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**John Cabot University**

Department of Political Science and International Affairs

Bachelor of Arts in International Affairs

Annexation of Crimea by the Russian Federation: Historical, Legal, Ideological  
Analyses and Legal Consequences

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## Abstract

This thesis analyzes the annexation of Crimea by the Russian Federation in 2014. The Crimean crisis is a vital topic today due to the following reasons: it violated Ukraine's territorial integrity, weakened international law and raised the confrontation between Russia and the Western powers, distorting peace after the end of the Cold War. The second chapter of this thesis is a historical overview from 1991, when Ukraine became independent, until the Crimean crisis in 2014. After the breakup of the Soviet Union, the tensions between Ukraine and Russia over Crimea and the Black Sea Fleet led to an opened conflict between the two in 2014. The third chapter is the legal analyses of the annexation. It explains why the annexation of Crimea is illegal under international law, what are Russia's justifications and what are the consequences for Crimea, Russia and the international community. The fourth chapter focuses on the ideology of the "Russian World" that also presents Russia's justifications to have annexed Crimea.

*I would like to thank my parents for the patriotic upbringing. Thank you for your support and belief in me!*

*And a big thank you to Aaron who had always been very supportive. He was always there for me!*

*These people inspire me.*

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## **List of Abbreviations**

USSR	Union of Soviet Socialist Republics
CIS	Commonwealth of Independent State
UN	United Nations
US/USA	United States of America
UK	United Kingdom
NATO	North Atlantic Treaty Organization
EU	European Union
OSCE	Organization for Security and Co-operation in Europe
ICJ	International Court of Justice

## 1. Introduction

In 1991, the Soviet Union collapsed, introducing fifteen new independent states to the world: Russia, Ukraine, Uzbekistan, Kazakhstan, Belarus, Azerbaijan, Georgia, Tajikistan, Moldova, Kyrgyzstan, Lithuania, Turkmenistan, Armenia, Latvia, and Estonia. After this breakup, the international community feared that ethnic conflicts would ignite between the former Soviet republics. The other possibility was that ethnic conflicts might occur even within the former USSR states due to their diverse ethnic compositions. Given international impotence in resolving the Balkan conflicts, Russian President Boris Yeltsin made a proposal to the international community in 1993, saying, "I believe the time has come for distinguished international organizations, including the UN, to grant Russia special powers as a guarantor of peace and stability in the former regions of the USSR" (as cited in Hill & Jewett, 1994, p. 1). He also meant that the international community should recognize Russia's peacekeeping forces and support them financially, because Russia saw this role in the post-Soviet region as a favor to the West (Hill & Jewett, 1994, p. 1).

The relations between some of the new independent states and the Russian Federation were tentative. Russia intervened in the conflicts in Abkhazia and South Ossetia (Georgia) and in Transnistria (Moldova) supporting separatist movements in those countries. As a result, Abkhazia and South Ossetia became partially recognized states, with the recognition of Russia, Venezuela, Nicaragua, Tuvalu and Nauru, while Transnistria became an unrecognized state ("List of states with limited recognition," 2015). Practically

they became quasi-states under the supervision of the Russian Federation. Russian troops are present in the Moldovan region of Transnistria to this very day.

After analyzing Russia's actions in the former Soviet republics, it becomes possible to trace certain patterns and draw the conclusion that the Kremlin's goal was not to resolve conflicts in the newly independent states. In fact, Russia had strategic interests in the post-Soviet region, which makes Russia biased in resolving conflicts there. It looked at conflicts through the prism of its own strategic benefits. Often its intention was to weaken the post-Soviet countries – now newly independent states – so that they would fully depend on Russia (Hill & Jewett, 1994, p. 2). Moreover, the Kremlin was keen on keeping surrounding states as satellites, by exhausting them with the internal conflicts and by preventing the former Soviet republics from adopting European values and from joining NATO and the European Union.

Russia's perpetual intervention into domestic affairs of the former Soviet republics provoked internal conflicts in those countries, resulting in confrontation between the patriotic people of the new state and those who were nostalgic for the USSR era. The population and politicians of the post-Soviet countries believed that Russia was their "brother nation." Thus, with instability arising in those states, the government would invite Russian forces to resolve the political turmoil; meanwhile, Russia was gaining hegemony from the conflicts.

The Russian foreign policy-making is retrospective: reintegrating the nations into the USSR and restoring Russia's status of "the first among the equal," which was in the USSR. From the end of the 1990s, Russian actions towards achieving hegemonic status in the post-Soviet region became more aggressive (Zadorozhnyj, 2015, p. 1). The apogee of

this aggressiveness became reality in the Crimea crisis of 2014.

In 2014, the Russian Federation occupied and then annexed the Ukrainian territory of Crimea. Tomsinov argues that this demonstrated that Russia was able to take geopolitical decisions with resolve without waiting for the approval from the “ruling groupings”<sup>1</sup> of the Western countries (Tomsinov, 2015, p. 5). He also adds that this strengthened Russia’s position in the Black Sea (Tomsinov, 2015, p. 5). I am going to argue that Russia’s annexation of Crimea was illegitimate and the Russian Federation is non-compliant to international law.

Actions of Russia show its intent to restart the Cold War, when the majority of countries were divided in the spheres of influence of the two superpowers. After the breakup of the Soviet Union, Russian politicians wanted the world to recognize Russia’s interests in the post-Soviet region and Russia’s dominant role there.

The Crimean annexation resembles Russia’s interventions in other countries, such as Georgia (2008) and Moldova (1991). Similarly to the Ukrainian case, Russia went against international law, but the international community did not actively respond to these interventions. The Ukrainian Ambassador to the Italian Republic Yevhen Perelygin (2015) notes that also other scholars agree that Russia’s interventions in Georgia and Moldova were a test for Russia to see how the international community would react on this kind of aggression. The impotence from the international community proved the Kremlin that Russia’s aggressive actions in the post-Soviet countries would not be punished.

Perelygin (2015) also remarked that it was revealed by the leader of one of the Crimean cities that the Russian project *Novorossiya*, which aimed to annex Crimea to Russia, had already been created in 2004, when the Orange Revolution took place. The

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<sup>1</sup> Translation provided by the author: “pravyashimi gruppirovkami.”

Kremlin's leadership was anticipating for the right moment to implement this project. Therefore, the year of 2014 became a suitable opportunity: Ukraine was weakened by the horrific events in EuroMaidan and as a result the pro-Russian President of Ukraine fled the country. This is when Russia took actions in Crimea.

By annexing Crimea, President Putin gained a larger popular support among Russians (Perelygin, 2015). The official Kremlin website calls Crimean annexation as "reunification" of Crimea and Russia, referring that once it was one political entity ("Podpisan dogovor o prinyatii Respubliki Krym v Rossiyskuyu Federatsiyu," 2014). Tomsinov (2015) notes that one of the most important factors for the annexation of Crimea was the fact that this territory was predominantly the Russian culture. Therefore, the population's perception of becoming a part of Russia was as the come back home (p. 6). In contrast, Christakis (2015) argues that the moral and political values cannot play a role in legal terms of self-determination. International law does not allow states to "undo" history and alter modern state borders (pp. 8-9). French representative to the Security Council said,

Crimea was Russian from 1783 to 1954. What does that mean? Will we take out our history books to review our borders or challenge or defend them? What date will we go back to? After all, Crimea was Russian for 170 years but a vassal of Turkey for three centuries. We know only too well that anything can be justified by history, particularly the unjustifiable. (as cited in Christakis, 2015, p. 9)

My intention is to analyze Russia's annexation of Crimea by applying international law: norms of international law and international treaties. In order to define whether the annexation is just and legal, it is crucial to examine it from international law point of view, including comparison to other precedents in the world practice.

It is crucial to examine relations between Russia and Ukraine starting from Ukraine's independence in 1991, in order to trace the origins of the Crimean crisis in 2014. The history clearly demonstrates Russia's interests in the post-Soviet region. From the time of the Russian Empire, under Peter the Great until the Soviet Union under Stalin, one of Russia's most important goals was to acquire new territories and put other states in its sphere of influence (Hill & Jewett, 1994, pp. 2-3).

Briefly, the Russian Federation had several strategic intentions: having access to the Black and Baltic Seas, maintaining buffer zone between Russia and the Western powers, preserving Russia's hegemony and access to the raw materials in the region. These goals were all easily achieved by creating the Soviet Union but became very difficult to maintain after its collapse (Hill & Jewett, 1994, pp. 2-3). Ukraine and the Crimean peninsula were in the center of Russia's sphere of influence. Perhaps Russia considered its relations with Ukraine through the possibility of having Crimea under its control: an access to the Black Sea Fleet and to the Black Sea itself. The reader now can get acquainted with the tools that Russia used to enhance its influence on Ukraine and the Black Sea region.

## **2. Political Development of the Russian-Ukrainian Relations from 1991 until 2014**

After the dissolution of the Soviet Union, Fyodor Shelov-Kovedyaev, Deputy Minister of Foreign Affairs, played a crucial role in Russia's relations with the newly independent states. In summer 1992, he argued that the former Soviet republics should seek integration by creating the Commonwealth of the Independent States. Moreover, he presented a report entitled "Strategy and Tactics of Russian Foreign Policy in the New Abroad," which suggested that the international community should recognize the Russian Federation as the leader in the post-Soviet region and accept Russia's special interest there (Hill & Jewett, 1994, p. 4).

This proposal was widely supported by politicians in the Russian Federation. Russian politician Sergei Stankevich addressed the leaders of the former Soviet republics saying, "Your excellencies ... Henceforth, you will not be dealing now with the ruins of an empire but a Power. The Russian Power has a thousand-year history, legitimate interests and serious traditions of protecting these interests" (Hill & Jewett, 1994, p. 5). The first President of the Russian Federation, Boris Yeltsin, supported the reintegration of all former republics of the Soviet Union. He stated that despite the dissolution of the USSR, the republics were still tightly interconnected and should continue this way.

President Yeltsin also proposed cooperation in certain spheres on the level of confederation. Russian Foreign Minister at that time, Andrei Kozyrev, summarized these ideas for the UN by announcing that Russia intended to keep the new independent states under its influence. Moreover, he openly announced that intervening in the conflicts in

“Near Abroad” (a term coined by the Russian politicians referring to the post-Soviet countries) is necessary in order to keep “geographical positions that took centuries to conquer” (as cited in Hill & Jewett, 1994, p. 6). In 1993, Andrei Kozyrev’s Washington Post op-ed outlined Russia’s agenda of protecting the Russian-speaking minorities in the former Soviet republics, economic reintegration, and peacemaking missions in the “Near Abroad.” He also repeated President Yeltsin’s idea, that Russia is taking responsibility to intervene in conflicts of the former Soviet republics, but it needs to be financially supported by the international community. He explained that failing to intervene to protect Russian-speaking people will result in a Yugoslavia-type tragedy (Hill & Jewett, 1994, p. 6).

These points about Russia’s agenda towards the newly independent states were included in the Russian Military Doctrine of 1993, which provides a framework of Russia’s military actions in the post-Soviet countries. For the purposes of reacting quickly to the conflicts, the Russian Doctrine allowed deployment of Russian troops in the former Soviet states (Hill & Jewett, 1994, p. 7).

Russian policy during the first years after the breakup of the USSR reveals that Russia did not recognize the independence of the former Soviet republics: countries which *de jure* gained independence were not independent *de facto*, because Russia was directly involved in their internal affairs. In fact, the Russian Federation openly stated that it intended to keep new independent states under its influence and Russian politicians advocated Russia’s vital responsibility to interfere in the internal conflicts of these states. Russian President Yeltsin proposed that the post-Soviet states could reintegrate and cooperate as a confederation, which could be a step back towards the structure of the

USSR. This proposal was intended to preserve Russian control over natural resources in the territory of the Soviet Union.

The breakup of the USSR could have been predicted considering that the Union consisted of various nationalities and ethnic groups that differed in their traditions, culture, religion, and language. Demographer Frank Lorimer (1946) studied population of the USSR and concluded that there were over 175 different ethnic groups (p. 50). The feeling of nationalism was present in all republics but to a varying extent. At the end of the twentieth century, this feeling became stronger and the republics demanded self-determination. Even though the dissolution was made on legal basis through referendums in the republics, most Russian politicians perceived it as the fall of a strong “Russian Empire.” The Kremlin feared losing control over its neighboring countries because they could choose a different way of development, adopting values of the western world from the time they gained independence. This is why the Kremlin expressed a need to protect Russian values in the former Soviet republics.

Protection of the Russian-speaking population in the post-Soviet region, in case human rights of those people were to be abused, was among the official goals of the Kremlin to keep the new independent states in its orbit. This claim contradicts the fact that Russian was a native language not only of Russians but of many other ethnic groups, which means that this language would still be widely spoken in the newly independent states. However, Russia took on the responsibility of protecting the Russian-speaking people, disregarding the fact that they are citizens of other sovereign countries. The results of this supposed responsibility were seen in 2014 when the Russian army invaded Crimea.

Actually Russian had become the most widely-spoken language throughout the

republics because of the previous “Russification” policy of the USSR. The term “Russification” was coined to refer to the Kremlin’s policy in the USSR to spread Russian, replacing national languages in the Soviet republics. Few sources mention this policy and many people do not know about it; in fact, still today it is exploited by Russia as an excuse to intervene in the sovereign states.

The Kremlin developed “socialistic internationalism” in the USSR, which meant erasing the differences between nationalities in the country of fifteen nations and numerous ethnic groups. Under this forced policy the Kremlin was actively “russifying” the Soviet republics, mainly through schools and universities. In fact, the Central Committee of the Communist Party of the Soviet Union made Russian a mandatory academic course in elementary school and a language of instruction in high schools all over the USSR (Kulchytsky, Mytsyk, & Vlasov, 2010, pp. 454-5).

