



Annexation of Crimea – seizure of territories without a declaration of war. Realities of the 21st century.

BACHELOR THESIS

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DECLARATION OF HONOUR:

I declare that this thesis is my own work, and that all references to, or quotations from, the work of others are fully and correctly cited.

(Signed).....

ABSTRACT

The thesis focuses on the main international legal aspects of the annexation by one State, namely the Russian Federation, of a part of another sovereign State, Ukraine. The annexation of the Crimean Peninsula is the first forced border shift of a State in Europe. The invading State justifies these actions by referring to the ethnic and historical ties between Russia and Crimea, basing its aggression on the right of peoples to self-determination. The peaceful coexistence of States and various nationalities within the European Union, the United States, Asia and the Middle East is now under threat. This Bachelor thesis aims to study the issue of the forcible seizure of the Crimean Peninsula, the internal and external causes of this crisis, as well as possible measures to stabilize the situation and prevent such situations in the near future in the context of existing mechanisms of international law. The aim of this work is also to analyse the legal norms that legitimize the Crimean annexation by Russia, and international legal acts that confirm the fact that Russia violated most of the fundamental international documents.

SUMMARY

The thesis analyses the internal reasons of Ukraine that led to the possibility of annexation of part of its sovereign territory by another State, as well as external reasons that contributed to the aggressor country to seize part of its independent territory.

After the end of the East-West conflict and the collapse of the Soviet Union, it seemed that the victory of Western democracy was imminent, and the Cold War would be over once and for all. It seemed to us that Europe and the entire world system were embedded in a stable world order and an international security structure. Russia, after all, was no longer perceived as a threat. The end of the Cold War and the time of eternal peace seemed to have come finally and irrevocably. Only about twenty years after the collapse of the Soviet Union and the end of the Cold War the situation did change. Today, everything has changed- Russian and Western military advisers are in the East of Ukraine, opposing and supporting various warring parties, Russia has withdrawn from the G8 Union of the most powerful developed States. The world order is being challenged incomparable since the end of World War II.

The triggers of this split between Russia and the Western community should be found in the conflict that began in late 2013 in Ukraine and in this context, in the annexation of Crimea by the Russian Federation. Currently, the invading State justifies these actions by pointing to the ethnic and historical ties between Russia and Crimea, basing its aggression on the right of peoples to self-determination. The Bachelor thesis is aimed at examining the legal arguments in opposition to the Russian position in its aggression. Moreover, it analyses the most significant legal acts of international law violated by the aggressor country, as well as legal documents previously concluded between countries involved in this conflict, and the impact of these violations on the entire system of international law and international security. The main task of this Bachelor thesis is to analyse legal norms to study possible methods of protecting Ukraine in international judicial institutions for the return of lost territories, as well as possible methods of countering such violations, including when conducting a hybrid war by aggressor countries and manipulating international legal doctrines.

LIST OF ABBREVIATIONS

CIS	Commonwealth of Independent States
CISFTA Area	Commonwealth of Independent States Free Trade Area
ECHR	European Court of Human Rights
EHRAC	European Human Rights Advocacy Centre
EU	European Union
G8	Group of Eight
GDP	Gross domestic product
LDPR	Liberal Democratic Party of Russia
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
Ph. D.	Doctor of Philosophy
UN Charter	Charter of the United Nations
UNGA	United Nations General Assembly
UNSCR	United Nations Security Council Resolution
US	United States
USSR	Union of Soviet Socialist Republics

TABLE OF CONTENTS

<u>ABSTRACT</u>	<u>2</u>
<u>SUMMARY</u>	<u>3</u>
<u>INTRODUCTION</u>	<u>6</u>
<u>1. PART I: CAUSES OF THE CRIMEAN ANNEXATION BY RUSSIA IN 2014</u>	<u>7</u>
1.1.	8
1.2.	9
1.2.1.	9
1.2.2.	10
1.3.	13
1.4.	15
1.5.	17
<u>2. PART II: ANNEXATION OF CRIMEA</u>	<u>23</u>
2.1. ANNEXATION	24
2.2. OPPONENTS. LEGAL JUSTIFICATION FOR ANNEXATION.	24
2.3. PUBLIC DIPLOMACY	29
2.4. HYBRID WAR	30
<u>3. PART III -WAR WITHOUT ATTACK</u>	<u>31</u>
3.1. ROOTS OF THE WAR WITHOUT ATTACK	31
3.2. LEGAL IMPLICATIONS FOR THE INTERNATIONAL COMMUNITY	39
3.3. LEGAL CONSEQUENCES FOR RUSSIA	41
3.4. LEGAL CONSEQUENCES FOR UKRAINE	43
3.5. POSSIBILITY OF PEACEFUL RESOLUTION OF THE SITUATION	44
<u>CONCLUSION</u>	<u>45</u>
<u>BIBLIOGRAPHY</u>	<u>46</u>
PRIMARY SOURCES	46
SECONDARY SOURCES	47

ARTICLES	47
INTERNET RESOURCES	47

INTRODUCTION

During the dispute over the status of the Crimean Peninsula and the on-going armed conflict in Eastern Ukraine, the international community has faced difficult events in regard to geopolitical situation, democratic values and international law and international politics seem to be increasingly questioned, including the right of people to self-determination, the prohibition of violence, and the territorial integrity of States. "Annexation", "humanitarian intervention", or "occupation" - the choice of the term that defines Russia's actions is of a crucial importance in this context. In addition, from a legal point of view, the important question is about the reasons that allowed such a conflict to happen, about the legal mechanisms that allowed one country to seize part of another's territory.

Nowadays, international society is confronted with the fact that the conflict that occurred in Ukraine might be repeated in any other State, especially if it was previously a part of the Soviet Union or is a part of the sphere of interests of Russia. Therefore, many aspects must be a subject to examination, mainly, internal and external causes of the conflict. Hence, the whole process of the annexation and assessment, its consequences and opportunities of settlement of the conflict, in order to prevent such excesses in the future, so that the actions of the aggressor country, its arguments and legal position cannot lead to a rethinking of international law and its principles. Thus, the main question to be examined is: "How has Russia breached international law to seizure a territory of another State while explaining in the society legitimacy of its actions?".

