiro requesting a repeated and binding referendum on Crimea, this time under international supervision.¹⁰ The same authors propose as 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.

* * *

Crimea covers 26,200 square kilometres and had in 2007 about 2,3 million inhabitants. In terms of its territory and/or population, Crimea is thus larger than each of the five small members of the European Union (Luxemburg, Estonia, Slovenia, Cyprus and Malta), not to mention the five internationally recognized mini-states (Liechtenstein, Monaco, San Marino, Holy See-Vatican, Andorra) and the five unrecognized or less than universally recognized but *de facto* existing states or state-like entities in Europe. According to the last Ukrainian census held in 2001, 58 percent of Crimea's population were ethnic Russians, 24 percent ethnic Ukrainians and about 12 percent Crimean Tatars. The actual number and percentage of Russians were probably higher than the official Ukrainian count. There is no current data on the additional influx of Russian military, security and civilian personnel since March 2014 and on the considerable number of inhabitants (mostly Ukrainians and Tatars) who have left Crimea.

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 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

¹⁰ 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/2014/12/05/727d6c92-7be1-11e4-9a27-6fdb6c12bfff8_story.html (accessed 7. 1. 2015)

Crimea and Sevastopol “occupied territories” while Ukraine’s Prime Minister, Arseniy Yatsenyuk, declared several times that “Crimea has been, is and will be Ukrainian”. In December 2014 his government discontinued however all rail and rail connections to Crimea, thus completing its full separation from Ukraine. Dmitri Medvedev, Russian Prime Minister, on the other hand, declared that present status of Crimea a non-negotiable “closed chapter” (Medvedev, 2014). The political and legal stand-off between Ukraine and the Russian Federation will undoubtedly continue creating an additional “frozen” conflict in Europe.

BIBLIOGRAPHY

- Adomeit, Hannes (2014): Die Lehren der Russischen Generäle (18. 7. 2014), Neue Züricher Zeitung, p. 7.
- Baranovsky, Vladimir (1997): Russia and Europe - The Emerging Security Agenda, SIPRI - Oxford University Press: Oxford.
- Dzhemilev, Mustafa (2014): Interview, Delo: Ljubljana, 12. July, pp. 10-13.
- Freedman, Lawrence (2014): Ukraine and the Art of Crisis Management, Survival, IISS: London, vol. 56, no. 3, June-July, pp. 18-21.
- Grushevski, Mihail (2008): Ilustriovannaia istoria Ukrainy. BAO: Donetsk (reprint of the edition by Prosveshchenie, S. Petersburg, 1911).
- Hammer, Joseph von (1979): Historija Turskog Osmanskog carstva, N. Smailagić: Zagreb, pp. 411-414, 416-420.
- Karaganov, Sergei (2008): Rossia i Mir. Novaia Epoha, Rus-Olimp: Moscow.
- Medvedev, Dmitri (2014): Rossia i Ukraina, Nezavisimaya gazeta, December 15.
- Mearsheimer, John J. (2014): Why the Ukraine Crisis is the West’s Fault, Foreign Affairs, September-October, URL: <http://www.foreignaffairs.com/articles/141769/john-j-mearsheimer/why-the-ukraine-crisis-is-the-west-fault> (12. 9. 2014).
- Saharov, Andrei, ed. (2010): Istoria Rossii. Prospekt: Moscow.
- Tantsura, B. (ed.) (2008): Politichna istoria Ukraini. Akdamvidav: Kiiv.
- OSCE (2014): Human Rights Assessment Mission in Ukraine, The Hague-Warsaw, 12, may.