This “Russification” was successful for the Communist Party in the USSR: for example, in Ukraine there were few schools teaching in Ukrainian and not even one in Crimea for seven hundred thousands of Ukrainians residing there. In the 1980s, in Kyiv only 22% of pupils could have an access to education in Ukrainian. “Russification” achieved its aims in cultural life as well, leaving only one Ukrainian theater in the capital of Ukraine. Similarly, there were few books published and few movies in Ukrainian compared to the number of books and movies in Russian (Kulchytsky et al., 2010, pp. 454-5).

Non-Russian languages were excluded in many spheres of life. In the 1970s, the Kremlin introduced a decree that forbade the postgraduate students to write their theses in other languages other than Russian. All Soviet republics were forced to have record-

keeping in Russian and all official meetings of different kinds of administrations could only be held in Russian (Khazanov, 1995, p. 13).

Gorenburg (2006) studied the extent of “Russification” in the Soviet republics and concluded that it made newer generations mostly Russian-speaking and changed their views on identity. The Communist Party policy, which made it clear that “socialism speaks Russian” in the USSR, made people realize that fluency in Russian was a key for success in a career. The Soviet government claimed that it had solved the problem of nationalities by assimilating minorities and creating a single “Soviet people” (pp. 3-9, 25). This notion of “Soviet person” still plays an important role in Russia’s mission of protecting Russian-speaking people.

Each of the fifteen republics had its own national language, but when the Kremlin imposed Russian, people ceased using their mother tongue. In this way, Russian became the most widely spoken language and became a native language for the newer generations. Nowadays, Russia, unfairly, insists that it has a mission to protect Russian-speaking communities abroad, even though the Russian language was inherited by nations from the USSR and often was not a voluntary initiative to speak this language instead of native one.

The presence of nuclear weapons on the territory of Ukraine complicated the Russian-Ukrainian relations. Ukraine was eager to join the non-proliferation treaty; however, territorial claims, political pressure, and a possible economic boycott from Russia hindered Ukraine’s membership. The Ukrainian government feared that if it dismantled nuclear weapons, it would become vulnerable to Russia. The first President of Ukraine Leonid Kravchuk admitted this in his speech, “The question of security arises rather acutely when our neighbors tend to present territorial claims. Ukraine, rather

naturally in these conditions of instability and particularly with territorial claims against us, raises the issue of security guarantees for the country and its people. Ukraine must have this guarantee” (as cited in Hill & Jewett, 1994, p. 67). He also added, “This is especially true of our big neighbor, but other neighbors also have claims on our existing borders. The problem of security does exist, it does exist” (as cited in Parks, 1992).

Russia pressured Ukraine to give up the nuclear weapons as soon as possible; meanwhile, the Ukrainian President demanded that the US become a guarantor of Ukraine’s security and the integrity of its borders. Russia warned the US that Ukraine was unable to maintain proper security measures which raised the danger of Chernobyl-type explosion of the nuclear weapons. For unknown reasons, however, the USA was reluctant to become the guarantor of Ukraine’s security at that time (Hill & Jewett, 1994, p. 68).

From the first years of Ukraine’s independence, the Ukrainian government acknowledged that the Crimean peninsula and eastern regions of Ukraine might be targeted by Russia to justify their territorial claims because both these territories were predominantly inhabited by ethnic Russians. When Ukraine just gained independence, the Ukrainian government encouraged repatriation of the Crimea Tatars to their land. It was seen as a way to dilute the Russian population there and avoid their desire to secede from Ukraine. Even after Ukraine became independent, Moscow held control over Crimea by promoting pro-Russian leaders of the Autonomous Republic of Crimea. Russia also fomented grievances about the difficult economic situation of the ethnic Russian population in eastern Ukraine to make them regret having voted in favor of Ukraine’s independence (Hill & Jewett, 1994, pp. 68, 73).

Most Russians claim that Crimea had always belonged to Russia because the majority of the population there was ethnic Russian, which was a result of the Communist Party's intentional policy. In fact, in 1944, the Muslim population of Crimea, the Crimean Tatars that were the historical inhabitants of Crimea since the Ottoman Empire, were deported by Joseph Stalin. The operation conducted by NKVD was cruel and gave to some Tatars few minutes to prepare (Fisher, 1978, pp. 165-6). Scholars in this topic add that this ethnic cleansing in Crimea also affected Armenians, Bulgarians, and Greeks, who were exiled as well (Kramer, 2014).

As a result, the majority of the population in Crimea became ethnic Russians. Then, in 1954, the First Secretary of the Communist Party of the USSR passed a resolution that transferred the entire Crimean peninsula from the Russian to the Ukrainian Soviet Republic (Fisher, 1978, p. 173). There are still debates today about the reasons for Nikita Khrushchev's decision. It is suggested that transferring Crimea to Ukraine was intended to dilute the Ukrainian population with the ethnic Russians; this strategy was also used in the Baltic States. Another reason was that Khrushchev wanted to gain support of the Ukrainian elites (Kramer, 2014).

Shapoval (2009) claims that Crimea was given to Ukraine to revitalize agriculture of Crimea, whose production had been decreasing dramatically since the deportation of the Tatars, who worked in that sphere. There are other possible reasons why the USSR Communist Party transferred Crimea to the Ukrainian Soviet Republic. In the end, however, the reason does not matter. In fact, what does matter is that it was done in accordance with the USSR Constitution, approved by both the Russian and Ukrainian Communist Parties.

According to the researchers of the Ethnic Conflict Project at Harvard University, after Ukraine declared independence, Russia announced it would respect Ukraine's borders that included Crimea on one condition: that Ukraine join the CIS<sup>2</sup>, the organization intended to maintain close ties with Russia. In case if Ukraine refused to join, Russia would redraw the borders, taking away Crimea and eastern regions from Ukraine. The Ukrainian Parliament requested Russia to recognize borders without Ukraine's membership in the CIS. Initially President Yeltsin told CNN that the borders would not be redrawn; however, Ukraine's government lost belief in this when the Kremlin subsequently restated that the borders of Ukraine will be left untouched only within the CIS. In the fear of losing major parts of the country, the Ukrainian government was forced to join CIS (Hill & Jewett, 1994, pp. 68-9).

This opinion differs from the one that many scholars in this sphere have. It is believed that the founders of the CIS were three countries: Belarus, Russia and Ukraine. They created this organization by a treaty signed in Belarus in 1991, confirming the dissolution of the USSR. Article 5 of this treaty clearly stated that all signatories recognized territorial integrity and borders of each other (Agreement Establishing the Commonwealth of Independent States, 2015). Hence, after signing this treaty, Russia could not legally express any territorial claims against Ukraine.

The Creation of the CIS became a source of tension between Russia and Ukraine. In December 1991, the Russian President listed the main goals of the CIS: "First of all, it makes it possible to preserve the existing borders [between the republics], instead of

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<sup>2</sup> "The Commonwealth of Independent States (CIS) – is a regional intergovernmental organization, whose main purpose is cooperation in political, economic, environmental, humanitarian, cultural and other fields among a number of former Soviet Republics" (Commonwealth of Independent States, 1991).

recarving them. Second, a common economic and ruble zone remains. Third, there is a coordinated price policy and strategy for further reforms. And lastly, in this way we were able to prevent the disintegration of the armed forces into sovereign republican armies” (as cited in Hill & Jewett, 1994, p. 70). In contrast, Ukraine’s vision of membership in the CIS was seen differently; as Chairman of the Ukrainian Commission on Foreign Affairs Dmytro Pavlychko clarified, “We consider this transitional; we are not signing it for centuries. We had no other option if we were to avoid military conflict” (as cited in Hill & Jewett, 1994, p. 70).

The Kremlin intended to keep the currency union with Ukraine, using the currency of the USSR, which was an attempt to closely tie Ukraine. The last goal expressed by President Yeltsin was the most controversial: he attempted to prevent the members of the CIS from having their own armed forces. The Ukrainian President’s response was that sovereign Ukraine needed to have its armed forces, and he demanded that all soviet troops that were left on the territory of Ukraine pledge allegiance to Ukraine. This triggered economical, security and territorial pressure from Moscow in 1992. The Kremlin aimed to demonstrate that if Kyiv broke close ties with Moscow, the Russian government would make life difficult for Ukraine (Hill & Jewett, 1994, p. 70).

In 1992, the Ukrainian government announced its plan of introducing a new currency, which went against Russia’s intention to maintain a ruble zone in the post-Soviet states. Therefore, the Kremlin started threatening Kyiv, implementing higher oil prices and abolishing the discount. This would mean extreme economic hardships, considering that Ukraine was already struggling during the first period of its independence (Hill & Jewett, 1994, pp. 70-1).

Despite Ukraine's attempts to reduce export and import to Russia, it was still dependent on Russia for 90% of its energy sources. This made Ukraine vulnerable and caused the country to have large debts owe to Russia. In addition to these economic issues, there still existed the struggle over the ownership of the Black Sea Fleet. When the CIS was created, Russia and Ukraine agreed to make the fleet in Crimea the combined military force of the CIS. However, this step was taken by both countries to deceive each other, since neither of the parties planned to respect this agreement (Hill & Jewett, 1994, p. 71).

In reality, the two countries imagined absolutely different scenarios. Ukraine had two solutions to the problem: the first one was dividing the fleet between Russia and Ukraine, and the second was incorporating it into the independent Ukrainian armed forces. In contrast, Russia did not even consider these options. In fact, the Russian President called the fleet the Russian Black Sea Fleet even after signing an agreement on making this military base a combined CIS force. The situation for Ukraine at the beginning of 1992 worsened when Russian politician Vladimir Lukin suggested using the territorial claims over Crimea so that they could pressure the Ukrainian leadership into dropping its claim over the part of the Black Sea Fleet (Hill & Jewett, 1994, p. 72).

The implementation of this suggestion started instantly, even though Russia had already recognized the borders of Ukraine by the Agreement of 1991, an agreement which founded the CIS. Firstly, the Russian government stated a territory claim on the Ukrainian city of Sevastopol. Secondly, the Kremlin passed a resolution that declared the transfer of Crimea to Ukraine in 1954 to be illegal, although, as it was already said, the transfer was a legitimate act. Thirdly, the Kremlin passed another resolution that claimed Sevastopol to be under Russian jurisdiction (Hill & Jewett, 1994, p. 72). The Kremlin alleged that, from

1948, Sevastopol had had a special administrative and economic status within the Russian Soviet Republic, which meant that it did not become a part of Ukraine after Crimea's transfer to Ukraine (Wydra, 2004, p. 117).

Economic difficulties, due to the transition to a new currency and pressure from Moscow concerning Crimea and the Black Sea Fleet, put Ukraine in an unmanageable position and made the government to reconsider maintaining nuclear weapons. But the situation here was a dead end: Ukraine was ready to dismantle its nuclear weapons only if any country (other than Russia) became a guarantor of Ukraine's territorial integrity. Mykhailo Horyn, who was the leader of the Ukrainian Republican Party, explained the problem that Ukraine confronted in September 1992: "No state guarantees us security. We shouldn't blindly follow the advice of other states without thinking of our own interests. The biggest nuclear state in Europe [Ukraine] is disarming and taking its nuclear weapons to a neighboring state that says it may reconsider our borders" (as cited in Hill & Jewett, 1994, p. 74). Therefore, the situation about Ukraine's nuclear weapons and relations with Russia was stagnant for a longer time.

The actions of the Ukrainian government after it gained independence from the USSR, point that it foresaw Russia's plan to keep Ukraine as a satellite state, granting independence only on paper. Kyiv assumed that staying in the ruble zone would give Moscow more chances to manipulate Ukraine's development and; consequently, the Ukrainian government decided to create a new currency. The Ukrainian President realized that the Black Sea Fleet could not be controlled by Russia; otherwise it would become a powerful leverage. It was a former USSR fleet on the territory of Soviet Ukraine; however, Russia assumed that it had all rights to claim that this fleet was solely Russian.

In December 1992, the Russian Parliament assumed it had jurisdiction to reconsider the status of Sevastopol in Ukraine. It suggested that Ukraine gave special status to this city. Kyiv refused and President Kravchuk called this Russian act, “a gross act of imperialist intervention in Ukrainian internal affairs” (as cited in Hill & Jewett, 1994, p. 74). As a result, the Russian leadership wanted to involve the International Court of Justice (that never happened) to define the status and the Ukrainian ownership of Crimea. In addition, the Kremlin once more threatened to raise oil prices and gave a list of conditions to the Ukrainian government stating that the price for oil would stay low: first, if Ukraine dropped its claim for the Black Sea Fleet, second, gave permission to Russia to have a military base on the Ukrainian soil and third, if it allowed to export natural gas and oil to Europe through the Ukrainian pipelines. The next threat, in February 1993, was made via telegram from Gazprom stating that the gas supply would be terminated in five days due to the debt for January. Thus, Ukraine threatened Russia by increasing the fees for the transit of Russian gas to other European countries (Hill & Jewett, 1994, p. 75).