The methodology for the Bachelor thesis would cover doctrinal research in terms of analysis of the legislation, from the perspective of international law, followed by examination of the relevant provisions of national laws of the countries in question, as well as focusing on examination of the agreements concluded between the countries. Doctrinal research would be supported by qualitative analysis, including academics opinions on the subject matter, official documentation from the relevant authorities and use of the information provided by official news broadcasting authorities. The interdisciplinary part of the Bachelor thesis specifically focuses on analysis of political aspects that potentially had led to the breach of international law, thus establishing the political reasons for the following annexation of the Crimea.

PART I: CAUSES OF THE CRIMEAN ANNEXATION BY RUSSIA IN 2014

In order to understand the conflict in 2014 and annexation of Crimea, there is a need to analyse situation in Ukraine since 2007. The conflict in Ukraine was based on the emerging conflict between the Pro-Russian authorities that had grown out of the post-Soviet space and the attempt of promoting new democratic orientation by directing its population towards Western countries. This crisis – when Ukraine sought democracy in opposition to Russian attempts to stop the development of democratic regimes in the post-Soviet space- most clearly confirms the fact of Ukraine's desire for European Integration and Russia's strong opposition to Ukraine signing an Agreement with the EU. Analysis of the reasons that led to Euromaidan will allow to establish a causal link with further events, namely, with Russia's aggression and annexation of the Crimean Peninsula.

1.1. External causes: Euromaidan and European integration of Ukraine

Since 2007, the European Union and Ukraine had held discussions about the conclusion of the Agreement regarding the Association of the Union and Ukraine. Despite the lengthy procedure, Ukraine finally decided in favour of European integration and on March 30, 2012, Ukraine - European Union Association Agreement was initialled by the heads of delegations of the European Union and Ukraine,¹ but in November 2013, upon the initiative on the part of Ukraine, the process of preparation for signing the Agreement had been suspended again. The refusal of the Ukrainian President Viktor Yanukovich to sign the Agreement with the EU may be considered as undermining the patience of most

¹ European Union External Action Service, European Council. *EU-Ukraine Association Agreement "Guide to the Association Agreement"*, pp.1-3. Available on: http://www.eeas.europa.eu/archives/docs/images/top_stories/140912_eu-ukraine-associatin-agreement-quick_guide.pdf. Accessed March 2, 2020.

Ukrainian citizens and become a reason for mass public protests throughout the whole country.²

In order to understand the reasoning behind the President's Viktor Yanukovich's fluctuations which are indeed triggered by the policy of authorities of the Russian Federation, the content of a given Agreement shall be considered. The following analysis would clarify, why the refusal to conclude an Agreement has led Ukraine to Euromaidan, consequently to a new revolution and loss of the territories.

1.2. European integration of Ukraine

Further analysis of the terms of the Agreement provides an opportunity to observe completely new principles of Ukrainian development in terms of European integration, mainly based on economic and political values, set as objectives to reach the following integration. For the purposes of the analysis, these principles shall be divided in two main parts.

Firstly, economic principles, looking at the perspective of the potential economic benefits in terms of trade and overall harmonization of market for the Ukraine arising from the respective agreement and Russia's opposition shall be inspected. Secondly, political-legal principles, serving as fundamental part for the European integration of the Ukraine shall be a subject to the following analysis.

1.2.1. Economic principles

Objectives specified Article 1 of the Ukraine–European Union Association Agreement including Part c)

“to promote, preserve and strengthen peace and stability in the regional and international dimensions in accordance with the principles of the United Nations Charter, and of the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe and the objectives of the Charter of Paris for a New Europe of 1990”³

undoubtedly reflected the position of the European Union and Ukraine at the same time and this commitment of the parties is unlikely to be a milestone for Russia in its resistance regarding the Agreement. Then, the following issue shall be examined, what are the circumstances that could explain Russia's opposition.

² Ukraine withdraws from signing the Association Agreement in Vilnius: The motives and implications, available on: <https://www.osw.waw.pl/en/publikacje/analyses/2013-11-27/ukraine-withdraws-signing-association-agreement-vilnius-motives-and>. Published November 27, 2013. Accessed April 5, 2020.

³ Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part *OJ L* 161, 29.5.2014, p. 3–2137. Available on: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.161.01.0003.01.ENG. Accessed February 10, 2020. Article 1.

Most experts⁴ indicate an innovative step in questions related to the embodiment of European integration direction of Ukraine, more specifically the drafting and provisional signing of the Agreement regarding the Association between the European Union and Ukraine in 2008. In the context of the Agreement, the EU and Ukraine conducted negotiations about the Deep and Comprehensive Free Trade Areas CISFTA within which parties would not only consider tariff reduction but also trade cost reduction at the cost of the harmonisation of the regular practices and simplification of customs regime.⁵

In fact, economic aspects of the Agreement can be also described while looking at statistical data which demonstrated that in 2014 export from Ukraine to European Union has increased for 5 percent, the volume of exports of Ukrainian goods to the EU for 10 months of 2019 amounted to \$17.4 billion, which is 6.1 percent more than in the same period of 2018.⁶

Apparent unwillingness of Russia to accept European-Ukrainian Association on the aforementioned conditions bearing in mind long-term perspective and as a consequence rise of Ukrainian economy and Ukrainian exit out of the area where Russia exerts influence, all of this led Ukraine to national disturbance, Euromaidan.

1.2.2. Political-legal principles

Political-legal principles led to the concept that circumstances regarding European-Ukrainian Association and parties' relations shall be based upon well-established principles and traditions of the European Union. By concluding the Association Agreement, Ukraine announced its determination to proceed with new performance objectives. More precisely, to evolve from a post-Soviet country obliged to follow the EU principles under the threat of being isolated from the civilised world, to one of the countries constituting the civilised world.⁷

⁴ Matthew Goodwill, *Europe and post-Soviet countries. Interaction conditions*, SAGE Journals, 2013; Sabine Fischer, *EU und Ukraine auf dem Weg der Zusammenarbeit*, 2013, Das Neue Berlin.

⁵ European Commission. Countries and regions: Ukraine. Available on: <https://ec.europa.eu/trade/policy/countries-and-regions/countries/ukraine/>. Accessed February 5, 2020.

⁶ Державна Служба Статистики України, available on: <http://ukrstat.gov.ua/>. Accessed on: March 2, 2020.

⁷ Odysseas Spiliopoulos, "The EU-Ukraine Association Agreement as a Framework of Integration Between The Two Parties, The Economies of Balkan and Eastern Europe Countries in the Changed World (EBEEC 2013)" Available on: www.sciencedirect.com. Accessed March 3, 2020. [https://doi.org/10.1016/S2212-5671\(14\)00027-6](https://doi.org/10.1016/S2212-5671(14)00027-6).

In addition, the Agreement included provisions of security guarantees for Ukraine, specifically provisions that make parties bound to respect principles of sovereignty and territorial integrity, inviolability of borders and independence.⁸

Harmonization of standards, technical regulation and procedures of conformity assessment prescribed by CISFTA, after its implementation in Ukraine in accordance with EU accepted norms, had to led to the following consequences:

1. Increased capacity for the export of Ukrainian goods, not merely to EU countries but also to the third world countries, which would significantly enhance external economic potential of the country.
2. Strengthened positions of the national manufacturers also in the local market in Ukraine, which would provide high quality products for Ukrainian consumers.
3. Appearance of the expanded opportunities for the import substitution, thus expansion of the export would contribute to enhancement of foreign trade balance in the country.
4. Ukraine would get a chance to receive a partial compensation for expenditures referred to the harmonization at expense of financial and technical assistance on the part of EU.⁹

The Agreement was a further step on the path to the development of a democratic society in Ukraine, while forming more mutual social, economic and civil society. Long-standing commitment of the Ukrainian citizens for sharing democratic vision and universal human values which are put forward repeatedly in order to serve political game of the Viktor Yanukovich's administration, in fact escalated into a nationwide anger. Mass public protests in the capital city Kiev and all over the country resulted in the change of government in Ukraine in 2014.¹⁰

These protests where citizens of the country demonstrated frustration concerning the ignorance of their legitimate interests and requirements are known as Euromaidan in

⁸ Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part *OJ L* 161, 29.5.2014, p. 3–2137. Available on: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L.2014.161.01.0003.01.ENG>. Accessed February 10, 2020.

⁹ Rilka Dragneva, Kataryna Wolczuk, "Russia, the Eurasian Customs Union and the EU: Cooperation, Stagnation or Rivalry", *CHATHAM House, Russia and Eurasia Programme briefing paper* (2012): 1-16 Available on: https://www.chathamhouse.org/sites/default/files/public/Research/Russia%20and%20Eurasia/0812bp_dragnevawolczuk.pdf. Accessed March 5, 2020.

¹⁰ Pro-European Businessman Claims Victory in Ukraine Presidential Vote, available on: <https://www.nytimes.com/2014/05/26/world/europe/ukraine-elections.html>. Published May 25, 2014. Accessed April 3, 2020.

social media and means of mass communication by analogy to the events that took place in 2004.¹¹

In fact, this is exactly what happened - Ukraine's withdrawal from the sphere of Russian influence became the trigger, the starting point for the further annexation of the Crimean Peninsula. Of course, Russia claims that Crimea was incorporated into the Russian Federation based on the results of the Crimean referendum and the referendum in Sevastopol, but the referendum is only a mechanism. For this mechanism to be launched, it took a while. And when the Russian authorities saw that they were losing their influence over Ukraine and when they saw that the Ukrainians do not want to be a loyal vassal, but want to decide their own fate and move towards European unification is a mechanism for capturing someone else's territory was launched. Everything further is fear for the Russian-speaking population, support for the people of Crimea in their expression of will, military presence to prevent violent excesses against civilians, preparation of internal Russian legislation, all this became only the implementation of the annexation plan, the implementation of the capture mechanism. Nevertheless, the trigger was Euromaidan, which grew directly from the refusal of the Yanukovich government to sign an Agreement with the EU. Professor Georg Bäuml and Dr Lars Colschen from Ludwig-Maximilians-Universität München holds the following position:

"Of course Russia has always feared the extension of the power potential of NATO, the approximation of its military infrastructure to Russia's borders and deployment of military contingents of foreign States in the vicinity of its border, but it was the events of Euromaidan have shown Russia that if Ukraine decides to join NATO, Russia will not be able to change Ukraine`s standing similarly as Russia could not from signing an Agreement with the EU. On this background, all the assurances of the Ukrainian government, as well as the leadership of the Alliance that this will not happen, were no longer perceived by the Russian authorities. The realization of the loss of a loyal ally, who chose the European Union, rather than friendship with his older brother, opened a Pandora's Box and forced Russia to hastily implement a further scenario of annexation."¹²

While analysing the Agreement that was supposed to be signed between the EU and Ukraine, one can draw the indubitable conclusion- the transition of another post-Soviet country to the sphere of European influence. The transition thus implies political terms, which are especially important for the developing countries, and economic terms

¹¹ Steve York, Hardy Merriman, Miriam Zimmerman, Cynthia Boaz, "Orange Revoultion: Study Guide", *York Zimmerman Incorporated* (2010): 1-20, p. Available on: <https://www.nonviolent-conflict.org/wp-content/uploads/2016/02/Orange-Revolution-Study-Guide-2.pdf>. Accessed March 11, 2020.

¹² Münchner Nachrichten zur Jurisprudenz und Politikwissenschaft herausgegeben von Geschwister-Scholl-Institut, 2016.

that played the role of a catalyst for the subsequent chain reaction - first the Maidan, and later the military intervention of Russia, both in the Crimea and in the South of Ukraine.¹³

Obviously, the most important symbolic significance of "Europe" for self-determination and unification of the part of Ukrainian society that opposed the growing authoritarianism and corruption of the government. The European choice, rapprochement with the EU, looked to these people to gradually create transparent political and economic institutions in Ukraine that would be controlled by society, and not by oligarchic clans.