Admitting that Ukraine was not planning to make any concessions to Russia, the Kremlin undermined Ukraine’s reliability as a partner for the western powers. In March 1993, Russia informed the West that Ukraine’s level of radiation exceeded permissible levels, despite Ukraine denying this. Moscow advocated that the nuclear missiles in Ukraine were leaking and Ukraine denied access to Russian technicians attempting to conduct a technical check. Furthermore, Sergei Stankevich warned the Polish government that Russia did not like the fact that Poland was building “increasingly cozy relationship” with Ukraine and suggested that Poland should terminate it (as cited in Hill & Jewett, 1994, p. 76). In addition, the Russian Ambassador to Ukraine informed Western diplomats

that Ukrainian independence was just “transitional” (as cited in Hill & Jewett, 1994, p. 76). The lack of response from Western countries made the Ukrainian government realize that Ukraine had no support, and as Prime Minister of Ukraine said, the “West is indifferent as to whether we are independent” (as cited in Hill & Jewett, 1994, p. 76).

Many scholars agree that the Russian Federation could hardly perceive Ukraine as an independent state, as it had always been a part of the Russian Empire. Therefore, when Ukraine gained independence, the border between Ukraine and Russia was not perceived as a state border for quite some time. CIS for Ukraine was temporary as for countries tied together by a common past but not future. When Russia acknowledged that Ukraine was avoiding active participation in the CIS structure, it accused Ukraine of sacrificing close relations with Moscow in favor of building good relations with the West (Wydra, 2004, pp. 115-116).

In May 1993, the Ukrainian Parliament wrote a letter to President Kravchuk to inform that Ukraine had to declare ownership of all nuclear missiles on Ukrainian soil if it later planned to sign international disarmament treaties. This served as an alarm for the US and pushed them to take action to convince Ukraine to give up nuclear weapons. Moscow immediately accused Ukraine of assuming control over weapons that it did not own. Thus, when the mediator from the US visited Kyiv, the Russian leadership, “alleged that Ukraine was trying to retarget its nuclear weapons and was seeking to override the blocking devices preventing the unauthorized launch of the missiles” (as cited in Hill & Jewett, 1994, p. 77).

In June 1993, the Presidents of Ukraine and Russia met and agreed on dividing the Black Sea Fleet and jointly using the facilities of the base. Russia also added that it would guarantee Ukraine’s security if it dismantled nuclear weapons. Then, on July 9th, 1993, the

Russian Parliament voted and declared that the Crimean city of Sevastopol belonged to the Russian Federation. After two days the Russian President confessed that he was “ashamed about this decision” (as cited in Hill & Jewett, 1994, pp. 77-78). Ukraine appealed to the UN Security Council which held that the Russian decree was incompatible with the Russian-Ukrainian treaty of 1990 that agreed on inviolability of both parties’ borders (Merezhko, 2015, p. 172). On July 20th, 1993, the UN Security Council announced that the Black Sea Fleet and Sevastopol belonged to Ukraine. However, this pushed Russia to put further pressure on Ukraine (Hill & Jewett, 1994, pp. 77-78).

The same summer Russia continued making Ukraine’s life extremely hard: it endangered the most vital spheres of the Ukrainian economy – agricultural export. In August 1993, right at the height of the harvesting season Russia decreased its energy supply to a critical point, so that farmers could not manage to gather all their crops due to the fuel shortage. Large portions of the crops were just left in the fields to rot (Hill & Jewett, 1994, p. 78).

Everything was pointing towards the fact that Russia was trying not to lose Ukraine from its zone of influence using any means. Nevertheless, the threats addressed to Ukraine appeared powerless compared to Ukraine’s desire for full freedom from Russia. This pushed Russia to using other means against Ukraine, such as spoiling Ukraine’s reputation, reliability and legitimacy in the eyes of Western countries. In this way they would ensure that the West would turn away from Ukraine leaving Russia the only partner. In addition, the Kremlin assumed a right to dictate to Ukraine its foreign policy. This demonstrated how strategically important Ukraine was for Russia.

By September 1993, the pressure from Russia was so effective that Ukraine was

put into a desperate situation. President Kravchuk realized that Ukraine needed to negotiate with the Kremlin to release the tension. On September 3rd, the two Presidents met in Crimea and came to the following agreements: Russia leased Sevastopol and Ukraine sold its shares of the Black Sea Fleet to pay the debt for gas imported from Russia. The Ukrainian people believed President Kravchuk had betrayed Ukraine; however, he explained that if Ukraine had kept its claims for the Black Sea Fleet, it would have lost both the fleet and Crimea (Hill & Jewett, 1994, p. 79).

The President was accused of national treason by the nationalist movement in Ukraine. The Ukrainian President clarified that the Russian President made an ultimatum: Ukraine must pay its debt or Russia would terminate the energy supply to Ukraine. Therefore, President Kravchuk withdrew Ukraine's claims to the Black Sea Fleet. The agreement between the Russian and Ukrainian Presidents could come into force only after being ratified by the Ukrainian Parliament, which was not sure, however, given the reaction of the Ukrainians. Obviously, Moscow was aware of this, so it understood that the Kremlin had to pressure Ukraine more in order to finally win the dispute over the fleet (Hill & Jewett, 1994, p. 79).

A Russian newspaper published an article about the deep anti-Russian sentiment among the Ukrainians and adding that the President of Ukraine told the assembled Ukrainian delegates that Russia was the main enemy of Ukraine. Ukraine denied this and threatened to initiate a libel lawsuit against the newspaper. Meanwhile, the Russian television emphasized how dangerous the nuclear weapons were left in the hands of Ukraine. Additionally, the Kremlin sent a Russian parliamentarian to Crimea to rally the ethnic Russians in Crimea against Ukraine. This representative also claimed that Crimea

was “Russian land” (as cited in Hill & Jewett, 1994, pp. 79-81).

The effects of various Russian attempts to keep Ukraine under its influence became noticeable. In October 1993, Ukrainian politicians started advocating close ties with Russia and the CIS members. Valentin Landik, Deputy Prime Minister in charge of relations with the CIS countries argued, “I want an economic union to be concluded. Why? Because the situation is getting worse. We can't sell our goods in the West because of bad quality – and thus we should trade our goods and cooperate with the East so we can go forward together” (as cited in Hill & Jewett, 1994, p. 81). A poll conducted in October 1993 demonstrated that less than a half of the participants supported Ukraine's full autonomy from Russia and that the people of Eastern Ukraine desired to reunite with Russia (Hill & Jewett, 1994, p. 81).

Ukraine was forced to resort to major concessions to put an end to the Russian pressure that was damaging some of Ukraine's spheres of development. Starting with the political and economic pressure, it continued with igniting hostility between the populations of both countries by publishing an article with false information. The tension previously restricted to the political level, spread to the Russian people who now believed that Ukraine was a threat to Russia's security. Due to the threats and pressure from Moscow, Ukraine found itself on the edge of survival while fighting for its independence. The extremely difficult conditions of Ukraine made some Ukrainians regret voting for independence from the USSR.

Despite this shift in the Ukrainian people's attitude towards close relations with Moscow, the Ukrainian government continued searching for ways to gain sovereignty from Russia, starting with solving the oil dependence. Hence, Ukraine and the UK started a joint

program of extracting oil in the Black Sea shelf. Furthermore, the Ukrainian Parliament voted to continue producing nuclear energy at the Chernobyl power plant, notwithstanding the safety concerns (Hill & Jewett, 1994, p. 82).

In November 1993, a survey conducted in Ukraine revealed the following attitude of the Ukrainians towards the confrontation with Russia: 40% wanted Ukraine to join NATO, 33% believed that a military conflict with Russia was possible, and less than 13% wanted Ukraine to be a member of the CIS. Slightly less than a half of the poll participants wanted Ukraine to keep its nuclear weapons to face Russia's territorial claims. On November 16th, the Ukrainian Parliament prepared a draft of a resolution that was intended to ratify START-1 (Strategic Arms Reduction Treaty) with the condition that "Ukraine is granted compensation for its tactical and strategic nuclear arms pulled out of its borders and guarantees of its security" (as cited in Hill & Jewett, 1994, p. 83).

This resolution was ratified without a provision that Ukraine dismantle its nuclear weapons, however. There was a clause which demanded financial compensation and the inviolability of Ukraine's borders. Ukraine made a commitment to start step-by-step dismantling of its nuclear missiles, but it did not set a deadline for full disarmament. The President of Ukraine maintained that eventually Ukraine was planning on giving up the weapons and the clause was included because of the failure of international community to cooperate with Ukraine (Hill & Jewett, 1994, p. 83).

On December 7th, 1993, the Russian Foreign Minister insisted that, Considering our international commitments and proceeding from the interests of Russia's security, we cannot allow the emergence of new nuclear states on our borders ... [Russia] did all it could to conduct a peaceful dialogue with Ukraine.

However the problem of nuclear weapons makes the situation hopeless. The same relates to the Black Sea Fleet whose division is absurd in itself. Sevastopol was Russia's naval base and it must remain as such. (as cited in Hill & Jewett, 1994, p. 85)

While Russia claimed that it was doing a favor to the international community by forcing Ukraine to become a nuclear-free state, it was, in fact, attempting to subjugate Ukraine (Hill & Jewett, 1994, p. 85). All the tools that Russia used against Ukraine – threatening to cut off the energy supply, damaging Ukraine’s reputation in the eyes of the West, making ultimatums about the Black Sea Fleet and Crimea and reducing fuel imports to Ukraine to harm Ukraine’s harvest – were considered by Russia as part of a “peaceful dialogue with Ukraine” (as cited in Hill & Jewett, 1994, p. 85).

In 1994, Ukraine announced that it was becoming a non-nuclear state; therefore, Ukrainian-Western relations slightly improved. In response to this, the USA, the UK, and Russia guaranteed Ukraine inviolability and integrity of its borders. This was established by the Budapest Memorandum in 1994. The relations with Russia were still difficult, however, due to Russia’s existing claims on Sevastopol and the Black Sea Fleet. In 1997, this issue was finally resolved with Russia’s ownership right over it (Khomenko, 2013).

In the overview of Ukraine’s history as an independent entity, it is worth mentioning the geopolitical context. Geopolitically, Ukraine was put in a complex position: being between the West and Russia required Ukraine to choose one side to closely collaborate with. Firstly, staying neutral was nearly impossible due to Russia’s desire to have Ukraine as its satellite state and prevent Ukraine’s close ties with the West. Secondly, close cooperation with both sides was not possible due to the confrontational

nature of the two sides. Russia did not want Ukraine to join the European Union and NATO, disregarding Ukraine's vision of its own future.

Larrabee (2007) explains that during the office of the second Ukrainian President Leonid Kuchma closer ties with Russia were not the goal of the country: the politicians sought Ukraine's membership in the EU. The majority of the Ukrainian population and political parties supported Ukraine's future membership in the EU. President Viktor Yushchenko, who rose to power as a result of the Orange Revolution, was a supporter of the European course of policy too, which became a threat for the Kremlin. This membership could provoke a movement for the democratic reforms in the countries within the CIS or even in Russia itself (pp. 50-1).

The political development of Ukraine became more satisfying for the Kremlin when the pro-Russian President, Viktor Yanukovich, rose to power. However, it happened with Russia's visible intervention into the domestic affairs of Ukraine, which will be analyzed later. The pro-West agenda was changed to pro-Russian. To ensure that Ukraine stayed in Russia's sphere of influence, the Kremlin started using natural gas prices as a tool of manipulation. Considering that Ukraine imported nearly 80% of natural gas from Russia it became a powerful leverage over Ukraine (Larrabee, 2007, pp. 50-1).

Before Yanukovich became the President of Ukraine, he was Prime Minister and visibly expressed his desire to cooperate closely with Moscow. The accord concerning the Black Sea Fleet, which made Russia its owner, was supposed to expire in 2017. Hence in 2006, President Putin asked for the extension of the accord, but it was strongly rejected by the Ukrainian President and the Defense Minister because it went against the Ukrainian Constitution to have any foreign military bases on its soil. Yanukovich did not support this

strong rejection (Larrabee, 2007, p. 53).

The Presidential election of 2004 was one of the most deciding moments in Ukraine's history. The two main presidential candidates offered different futures for Ukraine: Yanukovich, who was a Russian-backed candidate and an advocate of the pro-Russian development of Ukraine; and Yushchenko, who saw Ukraine as a potential member of the EU and NATO. The country was mainly divided between these two candidates, while other candidates were not popular. The result of the elections was considered a turning point for Ukraine. Yushchenko's victory would put the country onto a democratic path which would eventually lead to close cooperation with the Western world. On the contrary, if Yanukovich won, this would mean closer ties with Russia and would make all the struggle for full autonomy of the first two years of Ukraine's independence useless. Ukraine was facing a crossroads.

This situation might seem like a throwback to the time of Ukraine's declaration of independence. From the beginning, Ukraine chose to pursue full autonomy from Moscow and was struggling to achieve it. However, President Kuchma, who rose to power three years after Ukraine's independence, had introduced "multivector" foreign policy. In brief, Khomenko (2013) explains that this policy entailed developing good relations with both the West and Russia but not building close ties with none of them. Besides this indecisive foreign policy of Ukraine, President Kuchma's administration brought some positive political improvements in the relations with the Western countries.

The elections of 2004 were held in two rounds and then the second round was a re-run. The first round showed that none of the candidates obtained more than 50% of the vote, which meant that the second round between only the two candidates was necessary.

Yanukovych and Yushchenko proceeded to the second round, which resulted in Yanukovych's victory. However, this victory was undermined because reports of domestic, international, and the OSCE observers revealed falsification of the results, which the government took part in. With the government's implementation of absentee ballots right before the election, it became possible to vote multiple times in different places. Furthermore, around two million deceased people were registered as the voters in the election (Copsey, 2004, pp. 6-10).