1.3. Euromaidan

In November 21, 2013, Ukrainian Prime Minister Mykola Azarov announced that Ukraine was suspending the process of preparing to sign an Association Agreement with the EU. This decision served as a trigger for the start of a mass protest movement.¹⁴ For in-depth analysis, there is a need to understand whether the right of people for self-determination provided by the current constitution of Ukraine or an overthrow of the duly elected president resulted in governmental coup.

This question requires an analysis because Maidan is one of the reasons for all the further events that have taken place in Ukraine, more specifically on the Crimean Peninsula. If Maidan was indeed a governmental coup, revolution, overthrow of the duly elected president, then international community is not able to lawfully recognize neither the new government that replaced Viktor Yanukovich and accordingly, nor currently existing authorities of Ukraine. But if Maidan became one of the forms of expression of the will of the people that led to the transitional government, then it was on Euromaidan that the principle of self-determination of people was implemented, which is enshrined in the principles of international law and the Constitution of Ukraine.

By virtue of the principle of equality and self-determination of the people set out in Charter of the United Nations, all nations have a right freely determinate without any interference one's political status and conduct its economic, social and cultural development and every single State shall respect this right in accordance to the UN

¹³ Паниотто В., Хмелько В. Восток Украины: Социология страхов // Радио Свобода. 08.05.2014.

¹⁴ OSW. Ukraine withdraws from signing the Association Agreement in Vilnius: The motives and implications, available on: <https://www.osw.waw.pl/en/publikacje/analyses/2013-11-27/ukraine-withdraws-signing-association-agreement-vilnius-motives-and>. Published November 27, 2013. Accessed April 6, 2020.

Charter.¹⁵ Maidan in the present case is an exact realization of this right, including economic development for Ukrainian people. It does not mean at all that was a revolution or overthrow of the existing government, because shift of power from Viktor Yanukovich took place in full conformity with internal legislation of Ukraine. Additionally, the following fact shall be taken into consideration that throughout the existence of Ukraine as an independent post-Soviet State, namely since 1991¹⁶, many things in the political reality were changed by the influence of political expediency.

Under the influence of this factor in 2005 in Ukraine there were different changes made, for example, the third tour of elections was conducted which is not introduced by the Constitution¹⁷, in 2007 president Viktor Yushchenko signed a decree about the re-election in Ukraine's Verkhovna Rada which have many ongoing disputes in the Courts of Ukraine. Thus, in 2010, changes in Constitution of Ukraine have been made due to the decision of a Constitutional Court, which in fact has no competence in the legislative branch.

Yet all of these are solely internal matters within Ukraine as of an independent State. It should not be forgotten that in accordance with a Declaration on Principles of International Law none of the States or a group of States do not have a right to interfere nor directly neither indirectly in internal or external matters of another State for any reason whatsoever.

Euromaidan was one of the means for population to express their will for determination both economically and politically. It should be emphasised that the change from Pro-Russian president Yanukovich took place in a peaceful manner. This constitutes evidence of legitimacy for all of the further election procedures in Ukraine. According to the president of the Venice Commission of European Commission for Democracy through Law Gianni Buquicchio: "since the victory of Euromaidan movement, the level of political corruption in Ukraine has decreased."¹⁸ Thus, Euromaidan served as one of the tools for Ukrainian people to express their selves that

¹⁵ Charter of the United Nations. Available on: <https://www.un.org/en/sections/un-charter/chapter-i/index.html>. Accessed April 10, 2020.

¹⁶ Euromaidan Press. Independence Day of Ukraine: facts & brief history, available on: <http://euromaidanpress.com/2019/08/24/independence-day-of-ukraine-facts-brief-history/>. Published August 24, 2019. Accessed February 6, 2020.

¹⁷ Volodymyr Paniotto, "Ukraine: Presidential Elections 2004 and the Orange Revolution": 1-27, p. Available on: <https://www.kiis.com.ua/materials/articles/president%20election%20in%20ukraine%202004.pdf>. Accessed February 10, 2020.

¹⁸ 112 Ukraine. Venice Commission: Level of political corruption in Ukraine decreased, available on: <https://112.international/politics/venice-commission-level-of-political-corruption-in-ukraine-decreased-10023.html>. Published October 7, 2016. Accessed March 20, 2020.

led to the legal consequences in the form of early presidential elections and State Duma and the most important signing of the Ukraine–European Union Association Agreement in accordance with expectations of the people. People, as a fundamental element for Ukraine to exist as a State.

1.4. Internal causes: increase of power

Because of the loss of its influence over a country that has historically been considered one of Russia's closest allies, Russia has chosen to create its own concept of international law. Russia remained the largest territorial State in the world after the collapse of the Soviet Union and considering itself as a "Big Brother" in relation to the CIS countries-immigrants from the Soviet Union. Russia has begun to interpret international law so that, when necessary, it would allow the country to defend its own territory, therefore react to perceived threats to its sovereignty, and, by virtue of the following interpretation, Russia would remain one of the largest countries on the world arena. As a former Empire, Russia still has an exclusively Imperial mind-set, and for this reason, Russia's foreign policy doctrines, both during the Soviet period and after it, demonstrate a preference for an interpretation of international law that gives priority to its sovereignty and territorial integrity.¹⁹

However, according to Russia, this does not apply to its smaller neighbouring countries in the same manner. The prioritization of State sovereignty comes at the expense of concepts such as human rights, democracy and the right of peoples to self-determination because too many freedoms are defined by Russia as a threat to the Central government and partly also to the territorial integrity of the country.²⁰

Russia experienced the peak of its power in 1945 and in the following decades. The collapse of the Soviet Union in 1991 significantly changed the map of Eastern Europe, the Caucasus, and Central Asia, but Russia's understanding of International Law remained largely in the position of 1945.²¹ When Russia talks about the

¹⁹ Francisco Martínez, "On the Peripheral Character of Russia", para. Available on: <https://journals.openedition.org/eces/1562>, accessed March 5, 2020, doi: <https://doi.org/10.4000/eces.1562>.

²⁰ Кулаков Андрей, *О влиянии глобализационных процессов на пограничную безопасность Российской Федерации*.