Besides these violations, the protocols (the information on the count at the district level) were altered before they were delivered to the Central Election Commission in Kyiv. Obviously the result that Yanukovych won the elections was illegitimate and did not represent the true will of the majority of the Ukrainian population. According to some analysts, if results were not fabricated and Yanukovych was not granted more votes in each region than he actually had received, Viktor Yushchenko would have won the first round with 54% of the votes (Copsey, 2004, pp. 6-10).

People were outraged by these severe violations and took the streets in Kyiv in the evening on November 22nd, 2004, the day when the results were announced. Hundreds of thousands of Ukrainians in Kyiv, plus protesters in other major cities, like Lviv, Kharkiv, Vinnytsa, gathered at the peaceful demonstrations. The government and outgoing President Kuchma, who strongly supported Yanukovych, stood behind the falsifications. Besides them, candidate Yanukovych attempted to rig the elections to rise to power (Copsey, 2004, pp. 1, 6-10). The fact that the government itself was responsible for falsified results of the election jeopardized investigation of the violations during the election. Even though there were many volunteers at the voting points, who noticed these violations, no institution

reviewed their reports. Hence, the last resort was a mass demonstration.

This protest was called the Orange Revolution due to the campaign color of Viktor Yushchenko. It is important to mention that a considerable part of protesters were in the streets not particularly for Yushchenko, but rather to express their outrage with unfair election and to show the need to establish rule of law and democracy in Ukraine and terminate the corruption of the previous administration. On November 27th, 2004, the government announced that the results of the election were invalid and set a date for the re-run on December 26th. After unsuccessful attempts of Yanukovych to appeal the results of the re-run that showed the victory of Yushchenko, he finally resigned from the position of the Prime Minister on January 1st, 2005 (Copsey, 2004, pp. 6-10).

The USA, Poland and Russia reacted on the Ukrainian crisis. The USA and Poland expressed their support of the Ukrainian population in the fight for democracy and rule of law. Russia, however, was interested in the events as one of the sides, because the candidate for the Ukrainian President, Viktor Yanukovych, was pro-Russian and was strongly supported by the Kremlin. Many scholars believe that the brave but democratic way of Ukrainians expressing their willingness to build a democratic society, where the people have a right to choose their future, positively changed the attitude of the West towards Ukraine. However, when Ukraine demonstrated its willingness to join the EU in the future, this plea was rejected, because Ukraine had not made enough economic and political progress. Yet the Orange Revolution demonstrated that Ukraine had finally made a “European choice” with the majority of the population supporting Ukraine’s future membership in the EU. The fact that the Ukrainian people chose a democratic way of expressing their will (by peaceful demonstration in the cities) proved that Ukrainian

society had evolved into a civil society, which was a noticeable change since its independence (Copsey, 2004, p. 11).

The involvement of Russia in the Orange Revolution and its response to the victory of the pro-West President made it clear to the West that Russia would not hesitate to interfere in the affairs of the post-Soviet countries, including possible military intervention. Hence, the EU did not want to empower Russia's position in the post-Soviet region and wanted to curtail Russia's authoritarian tendency from the past. Therefore, with the victory of pro-West President Yushchenko, the EU was ready to start negotiations over Ukraine's implementation of European Neighborhood Policy<sup>3</sup> (Copsey, 2004, p. 11).

Although Ukraine clearly had a preference for European integration, the Kremlin still was not allowing Ukraine to pursue its plans. It was still promoting its favored candidate on the post of the President of Ukraine. After the falsified result of the election was announced, people could not accept it and protested against this unfair treatment of the citizens. This signaled that the Ukrainian society was fed up with corruption of Kuchma administration, demanding democracy and rule of law from the government. This presented Ukraine from another side, which was previously unknown to the West. When Yushchenko became the President of Ukraine people felt relieved. They expected substantial democratic changes and adoption of Western value in politics; however, this was not meant to happen. The subsequent events made the people feel frustrated and betrayed by President Yushchenko.

Larrabee (2007) posits that the differences between the leaders of the Orange

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<sup>3</sup> ENP is a framework of cooperation between the EU and its neighbors in the south and the east, which are seeking to develop close political association, economic integration, and support rule of law, democracy, social cohesion, and respect for human rights ("European Neighbourhood Policy," n.d.).

Revolution Viktor Yushchenko and Yulia Tymoshenko came to the surface when the Orange Revolution was over. Furthermore, the coalition consisted of very diverse groups ranging from nationalists to socialists. The Orange coalition lacked cohesion in their reforms and could not agree on a political agenda, which made Ukraine's future uncertain. President Yushchenko had put an accent on building a good reputation of Ukraine in the eyes of the West by frequently meeting with leaders of other countries; however, he failed to pay enough attention on building strong leadership inside the country and to coordinate national security and foreign policy matters. Prime Minister Tymoshenko appeared to have stronger leadership skills and more supporters. Because of the competition, the President discharged her from the Prime Minister seat in 2005 (pp. 45-7).

The competitiveness between Yushchenko and Tymoshenko was visible even during the Orange Revolution, even though they were both in the same coalition. A large portion of protesters in the Orange Revolution were there to support Tymoshenko, because it was noticeable from the beginning that Yushchenko was indecisive. Hence, when the Orange Revolution won and a time for significant changes had come the spirit of competitiveness distracted politicians.

The Orange coalition went into a crisis that weakened the position of the President because he did not justify people's expectations. Yanukovich established a coalition with the Communist party and started gaining more support. Consequently, Ukraine again found itself at a crossroads with Yushchenko, who advocated a pro-West path and Yanukovich, who advocated continuation of Kuchma's "multivector" policy (Larrabee, 2007, pp. 47-8). In August 2006, President Yushchenko made Yanukovich, the Russian-backed political candidate against whom the Orange Revolution took place, a Prime Minister of Ukraine.

Ukrainians felt deeply disappointed and betrayed by this act. This indeed seemed like a betrayal by the President; however, the national law did not give another choice to Yushchenko. According to Ukrainian law, the candidate for the Prime Minister is offered by a coalition of political parties in the Ukrainian government and approved by the President (“Zakon Ukrayiny: Pro Kabinet Ministriv Ukrayiny,” 2014).

In 2006, the socialist party that initially was in the Orange coalition suddenly joined the coalition of Yanukovych, which opposed the Orange coalition. This made the coalition of Yanukovych bigger than the Orange coalition. This way, the new coalition proposed Viktor Yanukovych to be a Prime Minister and the President approved. Technically this was not treason of the President because he had to act according to national law, but the guilty one was the socialist party, which joined the political opponent.

New Prime Minister, Yanukovych, who was a supporter of close cooperation with Russia, started working against the pro-Western President. He tried to diminish the President’s power over defining the foreign policy of Ukraine. Besides that, his intention was to decrease Yushchenko’s allies in the government. The confrontation came to a head when Yanukovych fired Yushchenko’s trusted advisor, who supported Ukraine’s future membership in NATO. In addition, new laws dramatically limited the authority of the President in certain matters (Larrabee, 2007, p. 56).

The 2004 presidential election in Ukraine was not only crucial for Ukraine itself, but also for Russia. The Kremlin feared that Ukraine would choose a European course of development, posing a threat of spreading Western values on the post-Soviet countries. As Larrabee (2007) assumes, if Ukraine collaborated with the West, it would enhance Georgia’s and Moldova’s pro-Western ideology. This could also awaken demands for

democratic reforms in Russia itself (p. 46). When the Orange Revolution won and Yushchenko rose to power, the Kremlin made it clear that they did not like Ukraine's new President. Merely because President Yushchenko made a focus on European integration in Ukraine's foreign policy, the Russian President Medvedev wrote in his letter to the President of Ukraine, "I want to inform you that under the current anti-Russian course of the Ukrainian leadership, I have taken a decision to postpone sending a new ambassador to Kiev" ("Dmitry Medvedev attacks "anti-Russian" Ukraine," 2009).

The 2010 Presidential election was very different from the one in 2004. After the failure of the Orange coalition to implement changes, people in 2010 felt hopeless about the new election. People realized that they were not able to change their future. This is why, according to Motyl (2010), only around 69% of the population participated in the election. Because of this low turnout it became easier for Yanukovych to win the election with less than 50% of the votes. Yanukovych claimed that he had learnt from the mistakes of 2004 (pp. 346).

When Yanukovych rose to power he completely undermined democracy in Ukraine. His administration started promoting the Russian language and Ukraine's Soviet past, openly expressing anti-Ukrainian views. In 2010, President Yanukovych did what Russia had been waiting for: he signed a new accord with Russia extending Russia's ownership of the Black Sea Fleet until 2047. Russian President Medvedev agreed to lower the price for natural gas for this agreement till 2017. The agreement was received by much criticism and demonstrations in Ukraine. The Ukrainian intellectuals and opposition called it national treason (Motyl, 2010, pp. 346-349).

From 2010 Ukraine was becoming more and more corrupt. President Yanukovych

appointed all his close counterparts to the leading positions, disregarding the level of their professionalism. He fully relied on Moscow's support and sought its approval in almost every action. The President even acted against the constitution of Ukraine by extending Russia's ownership of the Black Sea Fleet. The citizens of Ukraine who protested at the Orange Revolution condemned his acts; however, there were too many obstacles to discharge him: the first thing that Yanukovich did when he became a President was monopolizing power by granting the President more extensive rights. Occasionally, the acts of the President triggered demonstrations and protests in Ukraine, but the climax of it came when President Yanukovich refused to sign the Association Agreement with the European Union. Yanukovich participated at the meeting with the representatives of the EU in Vilnius on November 28th, 2013, but refused to sign an Association Agreement.

With Yanukovich the President of Ukraine, the level of citizens' participation in policy making dramatically decreased. Even though according to the polls the majority of people were in support of signing the Association Agreement with the EU, the President and the government did not consider it necessary to include the people's will and did not sign the agreement.

This leads the conversation to EuroMaidan, which was originally peaceful demonstration like the Orange Revolution but then escalated into a violent and tragic conflict. The demonstration in 2014 received a name of EuroMaidan because people protested on the main square of Kyiv entitled Maidan Nezalezhnosti (Independence Square), supporting Ukraine's *eurointegration*. The demonstration was initiated by students who demanded European future for Ukraine. Diuk (2014) notices that less than a year before the EuroMaidan public opinion revealed reluctance of people to protest in the

streets due to a wide disappointment after the Orange Revolution. Nonetheless, in November 2013, Ukrainians took the streets again (p. 85).

On November 30th, 2013, the police received an order from the President of Ukraine to disperse peaceful demonstration. Between four and five o'clock in the morning police beat the protestors who were camping out in the square. This was done to intimidate the society and avoid further expression of their will through peaceful demonstrations; however, this triggered an opposite reaction. Outraged by the treatment of peaceful protesters from the side of Ukrainian police, more people came to the main square in Kyiv to show that this is unacceptable in a democratic country. Ukrainian people evaluated the disperse of the demonstration of November 30th as a sign that Ukraine applies Russian methods of fighting against peaceful phenomena that are not endorsed by the government. One of the examples was in Moscow a year before EuroMaidan, when during the peaceful demonstration some participants were detained by police, despite the absence of evidence that they used force against police. The reports of the Amnesty International states that these protesters were tried (with violations) and put to jail ("Anatomy of injustice," 2013). This violent treatment of Ukraine's peaceful demonstrators could become the reality of Ukraine if under the pro-Russian President, who acted under Russia's influence.

This demonstration lasted for three winter months with people living in tents in the main square of Kyiv. The government intended to put an end to the protest: they paid anti-Maidan gangs of provocateurs who operated against demonstrators and special police forces using guns against civilians, like on December 11th, 2013 and from January 19th, 2014 (Diuk, 2014, p. 87). As a result of shootings more than one hundred people died in winter 2014 (Smith & Mazikina, 2014). The agenda at that time was the resignation of the

President because he was responsible for the atrocities against peaceful demonstrators. The people did not leave the square, on the contrary, people from all over the nation consolidated in Kyiv to end Yanukovich's regime that resembled authoritarianism.

Thereupon the conflict became an international matter, when Russia intervened in the Eastern provinces of Ukraine and Crimea and then annexed the peninsula. The President of Ukraine fled to Russia after ordering the snipers to shoot at the protesters on February 20th, 2014. As a result the pro-European government rose to power (Katchanovski, 2014, pp. 5-9). The fact that the President of Ukraine and some other ministers fled Ukraine and hid in the unknown place (later it was revealed that Yanukovich fled to Russia), made the establishment of a new government necessary since Ukraine was technically left with no leaders.

Crimean politicians argued that the people in EuroMaidan overthrew a legitimate government by coup d'état (Shany, 2014, pp. 239-40). The Parliament of Crimea refused to recognize the interim government of Ukraine. Russian politicians supported the idea coup d'état and advocated that Ukraine collapsed as a state and there is growing threat of human rights violations (Merezhko, 2015, p. 186). Therefore, the Kremlin decided to exercise the right of protection of the Russian-speaking community in Crimea by invading the peninsula.

The Russian Council authorized the use of its military force in the Ukrainian territory and Russian troops invaded Crimea after the referendum (Marxsen, 2014, p. 17). Even though Russia officially denied the presence of their troops in Crimea, it was proven that the "green men" with no insignia on their uniforms were Russian soldiers, which were assisting separatist units in Crimea to seize Ukrainian military bases and government

institutions. This was achieved without much attention because the Russian troops were already there in the naval base near Sevastopol. Russia also supported Ukrainian separatists in the Eastern regions by providing them with weapons, training and recruitment (Katchanovski, 2014, p. 6). In April 2014, Putin himself admitted that the “green men” were actually the Russian soldiers (Smith & Mazikina, 2014).

To sum up, the dissolution of the USSR in 1991 demonstrated that fighting for real sovereignty had just begun for Ukraine. The economic hardship and the political pressure from Moscow became the price Ukraine had to pay for its independence. The Ukrainian government made numerous attempts to decrease the Russian impact but at each step Russia found a point of leverage to bring Ukraine back under its influence. The disputes that were not fully resolved in the early 1990s broke out in 2014 known as the Crimean crises and subsequent military actions in Eastern Ukraine.

Regardless of how strongly both countries were pursuing their goals, Russia aimed to keep Ukraine close as a satellite state, while Ukraine wanted to reduce Russia’s influence, the tensions never escalated into an armed conflict. However, it happened in 2014, when the Russian troops occupied the Ukrainian peninsula of Crimea. Russia’s invasion in Crimea resulted into a peculiar result: in March, 2014, Russia announced that Crimea has become a territory of the Russian Federation.

This is a crucial phenomenon because it involved changing the borders of the countries, which at one point were accepted by the international community. Annexation of Crimea caused large scale debates among international law scholars and politicians, who analyze the legal side of Russia’s act to define whether Russia acted in accordance to international law. The following chapter focuses on the legal analyses of Russia’s

annexation of Crimea and discusses applicability of Russia's justifications for acting this way.

### **3. Russia's Justifications and Legality of Annexation of Crimea**

Most scholars would agree that the core of international relations is the UN Charter. As Robertson (2013) puts it, the UN Charter is the “constitution of world government” that spells out the right behavior to the participants of the UN (p. 159). When the basic question of legality of Russia’s actions in Ukraine is posed, one should refer to the Article 2(4) of the UN Charter, which states that,

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations. (UN Charter, 1945)

In addition, Article 2(4) of the UN Charter prohibits states to breach the territorial integrity of states by threatening or using force, which also implies that seizing territories of other countries is a breach of the UN Charter (Aust, 2010, p. 36).

At first glance the situation appears to be quite clear: Russia invaded Crimea, which is the territory of Ukraine, and annexed it averse to international law. Nevertheless, this is just the surface of the conflict. The confrontation between Russia and the West that comes into play is over the debate whether or not Russia broke international law. It is important to familiarize ourselves with both sides’ arguments and come up with a rational conclusion.

As it was mentioned above, Article 2(4) is straightforward in saying that invading any other country is a breach of international law. Russia claims that President Yanukovich invited the Russian forces (Deeks, 2014). However, Merezhko (2015) notes, that according to the Ukrainian law the President could not “invite” foreign forces without the Parliament’s approval, which was not obtained (p. 192).

The Russian Federation focuses more on the idea that it was protecting Russian nationals in Crimea. Many scholars of international law believe that protecting nationals abroad is an exception to Article 2(4) because invading a state would not have an intention to annex a territory but to rescue citizens of another state who are in danger. An important aspect of this Doctrine is that a country has to present evidence that its citizens are in danger in another state and the operation should focus solely on rescuing its nationals (Thomson, 2012, pp. 634-7).

The Doctrine of the Protection of Nationals Abroad cannot be applied in the case of Ukraine and Russia because Ukrainian nationals resided in Crimea. It is true that the majority of the population was ethnic Russians; however, the Doctrine allows protection of nationals abroad but not ethnic groups in a certain country. This is why in the outbreak of the conflict before the annexation of Crimea, the Russian Federation started actively issuing Russian passports to the Crimean inhabitants. This was confirmed by various Ukrainian and international sources. This made it easier for Russia to advocate that a considerable number of Russian citizens resided in Crimea. However, Russia had failed to provide evidence that this Russian community was under threat in Ukraine and needed to be protected by Russia (Deeks, 2014).

In the context of the Doctrine of the Protection of Nationals Abroad it is also relevant to clarify that in customary law if a need of protection of nationals occurs then Non-Combatant Evacuation Operation takes place. This is a kind of operation in a foreign state with arguable or even without consent that aims to evacuate nationals of a country. NATO recognizes NEO as an operation distinct from war due to its small scale. The leadership of the Soviet Union had always condemned the Western powers for using the Doctrine of the Protection of Nationals Abroad in practice (Thomson, 2012, pp. 654-5, 659).

After the collapse of the Soviet Union, Russia adopted its constitution creating article 61(2), which guaranteed protection and patronage to its citizen's abroad (Constitution of the Russian Federation, 1993). This right was exercised in 2008 in the Georgian conflict. While it is still an international debate whether protection of nationals abroad is a violation of Article 2(4) of the UN Charter or it should be considered as a part of Article 51, certain points are established about the rescue of the nationals abroad. One of them is that a country exercising the right of protection of its nationals abroad should have only one goal in the foreign country – the repatriation of their nationals (Thomson, 2012, pp. 654-9, 667-8). Although, the Kremlin justifies its invasion in Crimea pointing at the Article 61(2) of the Russian Constitution, the national law of Russia has no value in international law.

In cases of the protection of nationals abroad by such countries as the UK, France, the USA, Belgium, and others the annexation of another state's territory was not exercised (Thomson, 2012, pp. 632). However, this is what happened when Russia came to rescue their citizens in Crimea, even though those people became Russian nationals when Russia

had already militarily intervened in Ukraine. Instead of evacuation of new Russian citizens, Russia unlawfully annexed Ukrainian territory. This makes Russia's argument to justify its actions by applying the Doctrine of the Protection of Nationals Abroad unpersuasive.

Russia's other justification of intervention in Crimea was that the Russian-speaking people, the majority of Crimean population, were abused in their rights and were under threat; however, no evidence was provided (Deeks, 2014). Without evidence, Russia still invaded Ukraine to save Russian-speaking people.

Russia's mission to save all Russian-speaking people in any country has no legal foundation. The same language, which in case of Ukraine was forcibly implemented through *russification*, does not give the right to a country to invade another state and save people there. Let us assume the UK expressed its right to save all English speaking people around the world and would give itself permission to invade, for example, the USA or Australia at any time. It would be an invasion in a foreign state and the international community would consider this illegitimate; however, the Russian Federation advocates that this was one of the legal justifications to invade Ukraine and countries of the "Near Abroad." The main idea is that there is no such notion in international law as saving citizens of another country on the basis of the same language spoken.

Addressing Russian invasion in Crimea, Russian politicians often mention that Moscow has a right to save ethnic Russians anywhere in the world. The Chairman of the Federation Council Valentina Matvienko emphasized it in her speech, saying that Russia will protect ethnic Russians and Russian-speaking Ukrainians. She believes Russia has permission to invade Ukraine to save Ukrainian citizens who speak Russian ("Matvienko vstupilas za etnicheskih russkih," 2014). Many other Russian politicians support a concept

entitled “Russian world,” where language is one of the most crucial features. Bremer (2015) explains that this concept aims to unite Slavs and guarantee the cohesion of the Slavic nations, not allowing nations to secede (pp. 43-4). This movement in the Russian politics explains Russian interests in Ukraine and will be discussed in the following chapter.

By militarily intervening in Crimea, Russia not only violated Article 2(4) of the UN Charter but also a number of treaties and agreements between Russia and Ukraine that guaranteed the territorial integrity of the parties. The first is the bilateral treaty of the Soviet Russian and Ukrainian Republics signed on November 19th, 1990 (Merezhko, 2015, p. 170). The second was of December 1991, the Agreement between Belarus, Russia and Ukraine that established the CIS. This agreement confirmed that the Soviet Republics become independent states and the parties of an agreement recognize each others territorial integrity (Agreement Establishing the Commonwealth of Independent States, 1991). Then there were two other treaties in the end of 1991 and 1994 that had a provision of inviolability of the borders of the former Soviet republics (Merezhko, 2015, p. 171).

On December 5th, 1994, the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the NPT (Non-Proliferation Treaty) was held in Budapest. The parties to the memorandum, which were the USA, Great Britain, Russia and Ukraine agreed “to respect the independence and sovereignty and the existing borders of Ukraine” and “refrain from the threat or use of force against the territorial integrity or political independence of Ukraine” (Budapest Memorandum, 1994).

The last treaty that excluded Kremlin’s possibility to legally challenge Ukraine’s borders was a bilateral Agreement on Friendship, Cooperation and Partnership on May

31st, 1997 (Merezhko, 2015, p. 174). Article 3 of this treaty established that both countries recognized the territorial integrity of each other. The same article also prohibited the use of economical and any kind of pressure and interference into domestic affairs of each other (Agreement on Friendship, Cooperation and Partnership between the Russian Federation and Ukraine, 1997). Nevertheless, the invasion and annexation of Crimea and then invasion in the Eastern regions of Ukraine demonstrate that all these agreements did not carry any legal value for the Russian Federation: it acted in its interests and against international law.

Referring to the precedents of international law, Russia violated the rule reflected in the precedent of Congo v. Uganda case (2000) on the Armed Activities on the Territory of the Congo. This case called to respect the territorial integrity and sovereignty of Congo and withdrawal of foreign military forces that were not invited. With the appearance of the foreign forces on the territory of Congo, it initiated a case in the ICJ for the violation of the UN Charter and armed aggression from the side of Burundi, Rwanda and Uganda. The Security Council adopted a Resolution 1304 that maintained that the parties must refrain from the armed action (Savadogo, 2002, pp. 357-8). In this case ICJ concluded that direct as well as indirect involvement in the use of force violates the principle of not using force in international relations.

Russia was one of the parties in the Crimean crisis 2014: it had sent Russian troops to Crimea at the beginning of 2014. The Russian military kept Ukrainian bases in blockade posing an ultimatum if Ukrainian soldiers do not leave the peninsula, they would start shooting. After the Ukrainian army gave up, due to inability to stay in the blockade for a long time without provisions, Russia announced that Crimea is a Russian territory.

In the Eastern Ukrainian regions, where a separatist movement appeared, Russia started supplying them with weapon to fight pro-Ukrainian forces (Twardowski, 2015, p. 375). The ICJ case Nicaragua v. the United States established a precedent that intervention of one state into an internal opposition in another state is violation of the principle of non-intervention. The Declaration on Principle of International Law Concerning Friendly Relations and Co-operation Among States (1970) says that,

No State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

The secessionist sentiment in Crimea, led by the pro-Russian population, was present from the very first years of Ukraine's independence. The referendum in Crimea on Ukraine's independence in December 1991 revealed that 54% of inhabitants voted in favor of it. The fight over division of power between the authorities in Crimea and Kyiv came into play in 1992. Crimean Parliament demanded an equal status with the Ukrainian Parliament in Kyiv, what was opposed by the latter because Crimea was within Ukrainian borders. Russia interfered in the internal affairs of Ukraine by stating that the transfer of Crimea in 1954 was illegitimate and it also openly supported Crimea's secession. The Ukrainian government had warned that the separatist movement can appear in Crimea with a direct interference of Russia (Wydra, 2004, pp. 114-115).

It is worth noting that the transfer of Crimea from the Russian to Ukrainian Soviet Republic was not the only case in the USSR. Ukraine transferred some of its historical territories to Russia including a large city of Taganrog, with its predominant Ukrainian population (the situation that resembles Crimea with its majority of the ethnic Russians).

Given this, the Ukrainian government had never questioned the legality of these transfers (Merezhko, 2015, pp. 175-6).

Crimea gained status of an autonomous republic within Ukraine; however, it was not enough for the Crimean authority. Therefore, on May 5th, 1992, the Crimean Parliament declared Crimean independence. The Ukrainian Parliament annulled this declaration. The Crimean authority created an office of the President of Crimea, which was not accepted by the Ukrainian Parliament Verkhovna Rada. The poll carried out in Crimea revealed that 90% of the inhabitants wished to expand Crimean autonomous rights. The relations between Crimean and Ukrainian Parliaments were difficult until November 1994, when the authority of Crimea agreed to modify their legislation in accordance with the Ukrainian law. It would be the end of the disputes, if Russia did not intervene again in the internal affairs of Ukraine and did not issue Russian passports to the Crimeans. Finally in 1998 the tensions were over when Crimea adopted their constitution which received an approval from the Verkhovna Rada (Wydra, 2004, pp. 116-120).

This short review of the political situation in Crimea after Ukraine's independence helps to reveal the roots of Crimean secessionist movement. The Ukrainian Parliament attempted to suppress any secessionist movements in Crimea that were fuelled by Russia. On the one hand, the actions of the Ukrainian government are understandable because this secessionist movement was endorsed by a direct involvement of Russia. On the other hand, by not allowing a referendum in Crimea, the problem of separatism was postponed but not solved. Thus, the separatist sentiment, fueled by the Kremlin, came into focus at the beginning of 2014.

Russia's actions in Crimea were well planned to make it look legal: Russia did not just invade and annex Crimea, but it organized a referendum in Crimea to demonstrate that it was a secession chosen by the inhabitants of that region. However, this referendum is illegitimate due to the following reasons. According to Ukrainian national law, only a nationwide referendum can be held, but not a regional one. According to the Article 4(1) of the "Ukrainian Nationwide Referendum" law a referendum must be initiated by the people of Ukraine and announced by the President ("Zakon Ukrayiny: Pro vseukrayinskyj referendum," 2013). Therefore, the referendum was against Ukrainian national law. This argument does not bear value in international law, but still the referendum in Crimea was condemned by the majority of countries because of presence of the Russian troops during the referendum (Merezhko, 2015, pp. 185-6).

Russian scholars themselves maintain that in order to conduct a legal plebiscite on the territory that claims for self-determination, foreign troops should be withdrawn from this territory (Merezhko, 2015, p. 184). The Human Rights Committee emphasizes that, "States must refrain from interfering in the internal affairs of other States and thereby adversely affecting the exercise of the right to self-determination" (as cited in Cismas, 2010, p. 541). The Russian troops with no military insignia concealing the fact that they are from Russia, invaded Crimea before and were present during the referendum (Merezhko, 2015, pp. 185-6). Therefore, the Russian actions contradicted its understanding of the legal referendum and internationally accepted standards.