²¹ Mark Harrison, "The Soviet Union after 1945: Economic Recovery and Political Repression", *Department of Economics, University of Warwick* (2010): 1-17, p. Available on:

importance of International Law, it means protecting the geopolitical achievements of the USSR. In addition, the fact that Ukraine was part of the Soviet Union at that time has serious consequences for this country today. Since in the Russian sense, International Law applies only to those powers that were already strong and sovereign in 1945. At the same time, States that regained their independence in 1991, should always be ready to negotiate with Moscow about their sovereignty, since, in Russia's opinion, it is not unconditional.²²

Despite all existing agreements between Russia and Ukraine, the Russian Federation has always treated their implementation as a party with more rights in relation to its former satellite. For example, the State Duma of Russia urged Ukraine not to prevent the population of Crimea from holding a referendum on the approval of its Constitution in accordance with the initiatives of the Supreme Council of Crimea²³, despite the fact that according to the Constitution of Ukraine, which was in effect at that time, such a referendum was simply illegal. The same "Big Brother" policy pursued by Russia, in relation to the status of Sevastopol – despite all International Treaties that enshrine the status of this city as the territory of Ukraine, Russia did not abandon attempts, even indirectly, to assert its rights to this city.²⁴ This is the reason why the reaction of the former Empire to "insubordination" and the desire to maintain the status of a world power resulted in military intervention and annexation of part of an independent State. Unfortunately, the Russian legal system in international legal relations is built on the absolutization of the Bachelor thesis "Russia is a great world power". Considering that the loss of influence on Ukraine and the latter's transition to the Western camp undermine its position and world status, Russia applied the same selective interpretation of International Law, showing the entire world community that the sovereignty of some States is not important for Russia.

According to the position of the Russian Federation, Crimea was admitted to Russia, because of the Crimean referendum, which means that there was self-determination of the people. Therefore, Russia, as a rightful country of the

<https://warwick.ac.uk/fac/soc/economics/staff/mharrison/public/pp2011postprint.pdf>. Accessed March 5, 2020.

²² Dr. Gennady M. Danilenko, "Implementation Of International Law In Russia And Other Cis States" (1998): 1-42, p.. Available on: <https://www.nato.int/acad/fellow/96-98/danilenk.pdf>. Accessed March 3, 2020.

²³ SEVKRIMRUS.NAROD.RU.Постановление Государственной Думы Федерального Собрания Российской Федерации в связи с обращением Верховного Совета Крыма, available on: <http://sevkrimrus.narod.ru/ZAKON/1995ref.htm>. (Resolution of the State Duma of the Russian Federation No. 604-1 DG of March 22, 1995) Accessed February 19, 2020.

²⁴ Evgeny Voronin, Vyacheslav Kulebyakin, Alexey Nikolaev, *The Coup d'état in Kiev in February 2014: International Law Context and Consequences*

world community, only recognized this right of the Crimean people. Russia prefers not to recall that the representative authorities of Crimea and Sevastopol had no right to hold a referendum on the status of the Peninsula, since article 73 of the Constitution of Ukraine stipulates that questions about changing the territory of Ukraine shall be resolved exclusively by an all-Ukrainian referendum.²⁵ Russia does not take it into consideration, or argue that the existence of the provisions of the Constitution of the Autonomous Republic of Crimea since 1998, which could run counter to the decision of the Supreme power of Ukraine, initially carried an internal contradiction, but it cannot be considered as a violation of International Law, since if it is a conflict, it is a conflict of internal law of Ukraine. As for the violation of the principle of territorial integrity of a State, Russia believes that this principle protects the territory of a State from external interference and refers to the interaction of independent States, and not to processes within a single State. For example, Article 2, Paragraph 4, of the UN Charter States: "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"²⁶ According to the provisions of the Final Act of the Conference on Security and Co-operation in Europe: "The participating States will respect the territorial integrity of each of the participating States."²⁷ Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action, constituting a threat or use of force. The participating States will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of International Law.²⁸

1.5. Collapse of Crimean Peninsula

The rejection of European integration by the current government, popular unrest that resulted from the crisis of the political system of Ukraine, caused the collapse of the

²⁵ Constitution of Ukraine. Available on: <https://www.wipo.int/edocs/lexdocs/laws/en/ua/ua013en.pdf>. Adopted at the Fifth Session of the Verkhovna Rada of Ukraine on 28 June 1996. Article 73. Accessed April 1, 2020.

²⁶ Charter of the United Nations. Available on: <https://www.un.org/en/sections/un-charter/chapter-i/index.html>. Accessed April 2, 2020. Chapter I: Purposes and Principles, Article 1, Article 2.

²⁷ Ibid, p.17.

²⁸ Conference On Security And Co-Operation In Europe Final Act. Available on: <https://www.osce.org/helsinki-final-act?download=true>. Helsinki 1975. Accessed March 6, 2020.

political system in Crimea. The influence of the Maidan, and especially its paramilitary component, was crucial in the key phase of the crisis in February-March 2014. Maidan pushed the parliamentary opposition to take more radical action, which was opposed by the increasingly weak and losing support of traditional allies of the Yanukovich regime. However, it also pushed Crimean politicians, who rely on political ties with the Russian Federation, to take decisive action.

Then it is significant to understand what led to the crisis and the collapse of Crimea as part of Ukraine, moreover, to find out the reasons for further annexation. Perhaps initially, this is since the Peninsula by many Russian politicians and prominent public figures was regarded to be a disputed territory since the collapse of the USSR and regardless of all the agreements reached by Russia and Ukraine.

For instance, Russian politician, former mayor of Moscow, Yury Luzhkov, during his speeches on many occasions was saying that Crimea belongs to Russia "beyond political realities and geographical maps"²⁹. Thus, in accordance with his position, Luzhkov was a member of the Federation Council (1996-2000)³⁰ and became a member of the Federation Council Committee on Constitutional Legislation and State Building. In December 1996, at the initiative of Luzhkov, the Federation Council of the Russian Federation recognized Sevastopol as part of the territory of Russia³¹ and qualified the actions of the Ukrainian leadership to reject it as contrary to International Law.