Russia and the government of Crimea, which illegally seized the power with the help of Russian troops, announced that 96% of Crimeans voted in favor of Crimea becoming a part of Russia. This is very ambiguous data taking into account that Ukrainians

and Crimean Tatars boycotted this illegitimate referendum. Furthermore, one of the leaders of the Crimean Tatars Mustafa Dzhemilev stated that in reality only 34.2% of the population in Crimea voted in the referendum (“U “referendumi” 16 bereznya naspravdi vzyaly uchast 34,2% krymchan – Dzhemilyev,” 2014). Moreover, members of the Public Council of Russia who came to Crimea confirmed the same information, arguing that only 30% of the population voted in the referendum in contrary to the number of 81.4% given by the Russian officials (Farion, 2014). Tremendous dispersion of the results given by the Russians authorities on one side and the Crimean Tatars and even members of the Public Council of Russia on the other side suggests that there was noticeable falsification of results. However, even if the votes were counted fairly and the majority was for joining Russia this would still be an unlawful result, because the referendum was coerced by the Russian military.

Another reason why the Crimean referendum was not recognized by Ukraine and the West was that it was initiated not by Ukraine but by Russia which was an interested side (“U Krymu rozpochavsya nezakonnyj “referendum,” 2014). President of the European Council Herman Van Rompuy and President of the European Commission José Manuel Barroso in their joint statement said that,

We reiterate the strong condemnation of the unprovoked violation of Ukraine's sovereignty and territorial integrity and call on Russia to withdraw its armed forces to their pre-crisis numbers and the areas of their permanent stationing, in accordance with relevant agreements. (“Joint statement on Crimea,” 2014)

They concluded that the referendum and its results are illegitimate (“Joint statement on Crimea,” 2014).

Russia's other argument was that the annexation of Crimea was an exercise of self-determination. This right is recognized in Article 1(2) as one of the purposes of the UN, "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" (UN Charter, 1945). The provision on self-determination right is also present in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970), which states that, "all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development." This Declaration to some extent supports, "secession as the remedy of last resort for gross inequality of treatment" (as cited in Linden, 2009, p. 3). There are other international documents that mention a right of self-determination of peoples, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Right and others.

Many scholars agree on the fact that, "The tool of self-determination has a precedent in international law where ethnic conflict has occurred, especially in cases of state-sponsored violence" (as cited in Malyarenko & Galbreath, 2013, p. 915). However, there was no intimidation or state-sponsored violence against minorities in Crimea, which consequently excludes Crimean case from the number of standard self-determination cases (Malyarenko & Galbreath, 2013, p. 915).

Even though a right of self-determination is mentioned in treaties and resolutions, there are different interpretations of this right. Wydra (2004) notices, that the listed documents emphasize a right of self-determination as giving a right to choose a form of government and representation of all citizens in a country (p. 122). In contrast Mancini

(2012) argues that the right of self-determination can be exercised in two ways: the first is secession and creating a new sovereign state and the other one is achieving other goals, for example, gaining autonomous status (p. 487). This difference between internal and external self-determination is commonly accepted by international scholars. While the latter one exists only for the “peoples” in the colonies, other “peoples,” who intend to exercise their right to self-determination, can refer to internal self-determination, which is, “safeguarding their linguistic, ethnic, and cultural heritage and guaranteeing both their enjoyment of fundamental rights and the possibility of access to government on an equal footing with the rest of the population” (Mancini, 2012, p. 490). She highlights that the right to self-determination of minorities within a state refers to protection of minorities and guarantees their participation in the policy-making. The right to secede can only be accomplished if a government denies the minorities of their rights which were listed above (Mancini, 2012, p. 490).

In 1995 Quebec held a referendum on secession from Canada. The Supreme Court of Canada delivered a legal decision that is crucial in case of secessionist movements of state’s territory. The Court aimed to analyze a legality of secession from the perspective of national and international law and in case if they have conflicting views, which one should prevail. The Supreme Court came to a conclusion that secession of Quebec would be illegal under both national and international law. The court proclaimed that it is unnecessary to answer the third question, because the national and international law did not have a conflict in secession question (Radmilovic, 2010, pp. 852-3).

It ruled that there are two cases when a people have a right for external self-determination. The first case is when secession is demanded by peoples in the colonies.

The second is when a peoples is “subject to alien subjugation, domination or exploitation outside a colonial context” (Ryngaert & Griffioen, 2009, p. 582). The Court also proposed another case in which an external self-determination appears to be a “remedial secession,” so called last resort. This can be exercised by people that is unable to develop politically, economically, socially and culturally, because it is denied by a state in access to government. The Supreme Court came to the conclusion that this is not applicable in the case of Quebec and therefore denied its secession (Ryngaert & Griffioen, 2009, p. 582).

Despite some similarities between Quebec and Crimea secessions, the main difference is that the referendum in Quebec was legitimate, without other state’s intervention and falsification. Therefore, the referendum in Quebec demonstrated the popular will of the citizens. However, even in this case Canada barred Quebec’s secession. In contrast, the Crimean referendum was not an expression of the people’s will because it was held with the presence of the Russian troops and the results were distorted. Moreover, Quebec did not enjoy the status of autonomy, whereas Crimea had this status. Perhaps the autonomous status should be the first step in case of ethnic differences within a country’s population. Even if the referendum in Crimea was legitimate, the Ukrainian leadership could still reject Crimea’s right of secession because autonomy could be regarded as a sufficient tool for minority’s self-determination.

Putin compares self-determination of Crimea to Ukraine’s secession from the USSR; although theses cases are incomparable. The population of Crimea did not constitute a nation, while Ukraine was a separate nation within the USSR. Before Russia annexed Crimea, it viewed secession as a separatism that had to be fought against by national and international means. Additionally, the Russian Constitutional Court did not

recognize secession from an existing state, giving priority to the territorial integrity of a state (Merezhko, 2015, pp. 183-4). Despite this position, the Kremlin actively supported secession of Crimea from Ukraine.

It is irrelevant to say that Crimeans constitute a people due to its diverse composition. The census of 2001 revealed the following ethnicities in Crimea: Russians, Ukrainians, Crimean Tatars, Belarusians, Tatars, Armenians, Jews, Polish, Moldovans and Azerbaijanis (“Chislennost i sostav naseleniya Ukrainy po itogam Vseukrainskoj perepisi naseleniya 2001 goda,” 2004). Neither Ukraine nor Russia ever considered Crimea population as a distinct people. Additionally, this population was legally viewed as inalienable from the entire population of Ukraine (Merezhko, 2015, p. 183).

Burke & Panina-Burke (2014) argue that people who live in Crimea and East of Ukraine are Russians but not Ukrainians (p. 9). It is true that the majority of the population were people of Russian ethnicity. Besides, it is also claimed by the Ukrainian authorities that approximately 10% of the population in Crimea and 3% of Eastern Ukraine held Russian passports along with the Ukrainian, even though double citizenship is illegal under the Ukrainian national law (Malyarenko & Galbreath, 2013, p. 924). The people in Crimea could have been of the Russian ethnicity and some could have had illegal dual citizenship; however, the majority of them were still holders of Ukrainian passports and residing in the Ukrainian territory.

Burke & Panina-Burke (2014) state that the people in Crimea and Eastern Europe are distinct by the language, religion, ethnicity and anthropology from the Western Ukrainians. They note that according to some studies, Western Ukrainians are not Slavs (p. 9). This is a misleading comparison because the author disregards central Ukraine, where

the population is Slav, majority of them speak Russian like in Crimea and the East and practiced the same religion – Christian Orthodoxy. According to the census of 2015 the dominating religion in all regions of Ukraine, except only three Western provinces, was Orthodoxy (“Bilshist ukrayintsiv vvazhayut sebe viruyuchymy hrystyyanamy,” 2015). In addition, another major religion in Crimea – Islam – was not mentioned in the article. Therefore, it is not appropriate to say that Crimea and East of Ukraine were distinct from the rest of Ukraine due to their religion, language and ethnicity.

Russian professor of international law Chernichenko argues that in case of the same ethnicity of a part of a population of one state with the majority within another state does not grant a right to self-determination to a group of people (as cited in Merezhko, 2015, p. 183). Self-determination of peoples is not a territory with a minority of another country residing there that wants to secede. Crimean nation does not exist: Crimea was populated mostly by ethnic Russians, Ukrainians and Tatars, those who came back after deportation (Engle, 2015, p. 53). This clearly implies that the ethnic Russians in Crimea did not have the right to self-determination.

International law gives more weight to the principle of territorial integrity of countries. After the secession case of Katanga province in Congo in 1960, the UN announced that it, “has never accepted, does not accept, and...will never accept a principle of secession from a Member State” (Mancini, 2012, p. 490). Nevertheless, there is a tendency towards legitimization of secession as a right of self-determination, only if it is made in a democratic way (Mancini, 2012, p. 493).

There are major objections against constitutionalization of the secession right in the context of national law. Exploitation of secession rights can undermine democracy and

transparency in politics, so instead, a status of autonomy should be granted to certain regions. Granting legitimacy to secession is incompatible with the constitution of a state that establishes its sovereignty and Canada Supreme Court's decision is a good example of it. Even if secessionist movement is legitimate according to the constitution of a country, it will not fully solve an ethnic conflict due to almost inevitable existence of trapped minorities that risk to become "second-class citizens" (Mancini, 2012, pp. 495-7)..

The issue of the trapped minority is applicable in the Crimean case, where Crimean Tatars was another ethnic group. Once being a dominant ethnic group in Crimea, their percentage declined drastically because not all of them returned to their homeland after deportation in 1944. Crimean Tatars also demanded a bigger autonomy of their Parliament but were against secession from Ukraine (Wydra, 2004, pp. 120-1). Autonomy as self-determination in Crimea did not protect the Crimean Tatar minority, but it did protect a national minority of the Russians, which was the majority in Crimea (Wydra, 2004, p. 128). Still the Russian population in Crimea, which had full constitutional protection as a national minority had claimed for secession; whereas, the Crimean Tatar minority, whose protection was disregarded in the Crimean Constitution, took the position against secession from Ukraine. Malyarenko & Galbreath (2013) suggest that given Russian intolerance of the Muslim minorities, the Crimean Tatar realized that they would lose their exceptional status in the Constitution of Crimea if it were to become under Russian control (p. 921).

The integral component for a reasonable secessionist movement is the claim of a minority for a certain territory, "Even if this group is ethnically quite distinct, it cannot establish the requisite claim to territory simply by migrating to an already inhabited area and settling there" (Brilmayer, 1991, p. 188). The history of Crimea reveals that the only

minority that could claim that historically Crimea belongs to them was the Crimean Tatars, but not Russian, who inhabited that territory after deportation of the Tatars.

Another case of self-determination by secession can be when a country conquered certain territory and so people, who live there, seek to secede (Brilmayer, 1991, p. 190). This could be applicable to the Crimea case study since the peninsula was transferred to Ukraine with a population that did not approve of it. Nevertheless, Ukraine in this case appears to be a victim because it did not forcibly conquer Crimea but received this territory, as many historians say, as a gift.

Wydra (2004) claims that the autonomy appeared after the First World War and intended to protect minorities within states (pp. 121-2). This is one of the ways to ease tensions among ethnic groups in a state. Nevertheless, the autonomy within a state might not be sufficient and a considerable ethnic minority can demand self-determination.

Russian Ambassador to the European Union Vladimir Chizhov remarked, It is quite obvious that such a development [the EU's recognition of Kosovo's independence] would create a serious negative precedent from the point of view of international law. It will be seen as a precedent by many people, perhaps far too many people, across the world. (as cited in Cismas, 2010, p. 533)

In 2014, Russia supported claims of the Crimean government on Crimea's right of self-determination. It will be useful to provide some information about Kosovo case and compare it to the Crimean case.

There are four elements with which a people can demand an external self-determination. They are: a people has to be a distinct identity and be a majority of the territory in question; there has to be a repressive regime with discrimination of a people

and violating their basic human rights; a people that is deprived of internal self-determination is unable to change the repressive regime; and negotiations between the parties do not give positive results (Ryngaert & Griffioen, 2009, pp. 575-6).

These elements were met in the Kosovo case. The autonomous status was taken away in 1989, which is the deprivation of an internal self-determination. When the open conflict started (possibly) both sides committed international crimes and negotiations were useless (Ryngaert & Griffioen, 2009, p. 585).

The reaction of the international community is one of the most crucial factors to decide on the legality of any state's action. Even though many actions of countries constitute precedents in the international law, an action can still be condemned by the majority of states and called illegal. Thus, in the Crimean case it is important to mention the international community's response, represented by the majority of states. Shany (2014) claims there are many states that supported Kosovo's secession whereas opposed Crimea's secession. The General Assembly Resolution 68/262 on the territorial integrity of Crimea was supported by one hundred states and only eleven voted against it (p. 239). While in the case of Kosovo, over one hundred nations recognized its independence from Serbia ("The world factbook: Kosovo," 2015). Independence of Kosovo was recognized by the ICJ whereas Crimean secession was not (Shany, 2014, p. 238).

Large-scale atrocities with the character of the crimes against humanity in Kosovo that took place before the secession movement prove that the secession was remedial. Numerous reports of 1989-1998 reveal discrimination of the ethnic Albanians in their property rights, education and judicial branch and also exclusion them from the public

offices. Besides this the ethnic Albanians suffered from arbitrary arrests, mistreatment and torture (Cismas, 2010, pp. 563, 565).