One more example is Alexander Solzhenitsyn who was the most famous Russian "Democrat", but his attitude to Ukraine and the Crimea is perfectly described in the essay "How we should equip Russia". Solzhenitsyn wrote that the Ukrainians were separated from the Russians "only by the terrible misfortune of the Mongol invasion and Polish colonization." He called the existence of the Ukrainian language "false".³² After the "Orange revolution", the writer said that the Crimea and the Eastern regions were allegedly forcibly under the rule of Kiev. "Vast expanses that have never belonged to historical Ukraine, like Novorossiia, Crimea, and the entire South-Eastern region, are

²⁹ Radio free Europe, Radio free Liberty. Russia: Analyst Ponders Reasons For Luzhkov's Crimea Comments, available on: <https://www.rferl.org/a/1097079.html>. Published August 02, 2001. Accessed March 11, 2020.

³⁰ The State Duma, The Federal Assembly of the Russian Federation. Overview of the Russian parliamentary system, available on: <http://duma.gov.ru/en/news/28785/>. Published November 16, 2018. Accessed March 23, 2020.

³¹ The Jamestown Foundation. Ukraine Disputes Luzhkov On Sevastopol. Publication: Monitor Volume: 2 Issue: 169. Available on: <https://jamestown.org/program/ukraine-disputes-luzhkov-on-sevastopol/>. Accessed March 27, 2020.

³² Aleksandr Solzhenitsyn, "Как Нам Обустроить Россию? Посильные соображения". Available on: http://www.solzhenitsyn.ru/proizvedeniya/publizistika/stati_i_rechi/v_izgnanii/kak_nam_obustroit_rossiyu.pdf. Accessed March 28, 2020.

forcibly squeezed into the current Ukrainian State and its policy of eagerly desired NATO membership," Solzhenitsyn said in the spring of 2006.³³

Back in 2010, when in an interview with "Echo of Moscow radio" , the head of the Liberal Democratic Party of Russia, Vladimir Zhirinovskiy, directly stated that in 5 years part of Ukraine should become part of Russia.³⁴

"Today, 5 years after reunification, it is a delight and amazement to know that the Russian Peninsula again is on the Russian land. The LDPR has claimed this for almost 30 years. I spoke about the inevitability of this as early as June 7, 1992, at a rally in Simferopol. Many people shouted, grumbled, and did not believe it, but this happened. And now, 27 years later, we are holding a rally at the same place, but in the Russian Simferopol..."³⁵ ,

Vladimir Zhirinovskiy said during his speech at a protest in Sevastopol, held on March 15, 2019.

During the NATO summit in Bucharest, April 4, 2008, he speaks about the reasoning of the Ukraine:

"The South of Ukraine is completely-there are only one Russian (...) Crimea was simply received by Ukraine by the decision of the Politburo of the Central Committee of the Communist Party of the Soviet Union. Who can tell us that we have no interests there?"³⁶

However, before 2014 Russia never publicly expressed its territorial interests on Peninsula. In January 2014, everything changes when protests began to involve force, victims appeared and all around the country takeovers of regional administrations took place and position of President Yanukovich started to falter. Meanwhile, Pro-Russian movement began in Sevastopol chaired by a local businessman Aleksei Chaly. On February 20, 2014 the first sign of the collapse appeared when a speaker of Crimean Parliament Vladimir Konstantinov announced that in case of the change of government in Kiev, Crimean Peninsula can separate from Ukraine.³⁷

Already on February 21 President Yanukovich and opposition concluded an Agreement prescribing the transfer of the power. In accordance with the Agreement, the

³³ RG.RU. Александр Солженицын: С Украиной будет чрезвычайно больно, available on: <https://rg.ru/2014/05/16/solzhenitsyn.html>. Accessed March 29, 2020.

³⁴ Echo of Moscow radio 09.02.2010, available on: <https://echo.msk.ru/programs/klinch/655147-echo/>. Accessed March 26, 2020.

³⁵ МК.RU. ЛДПР: 27 лет борьбы за Крым, available on : <https://www.mk.ru/politics/2019/03/18/ldpr-27-let-borby-za-krym.html>. Published March 18, 2019. Accessed April 3, 2020.

³⁶ UNIAN.NET. Выступление Владимира Путина на саммите НАТО (Бухарест, 4 апреля 2008 года), available on: <https://www.unian.net/politics/110868-vyistuplenie-vladimira-putina-na-sammite-nato-buharest-4-aprelya-2008-goda.html>. Published April 18, 2008.

³⁷ РЕН-ТВ "Парламентский час" 20.02.2014

president remains in power until the autumn 2014³⁸ and in Ukraine Constitution of 2004 comes into force where there are limitations for the power of the head of government. This Agreement gained support from Western countries including United States and Russia. Tensions in Crimea slightly decreased, for instance, extraordinary session that was scheduled in Verkhovna Rada of Crimea was cancelled. On the next day political situation significantly changed again.

On February 22, 2014 Parliament of Ukraine rendered a decision about the resignation of President Yanukovich and power shifted to the leaders of Maidan headed by Oleksandr Turchynov³⁹ who had temporarily performed duties of the president.

By examining speeches of the Russian president Vladimir Putin that at that moment constantly sounded in Russian mass media⁴⁰, it can be concluded that Putin considered indeed that the Agreement regarding the change of government is violated and felt deceived. This exacerbated Crimean Peninsula situation and in effect deprived the time from Crimea to get ready for the opposition⁴¹. After all, it is essential to understand how Pro-Russian performances began on the Peninsula. They started with the mistakes made by people who struggled for Ukraine, for its European future but unfortunately without having any political experience and political clear-sightedness. Power shifted to those individuals who previously supervised Maidan. On the one hand, these people were enormously supported within the country because they claimed changes that were required by the citizens of Ukraine, namely Euro integration, struggle against corruption, improvement of quality of life and most importantly self-determination of Ukrainian people exactly as Ukrainians. On the other hand, without having experience in implementation of such innovations especially about a whole country, mistakes were unavoidable and for the mistakes that were made had to pay a high price.