Human Rights Watch produced a report of the period of 1990-1992 stating that, “the Serbian government has blatantly and systematically violated the most basic tenets set forth in international human rights documents” (as cited in Cismas, 2010, p. 563). Furthermore, in 1996 the UN Committee on the Elimination of Racial Discrimination concluded that the ethnic Albanians are “deprived of effective enjoyment of the most basic human rights provided for in the Convention” (as cited in Cismas, 2010, p. 563). In 1999, the Albanians experienced forcible and systematic removal from their homes in Kosovo (Cismas, 2010, p. 565).

In contrast, there was no violence in Crimea. The research on the human rights violations revealed there were no right abuses against the population in Ukrainian Crimea; however, as a matter of fact, there are reports about serious human rights violation after the annexation of Crimea by Russia. Human Rights Watch urged the international community to address deteriorating human rights situation in Russian-occupied Crimea. The people who express their condemnation about Russian illegal annexation are being intimidated and harassed by the Russian authorities (“Crimea: Human Rights in Decline,” 2014).

The OSCE Office for Democratic Institutions and Human Rights and the OSCE High Commissioner on National Minorities had confirmed that the most vulnerable to human rights violations are Crimean residents who openly supported the Ukrainian territorial integrity and refused from the Russian citizenship (“ODIHR and HCNM report identifies widespread human rights violations, discrimination and legal irregularities in Crimea,” 2015). The Head of the Mejlis (Representative body of the Crimean Tatars) Refat

Chubarov is now banned from Crimea by the new Russian authorities, who accused him of extremism because he criticized the illegal referendum in Crimea and called for its boycott (“Systematic human rights violations in Crimea,” 2015).

Crimea did not have a long period of separation as Kosovo had (Shany, 2014, p. 239). In fact, Crimean case will be remembered as the fastest secession in the history of the modern world (Christakis, 2015, p. 2). The poll on the secession of Crimea from Ukraine conducted in Crimea in 2009 revealed that only 32.3% of the Crimean population supported the idea of separation. In fact, the same poll conducted in 2011 showed that the number of people supporting secession dropped to 24.4% (Malyarenko & Galbreath, 2013, pp. 922-3).

President Putin assessed events in Kyiv in winter 2013-14 as “anti-constitutional takeover, an armed seizure of power” (as cited in Merezhko, 2015, p. 186). D’Asprement posits that, “The coup d’état cannot be considered an internationally wrongful act, and no state incurs international responsibility” (as cited in Merezhko, 2015, p. 187). Even if the change of government was unconstitutional, international law does not view this alone as a justification of secession (Shany, 2014, pp. 239-40). Therefore, the Kremlin had no right to interfere into internal affairs of Ukraine and to annex Crimea to save a population there from possible human rights violations in the future by the new government.

The Russian Association of Lawyers stated,

We propose to proceed from a general principle of law, *Ex injuria non oritur jus* meaning ‘law does not arise from injustice.’ There is no doubt that the cause of the tragic events in Ukraine was the forceful change of government in Kiev that

occurred outside of the constitutional framework. (as cited in Merezhko, 2015, p. 186)

The definition of Ex injuria non oritur jus means that,

This is a principle of great importance in international law and suggests that any state which obtains land by non defensive war or such other aggressive action, cannot claim any legal rights to the land unlawfully obtained. (“Ex injuria jus non oritur law and legal definition,” 2015)

This points out that the Russian Federation that illegally annexed Crimea has, however, no legitimate right to claim it belongs to Russia.

In reality, the Crimean government was unconstitutionally changed. In autonomous Republic of Crimea the government was illegitimate because this is how the new government rose to power: “Behind closed doors, and amid a heavy presence of men armed with Kalashnikovs in the Crimean parliament building, Serhiy Aksyonov was elected the new prime minister of the autonomous republic on Feb. 27” (“Pro-Kremlin Crimean leader Aksyonov denies allegations of criminal past,” 2014). Then the “unofficial pro-Moscow leader” urges for Russian intervention to ensure peace in Crimea (“Ukraine crisis: Crimea leader appeals to Putin for help,” 2014). Therefore, Russia had contradicting views: condemning the government in Kyiv because it came to power as a result of the people’s uprising but supporting the Crimean government that was elected with the presence of the military men.

From the beginning of the conflict in 2013, it was never clarified who Russia saved in Crimea: Russian nationals, Russian-speaking people (citizens of Ukraine) or ethnic Russians because all of these terms were used by Russian politicians. As mentioned above,

the argument of Russian nationals is irrelevant considering the fact that Crimean people had Ukrainian citizenship. As was mentioned above, right before the illegal referendum Russia was actively issuing Russian passports, like in the Georgian conflict, so that it could somehow explain its military intervention. Shany (2014) suggests that the absence of a strong basis from the Crimean politicians' justifications, uncover that there are other reasons for secession behind those that are officially presented. Perhaps the main motive for secession was a desire of Crimea Russian-speaking population to join Russia and Russian politicians to have Crimea within Russia (pp. 239-40).

In March 2014, President Putin gave a speech,

We proceed from the conviction that we always act legitimately. I have personally always been an advocate of acting in compliance with international law. I would like to stress yet again that if we do make the decision, if I do decide to use the Armed Forces, this will be a legitimate decision in compliance with both general norms of international law, since we have the appeal of the legitimate President, and with our commitments, which in this case coincide with our interests to protect the people with whom we have close historical, cultural and economic ties.

Protecting these people is in our national interests. This is a humanitarian mission.

(as cited in Merezhko, 2015, p. 190)

The question is why the people who reside in sovereign Ukraine are within the national interests of Russia? The answer lies within the "Russian World" concept that will be analyzed in the following chapter.

## **4. The “Russian World” Concept and its Role in Justifying Annexation of Crimea**

The “Russian World” concept appeared in the 1990s and was founded by Russian intellectuals as a philosophical project. When the Soviet Union dissolved, those intellectuals who had ties with Crimea and Ukraine viewed it as a grave problem and aimed to assist the population that identified themselves with Russia and now was living abroad. It took ten years for the “Russian World” to develop from the philosophical project into the formal policy (Tishkov, 2008, p. 4). Later, in 2014, it became Russia’s justification for its intervention and annexation of Crimea. This concept is the political basis of the Kremlin’s assumed right to intervene in the neighboring states. In March 2014, Putin expressed his hope that Germany, a country that was divided, would understand and support the Kremlin’s desire to reestablish unity through the “Russian World” (Laruelle, 2015, pp. 1, 14). Presenting this policy in this work will explain Russia’s position and reasoning about its actions in Crimea and eastern Ukraine in 2014.

After the breakup of the Soviet Union, Russia’s desire to reunite all Eastern Slavs (Ukraine, Belarus and northern Kazakhstan) into one state came into play. This idea received support in domestic politics too. Some political parties in Russia aimed to protect the Russian minorities abroad and to redraw borders of Russia to integrate Transnistria, Belarus, part of Ukraine, and northern Kazakhstan; although, they did not advocate restoring the USSR (Laruelle, 2015, p. 7).

Before the “Russian World” was introduced as a project, there were premises that

led to its formation as a state policy. In 1993, the Russian Institute and Russian magazine were founded in Moscow. In a few years, Shchedrovitsky and Gradirovsky started an internet portal devoted to the Russian World (Tishkov, 2008, p. 5). Laruelle (2015) argues that the “Russian World” term evolved from the initial idea of the “Russia’s World” that belong to Petr Shchedrovitsky and Efim Ostrovsky. The first term was created in 1995 by the Russian politicians Shchedrovitsky and Ostrovsky in their article “An Eagle Spreads its Wings: 1111 Signs in 1111 Days Before the New Millennium. Manifesto for a New Generation.” Following the breakup of the Soviet Union, this work introduced a belief that the Russian identity should be reestablished and reconnected with the Russian diasporas. The authors extended a notion of the nationality, which became the basis for the concept of the “Russian World”: “We, Russians, are a multinational people. Being Russian is not about blood, being Russian is about a shared destiny” (as cited in Laruelle, 2015, p. 4).

Then this notion developed into the “Russian World” in an article by the same authors in 1999: “To create the image of Russia today is to create new connections (sviazi) among Russians” (as cited in Laruelle, 2015, p. 5). Also, Shchedrovitsky stated that this concept is “To create a new image for Russia, the country that never was, means to take part in the ongoing re-division of the world, to make a Velvet Revanche after our country’s defeat in the Third World War, the Cold War” (as cited in Tishkov, 2008, p. 5).

The portal, entitled *Russkij Arkhipelag*, advocates that the state consists of people rather than of the territories and that Crimea, Ukraine (note that Crimea is listed separately as if it was not within Ukraine), Transnistria and Kazakhstan are all pieces that broke off. A brief description of the “Russian World” concept mentions that no one should forget about the recent past of imperial Russia that incorporated vast territories, including Poland

and Finland. The authors disagree with Russia's boundaries drawn in the 20-21st centuries, thus they aim to create a "conceptual"<sup>4</sup> map of Russia, considering existence of various dimensions of the "Russian World" ("O Russkom Arkhipelage," 2015).

According to the authors of the "Russian World," approximately three hundred million of the former Russian citizens and their descendants reside abroad. The problem is that Russia lost a large number of educated and talented people. This brain drain was seen as a major loss for the Russian society because the educated people could contribute to the development of Russia. Therefore, the founders of the "Russian World" argue that Russia should use the intellectual capital of Russia's compatriots abroad to adapt to the uncomfortable world of the global economy ("O Russkom Arkhipelage," 2015). The founders of the "Russian World" argue that Russia is the component of the biggest "geocultural formation" with a particular history of its formation. This implies that Russian policy towards its diasporas cannot be similar to the European type ("Diaspory Postsovetskogo Prostranstva," 2015).

In 2000, one of the founders of the "Russian World" explained who belongs to it: people who talk and think in Russian. He also added that the crucial component, without which the "Russian World" would not exist, is actively developing the Russian language (Shchedrovitsky, 2000). It is argued that the "Russian World" emphasizes the cultural difference between itself and the Western culture and implies that it is superior to the West (Bremer, 2015, p. 43). Given the large numbers of the emigrants, Shchedrovitsky (2000) says that the goal is to maintain ties with the Russian culture of those who would like to keep those ties.

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<sup>4</sup> Translation provided by the author: "kontseptualnuyu."

The founders of the doctrine argue that the “Russian World” should not be limited only to the people who speak Russian. In this way, they claim that the people who do not speak Russian and do not belong to the Orthodox Church can also be in the “Russian World” if they have any other affiliations with Russia. Therefore, the “Russian World” is not only a community of Russians that live in different countries (Tishkov, 2008, pp. 8-9). It contradicts the initial understanding of the “Russian World” that meant to emphasize the similarities between the individuals who have the same attributes, such as language, religion and Soviet past.

In October 2001, President Putin declared that the “Russian World” should be consolidated and structured so that it would serve as an economic, intellectual and political resource to Russia. He also put this strategy as a priority of Russia’s policy-making. In 2007, Putin started the Russian World Fund “in order to popularize the Russian language as a cultural asset of Russia and an important element of Russian and world culture” (as cited in Tishkov, 2008, pp. 9-10). Therefore, it becomes visible how the concept of the “Russian World” that initially was a cultural ideology, gained its importance in the Russian policy-making process.

In 2001, Putin said, “The notion of the Russian World extends far from Russia’s geographical borders and even far from the borders of the Russian ethnicity” (as cited in Laruelle, 2015, p. 6). Ash (2015) argues that Putin connects the notion of the “Russian World” with the language: if someone speaks Russian, that person belongs to Russia. This gives an impression that the Russian President could claim that more people belong to the “Russian World,” given that after the breakup of the Soviet Union there are many Russian-speaking people now residing in the newly independent states.

A “compatriot” notion became crucial in the “Russian World” concept. Putin argues that, “The compatriot is not only a legal category. More importantly, it is not an issue of status or favoritism. It is primarily a matter of personal choice. Of self-identification. I would even say, of spiritual self-identification” (as cited in Laruelle, 2015, p. 8). The Russian federal law explains a term of compatriots as follows:

Russian citizens permanently residing abroad; individuals and their descendants who live abroad and are linked (otnoshiashchiesia) to the peoples historically residing on Russian Federation territory; those making the free choice of a spiritual, cultural, and legal link to Russia; those whose ancestors resided on Russian Federation territory, including former Soviet citizens now living in states that were part of the Soviet Union, regardless of whether they became citizens of another state or are stateless; and those who emigrated from the Russian state, the Russian republic, the Russian Soviet Federative Socialist Republic, the Soviet Union, or the Russian Federation that either became citizens of another state or became stateless persons. (Laruelle, 2015, p. 8)

This definition of compatriot is given in the Russian Federal law that concerns the relations and policy towards compatriots living abroad. The first article reveals that the term compatriot is extensive and includes large groups of people around the world, even non-Russian, who only favor the Russian culture. After Putin’s interpretation of the “Russian World,” it became more influential in policy-building process and was not limited to a voluntary will of the emigrants to keep ties with the Russian culture.

While justifying Russia in the Crimea crisis, Russian politicians argue that “compatriot” term is embedded in the Russian Constitution’s Article 61(2), which reserves

a right to defend its citizens beyond the borders of the Russian Federation (Constitution of the Russian Federation, 1993).

Russian politicians have different interpretations of the “Russian World.” The meaning of this concept varies from exclusively political to solely cultural. One understanding is that of the Kremlin’s press secretary Dmitri Peskov, who announced, “Russia is the country that underlies the Russian World, and the president of that country is Putin; Putin precisely is the main guarantor of the security of the Russian world” (as cited in Laruelle, 2015, p. 14). In 2015, Sergey Lavrov, Russian Minister of Foreign Affairs, explained that the “Russian World” is focused on the religion, culture, values and language (Laruelle, 2015, p. 15). Although the “Russian World” concept is vague and differently interpreted by politicians in Russia, it plays a crucial role in Russian foreign policy.

Besides the definitions of the “Russian World” that were already mentioned, there is a religious dimension to this concept. From 2009, the Russian Orthodox Church joined the “Russian World” idea. Patriarch of the Russian Orthodox Church explains that the concept intends to keep the Slav peoples, which are Belarusians, Russian and Ukrainians coherent, regardless of the state borders and the political systems (Bremer, 2015, pp. 43-4). Some scholars suggest that the religious authorities advocate another concept which is Holy Russia: the territory of Belarus, Ukraine, Moldova and Kazakhstan under the Patriarchate (Laruelle, 2015, p. 15).

According to Patriarch the peoples can preserve their culture, language and traditions to avoid emergence of the “first and second rate peoples” (as cited in Bremer, 2015, p. 46). Despite the coherence among the peoples, the “Russian World” allows these peoples to have different governments. It also allows them to have other languages but

Russian should be cultivated, according to the Patriarch of the Russian Orthodox Church. Even having said that other languages have a right to exist alongside with Russian, it is believed by the church that Russian is the testimony of Orthodoxy (Bremer, 2015, p. 46).

The “Russian World” founders claim that there will be a fourth world war (considering the Cold War as the third one) over the legacy of the USSR and the Eastern Bloc. The goal of the fourth world war will be the expansion of the ties between the people but not conquering new territories. The supporters of the “Russian World” are convinced that the image of Russia on the world stage depends on the system of connections between the Russians (Shchedrovitsky & Ostrovsky, 1999).

The founders assured that the “Russian World” cannot be viewed as an “aggressive world”<sup>5</sup> that intends to expand Russia’s territories, but rather an idea within the cultural sphere that exists in the minds of people (Shchedrovitsky & Ostrovsky, 1999). On March 18th, 2014, President Putin said in the Kremlin about presence of the millions of Russians and Russian-speaking people and therefore Russia will always protect their interests by any means (Putin, 2014). In fact, the invasion and annexation of Crimea by Russia in 2014 lead to a conclusion that the “Russian World” can also include expanding territories of Russia.

Large number of Russian emigrants is in the core of the “Russian World,” but it is important to look closely at this. Often the emigrants from Russia were losing a sense of belonging to a certain ethnic group and were called Russians by a receiving state, because they were coming from there. Even though Russia was always a multiethnic country, beyond its borders emigrants would identify themselves as Russians, even if they were of different ethnicity like Jews, Chechens, etc. The phrase “Overseas we are all Russians, but

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<sup>5</sup> Translation provided by the author: “agressivnyj mir.”

at home we are all different” perfectly explains this (Tishkov, 2008, p. 11). Due to the shared language a diaspora would become a Russian diaspora, even though comprising of different ethnic groups and nationalities. The “Russian World” includes even those, who left Russia in its Imperial time. In most cases the emigrants from other post-Soviet states who were not ethnic Russians, were still considered as Russians (Tishkov, 2008, p. 12). In this way, disregarding ethnicity of the emigrants, the Russian leadership argues that there is a large number of Russians living abroad.

Russian philosopher Alexander Tsipko, originally from Odessa (Ukraine), noticed that after the breakup of the USSR Odessa tended to leave the “Russian World,” embracing Ukraine and the West, however, maintaining the Russian language (Tishkov, 2008, p. 14). Disregarding this fact, Russia viewed entire Ukraine as a part of the “Russian World.” Therefore, Bremer (2015) suggests that the nations are unable to secede from the community of the “Russian World” (pp. 43-4). Even though, Shchedrovitsky (2000) mentioned that the “Russian World” is based on voluntary decision of the emigrants to maintain the Russian culture abroad. It appears that the Kremlin imposes the “Russian World” on the people that deny belonging to it.

The “Russian World” is not the only ideology that aims to connect people with certain similarities all around the world. Alliance Française is one of the examples that have a goal of spreading French and Francophone culture. Their website names three main tasks of the non-profit organization: “Offering French classes for all, both in France and abroad; Spreading awareness of French and Francophone culture; Promoting cultural diversity” (“Who are we?” 2015). This idea is similar to the “Russian World” at the primary stage when it was solely a cultural movement supporting Russian-speaking

communities residing in the newly independent states. However, Alliance Française is exclusively on the cultural level and is not a political ideology like in the case of the “Russian World.” The organization of Alliance Française is acceptable because it is voluntary and does not conflict with the interests of other states and the international borders.

In conclusion, it is almost impossible to trace the main reason for the Russian Federation to annex Crimea: geopolitical domination at the Black Sea or achieving the ideological goal of the “Russian World.” However, it is obvious that the “Russian World” contributed to Russia’s justification of annexation of Crimea. Tishkov (2008) advocates that the ties with the diasporas outside of Russia should serve as a bridge to their motherland. He claims that the “Russian world” should go beyond just “supporting our countrymen overseas” and should assist building a good image of Russia on the international stage (p. 48). It is visible that the annexation of Crimea is a sign that the “Russian World” went beyond only supporting people outside of Russia; however, it did not contribute to the Russian positive image on the world stage and instead triggered much criticism from the majority of countries.

## 5. Conclusions

Russia's invasion and annexation of Crimea demonstrated how international law is weak in regulating actions of powerful states. The UN had no tool to address Russia's aggression because Russia is a member of the Security Council and can put its veto on resolutions on Ukraine's territorial integrity. Keeley (2014) argues that the situation now is not about the Cold War but rather about the reborn Tsarist Russian Empire that has a goal to reunite all the people that once belonged to it (p. 3).

From the analyses presented in this paper, it becomes evident that Russia acted against international law. Besides the UN Charter, Russia violated international treaties and agreements that affirmed territorial integrities and inviolability of borders of states that signed them, including Ukraine.

Ethnically-Russian Crimeans and the Kremlin advocate that Russians in Crimea had a right to secede from Ukraine, exercising its right of self-determination. Some scholars would agree with Robertson (2013) that it is misleading to advocate that the UN Charter and other international documents reserve this right for the minorities in certain states. It is believed that the minority does not constitute a people, instead the UN Charter refers to the whole nation and their right of participating in the political process (pp. 253-4).

The former President of the ICJ argues that, "International law provides no right of secession in the name of self-determination" (as cited in Robertson, 2013, p. 254). Even though in 2010 the ICJ ruled that Kosovo's declaration of independence did not violate

international law, this case does not create a precedent to Crimea due to the major differences between the cases. Among the most crucial differences, which were discussed in chapter two, the main is that for the ethnic Albanians secession was remedial, meaning, the last resort to stop violence against them.

If the Ukrainian government was indeed violating human rights of the population in Crimea, Russia should have referred to the international organizations (Merezhko, 2015, p. 192). In that case it had to provide evidence of the human rights violations, which were never found. Nevertheless, the Kremlin immediately resorted to using military force in the territory of Ukraine.

In fact, the violations of the human rights started after the annexation of Crimea by Russia. The OSCE produced a report on the situation in Crimea concerning freedom and human rights there. The first major consequence was the large number of internally displaced people, who escaped to the mainland Ukraine, not wanting to live in Russian Crimea. The report states that officially there are twenty thousand internally displaced people; however, this is not a precise number because many individuals prefer not to register with the special state authorities (“Thematic report,” 2015, p. 6). According to the Central Intelligence Agency there are almost a million and a half internally displaced people in Ukraine (The world factbook: Ukraine, 2015).

Russian citizenships were assigned to all residents of Crimea automatically. There were only few locations where people could submit their refusal from the Russian citizenship. Thus, not all citizens who desired to do it could submit their refusal. People who stayed with the Ukrainian citizenship could not be employed or enrolled in an educational institution, were denied from social benefits and were unable to buy or sell

property. The reports went on stating that,

People intending to work as public servants had to give up their Ukrainian citizenship; those who worked as judges, teachers, doctors, police and military forces officers were required to obtain Russian passports or, reportedly, would lose their jobs. (“Thematic report,” 2015, p. 6)

For the Crimean Tatars and people who expressed pro-Ukrainian views, leaving Crimea was jeopardized by the border officials from Russia. People who entered Crimea with Ukrainian insignia (Ukrainian flags, symbols, ribbons) were asked to remove it (“Thematic report,” 2015, p. 9). This demonstrates how the Russian officials made it impossible for the people with pro-Ukrainian views to stay on their homeland in Crimea.

Russia provided multiple justifications for its invasion and annexation of Crimea that points at Russia’s indecisiveness. These justifications are: right to self-determination of the Russian minority in Crimea; grave violation of human rights in Crimea and the necessity of a Russian humanitarian intervention and intervention with the invitation of the Crimean unofficially elected leader and the former Ukrainian President, who lost his power because he fled Ukraine. Instead of focusing on one main reason, the Kremlin attempted to dissolve the international community’s attention on different justifications.

Right after the unrepresentative referendum in Crimea, President Putin gave a speech in the Kremlin where he said that, “In the heart and in the consciousness of people, Crimea has always been and stays an integral part of Russia”<sup>6</sup> (Putin, 2014). Then he provided a statistical data that 86% of the Russians considered Crimea as part of Russia

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<sup>6</sup> Translation provided by the author: “V serdce, v soznanii lyudey Krym vseгда byl i ostayetsya neotemlimoy chastyu Rosii.”

(Putin, 2014). Legally this cannot serve as a justification that President Putin gives for invading and annexing another country's territory.

In the same speech, the Russian President also claimed that, "this strategic territory [Crimea] should be under the strong, resistant sovereignty, which, in fact, can only be Russian today"<sup>7</sup> (Putin, 2014). Therefore, the President admitted that annexation of Crimea was a strategic move of Russia to benefit from having this peninsula.

In conclusion, Russia's justifications for intervention in Ukraine have no legal basis. Russia violated universally accepted principles of international law, presented in the UN Charter and international treaties, signed with other states to which Russia is a party. Russia's annexation of Crimea is evidence that Russia uses any means to keep Ukraine under its influence. It proves what Hill and Jewett (1994) said that Russia purposely undermines stability in Ukraine to keep this country as Moscow's satellite. The Crimean peninsula with its gas resources and a military base was one of the most important territories that Russia was always interested in. This is why Russia maintained its strategic involvement in Crimea (p. 66). Crimea now is in the hands of Russia; nevertheless, the tensions are spreading to the North from Crimea and to the East of Ukraine.

International law does not recognize Crimea as a part of Russia despite the agreement between Russia and Crimea concerning Crimea's "reunification with Russia" (Podpisan dogovor o prinyatii Respubliki Krym v Rossiyskuyu Federatsiyu, 2014). Crimea did not become an independent state and as a result did not have a legal right to enter in a treaty relations with Russia. The agreement on accession of Crimea to the Russian Federation has no legal value under international law. The UN General Assembly adopted

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<sup>7</sup> Translation is provided by the author: "eta strategicheskaya territoriya dolzhna nahoditsya pod silnym, ustoychivym suverenitetom, kotoryy po faktu mozhnet byt tolko rossiyskim segodnya."

a resolution not to recognize status of Crimea and thus making Crimea a subject to the doctrine of obligatory non-recognition. This norm of customary international law aims to prevent the countries from violating international law, like the Russian Federation did (Marxsen, 2014, p. 18). Such illegal acts should not constitute a precedent for the future. Otherwise, the international order will be distorted by countries which choose to act in contradiction to international law.

The majority of countries agreed on the resolution of the UN General Assembly on not recognizing Russia's annexation of Crimea; however, this is a dead end because nothing more can be done to reintegrate Crimea back to the Ukrainian territory. Even though the international community imposed sanctions on Russia for violation of international law, or even if more sanctions were to come, this cannot alternate the *status quo* of today (Marxsen, 2014, p. 18). This is ironic because some Russian politicians in their speeches mock the West, saying that the sanctions have not effected the Russian Federation.

Russia's illegitimate annexation of Crimea will dramatically influence international law because, firstly, other states will still use this as a precedent because in some cases the international community does not have strong enough tools to punish the violator. Secondly, the annexation of Crimea challenges international order that was established after the end of the Cold War. As Twardowski (2015) says the Crimean Crisis shattered the hopes of the Western countries that Russia would develop into a state that respects international law (pp. 351-2).

Russian supplied the separatists in eastern Ukraine, meanwhile Putin was strongly rejecting accusations of the West. In June 2014, in the interview Putin alleged that "there

are no armed forces, no Russian ‘instructors’ in southeastern Ukraine, and there never were any” (as cited in Twardowski, 2015, p. 375). Nevertheless, the facts were saying the opposite: the intelligence services of NATO and other countries had video footages, local witnesses, testimony given by Russian soldiers, and satellites images of Russian troops in Eastern of Ukraine (Twardowski, 2015, pp. 375-6).

Finally, the fact that Putin uses the term *Novorossiya* that referred to the territories of the Russian tsarist era poses a threat to other Russian-speaking communities in Eastern Europe. The Russian Federation still intends to counter balance NATO (not letting Ukraine join it) and preserve Russia’s old spheres of influence that existed in the Cold War (Twardowski, 2015, pp. 353, 356-7). Annexation of Crimea might testify that the world is entering an era of international disorder where countries resort to force rather than to norms of international law.

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