One of these mistakes undoubtedly was abolition of the law, which grants the

³⁸ CBS NEWS. Opposition signs deal aiming to end Ukraine's deadly crisis, available on: <https://www.cbsnews.com/news/ukraine-protest-leaders-sign-deal-to-end-crisis-in-kyiv/>. Updated February 21, 2014. Accessed April 11, 2020.

³⁹ Radio free Europe, Radio free Liberty. Ukrainian President Leaves Kyiv, Parliament Speaker Resigns, available on: <https://www.rferl.org/a/ukraine-president-yanukovich-leaves-kyiv/25273184.html>. Published February 22, 2014. Accessed April 11, 2020.

⁴⁰ <http://kremlin.ru/events/president/news/20297>, <https://ria.ru/20200221/1565052758.html>.
<http://council.gov.ru/events/news/39851/>

⁴¹ President of Russia. Address by President of the Russian Federation, available on: <http://en.kremlin.ru/events/president/news/20603>. Published March 18, 2014 15:50 The Kremlin, Moscow. Accessed April 15, 2020.

right for a second official language, in this specific case Russian language⁴². If this change has been made in a few years after Maidan, most probably it would not cause such consequences as it was those days when every wrong step in relation to enormous number of citizens cause the storm. For Crimea where almost 60 percent are Russians by nationality⁴³, however the percentage of Russians is much higher because a vast part of people also recognizes themselves as being Russians, even though statistics show another number, the abolition of law caused catalyst in addition skilfully used by Russian politicians.

Oddly enough, majority of the Crimean population were politically passive and had no mechanisms of civil self-organization for protests except for Sevastopol where civic movement was organized and led by Aleksei Chaly, and these actions in the result affected the further events. Sevastopol was a city in the South-West part of Ukraine where Kiev scenario was first applied. More specifically, capture of the governmental institutions and organizations of parallel bodies of authority. Already on February 23 Aleksei Chaly was proclaimed a people's mayor⁴⁴ and local law enforcement agencies started to support new mayor. However, Sevastopol as a naval base of Russia always was a mansion in that region. In the city that served as a naval base for centuries, full of military personnel and their family members who were always strong with Pro-Russian attitude⁴⁵. Quite different situation was in the capital of Crimea Simferopol. In that regard, it is worth noting that even though there were also ongoing trainings for Pro-Russian performances but in comparison to Sevastopol where this process became widespread from the very beginning, in Simferopol it was different. For the meeting scheduled on February 26 next to Verkhovna Rada of Crimea arrived around two thousands of Pro-Russian activists who were immediately blocked by multi-thousand

⁴² Euromaidan Press. Should Ukraine take over the Russian language? Scrutinizing Prof. Snyder's arguments, available on: <http://euromaidanpress.com/2019/07/15/should-ukraine-take-over-the-russian-language-scrutinizing-prof-snyders-arguments/>. Published July 15, 2019. Accessed April 16, 2020.

⁴³ CRIMEAHISTORY.ORG. Population of Crimea, available on: <http://www.crimeahistory.org/population-of-crimea/>. Accessed April 17, 2020.

⁴⁴ <https://books.google.lv/books?id=znsnDwAAQBAJ&pg=PA86&lpg=PA86&dq=february+23+chaliy+crimea&source=bl&ots=d7ODM6Ltq7&sig=ACfU3U095zYP2ShTBNyu7myCV6j1ShNVbA&hl=lv&sa=X&ved=2ahUKEwjS5P2z4-7oAhVmxosKHfzEDN4Q6AEwCnoECAwQLQ#v=onepage&q=february%2023%20chaliy%20crimea&f=false>

⁴⁵ Pro-Russian organizations want Sevastopol to exit Ukraine, available on <https://www.rbth.com/news/2014/01/26/pro-russian-organizations-want-sevastopol-to-exit-ukraine-33555.html> Accessed April 1, 2020

Crimean Tatar meeting.⁴⁶

Apparently, these events gave illusion to the new Ukrainian government that centre of Pro-Russian performances is in Sevastopol and it will not spread further. Instead of making corrections in the situation and preventing Russian influence on the Peninsula, central authority sharpened its focus on Kiev more specifically on the struggle of establishing coalition in the new Parliament. This was one more mistake because instead of sharing portfolios and ministerial offices, Ukrainian politicians had concentrated on preventing Hybrid War on their territory even if it is about one city. They had to get across separatist movements in Simferopol, but this has not been done and consequently Hybrid War escalated into military intervention on behalf of Russia.

As it was already stated above, on February 26 Crimean Tatars indeed pushed back participants of the Pro-Russian meeting from the building of Verkhovna Rada⁴⁷ and at the night building has been seized by armed forces in cylinders hung Russia flag on it.⁴⁸ Consequently, Ukraine started to lose control over the situation. On the next day February 27, Special Forces of Russian Federation were placed in the building of Verkhovna Rada and in the mayor's office of Simferopol. The same day an extraordinary meeting of Verkhovna Rada was convoked where Sergey Aksyonov was elected for the position of Prime Minister of Crimea and general referendum regarding the expansion of the powers Crimea was already scheduled for May 2014.⁴⁹ Literally, one week later after this event during the next meeting of Verkhovna Rada it was decided to postpone referendum for March 16⁵⁰ with a reformulated question of the plebiscite. Instead of reviewing a possibility to grant Crimea more power, it was planned to review the question of accession to Russia. One might say that one day it is too short period of time, but for example those who went to War would say that it is more than enough. Unfortunately, in a day of February 27 Ukrainian authorities did not do anything to change the situation. Reaction of central authorities shocked the most because base on the speeches of the official authorities on that day, for example, speech of Oleksandr Turchynov as of a new head of the State, it can be

⁴⁶How did the Russians take over Crimea? A report after 4 years of those memorable events, available on <https://outride.rs/en/how-did-the-russians-take-over-crimea-a-report-after-4-years-of-those-memorable-events/> Accessed April 2, 2020

⁴⁷ *Ibid*, p.24.

⁴⁸Russia's annexation of Crimea: Five years later, available on <https://112.international/article/russias-annexation-of-crimea-five-years-later-37971.html> Accessed April 2, 2020

⁴⁹Plenary meeting on February 27, 2014, available on <https://rada.gov.ua/en/news/News/News/88892.html> Accessed 3, 2020

⁵⁰ Crimea sets referendum on joining Russia, available on https://www.washingtonpost.com/world/crimea-sets-referendum-on-joining-russia/2014/03/06/d06d8a46-a520-11e3-a5fa-55f0c77bf39c_story.html Accessed April 3, 2020

concluded that authorities of Ukraine were not ready to resist. Furthermore, authorities were not even able to provide guidance to the representatives of Crimean authority and to explain what to do in that situation. Excerpt from the speech of Oleksandr Turchynov illustrates abovementioned:

"I invite you to not escalate the situation and to not attempt provocations. We can see what is going on in Crimea. And, all of us know that this is not truth. We are now discussing and making decisions how to proceed, and we also consult our Western colleagues and I am sating right. We will solve the question given."⁵¹

Confusion and hesitancy of the new Ukrainian authorities, Ukraine's unpreparedness to immediately solve the crisis because of the lack of knowledge and experience and that gave rise to the annexation of Crimea.

Starting from February 28 and during the first days of March, Russian military forces without any identification marks occupied all the strategic locations on the Peninsula and blocked Ukrainian army troops. Shortly after that Ministry of Internal Affairs and Security Service of Ukraine switched sides to the new Crimean authority and Prosecutor's Office joined a bit later. Ukrainian army troops that were blocked stayed faithful for Ukraine until the referendum but after March 17, disarray began. As a result, approximately one third of military troops were still faithful for their country.⁵²

1 PART II: ANNEXATION OF CRIMEA

Russia and Ukraine were interrelated by a long history. Following the collapse of USSR on February 14, 1992, a diplomatic relationship was once again established, now between the Russian Federation and Ukraine. In the first half of 1990s, the tension between Ukraine and Russia was caused by questions regarding property and the infrastructure of the Black Sea Fleet. Moscow did not want to lose the base points in Crimea, which had ended up under the Kiev jurisdiction, in accordance with the agreements reached by the States. On April 5, 1992, the President of Ukraine Leonid Kravchuk had declared the USSR Black Sea Fleet a property of Ukraine. On April 7, the President of Russian Federation Boris Yeltsin had confirmed that declaration. As a result of Summer

⁵¹ Стенограмма заседания СНБО Украины от 28 февраля 2014 г.

⁵² Five years after Crimea's illegal annexation, the issue is no closer to resolution, available on: <https://www.brookings.edu/blog/order-from-chaos/2019/03/18/five-years-after-crimeas-illegal-annexation-the-issue-is-no-closer-to-resolution/> Accessed April 3, 2020.

negotiations of 1992, Presidents Yeltsin and Kravchuk had signed the Yalta Treaty on the Black Sea Fleet, agreeing on exerting the Black Sea Fleet out of the strategic forces of Commonwealth of Independent States, and the division of forces would be performed equally.⁵³ In April 1994, Presidents Yeltsin and Kravchuk have signed an Agreement on gradual settlement of the Black Sea Fleet issue, according to which the Ukrainian Naval Forces and Russian Naval Fleet would be based separately.

On June 9, 1995, the Presidents of Russian Federation and Ukraine Boris Yeltsin and Leonid Kuchma respectively, have signed an Agreement on the bases of Ukrainian Navy and Russian Black Sea Fleet being separated. On May 28, 1997, in Kyiv, intergovernmental agreements were signed, which reinstated previously reached agreements and had a detailed description of the status and conditions of the Russian Black Sea Fleet residence within the waters of Crimea.⁵⁴ Three days later, on May 31, 1997, a Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation had been signed, which reinforced the principle of strategic Partnership, recognition of the inviolability of existing borders and mutual commitment not to use its' territory to harm the security of each other.⁵⁵ On January 28, 2003, an Agreement was signed between Ukraine and Russian Federation considering the Russian-Ukrainian State borders. On December 24, 2003, an Agreement between the Russian Federation and Ukraine on cooperation in the use of Azov sea and Kerch Strait.⁵⁶

Therefore, at the beginning of Euromaidan and Crimea crisis, the relationship connecting Ukraine and the Russian Federation was not only defined as one of neighbouring countries involving strong economic ties, but also an extensive legislative portfolio. The Agreement signed by the two countries had been a guarantee of friendly neighbouring States' relations and of respect and recognition of the sovereignty of Ukraine, however that did not stop the Russian government. Despite the propaganda currently spread by Russian mass media concerning the "choice of Crimeans", looking

⁵³ Zaborksy, Victor. "Crimea and the Black Sea Fleet in Russian- Ukrainian Relations." Discussion Paper, 95-11, Belfer Center for Science and International Affairs, Harvard Kennedy School, August 31, 1995. Available on: <https://www.belfercenter.org/publication/crimea-and-black-sea-fleet-russian-ukrainian-relations>.

⁵⁴ Subtelny, Orest (2000). Ukraine: A History. University of Toronto Press. p. 600. Available on: https://archive.org/details/ukrainehistory00subt_0/page/600.

⁵⁵ Договір про дружбу, співробітництво і партнерство між Україною і Російською Федерацією. Офіційний сайт Верховної Ради України. https://zakon.rada.gov.ua/laws/show/643_006 Accessed April 7, 2020.

⁵⁶ Договор между Российской Федерацией и Украиной о сотрудничестве в использовании Азовского моря и Керченского пролива, available on <http://docs.cntd.ru/document/901888664> Accessed April 7, 2020.

over the timeline of events that took place it can be clearly seen that there was tremendous preparation work done before Crimea's annexation.

2.1. Annexation

According to the Cambridge Dictionary: "Annexation – possession taken of a piece of land or a country, usually by force or without permission."⁵⁷ This poses a question whether the separation of Crimea, which happened without a single shot fired and with no military action involved an annexation looking through the prism of International Law. The fundamental norm of interstate legislation is the prohibition of violent or military action. In other words, the heaviest form of illegal action in interstate relations is specifically considered armed attack.

In this case, in accordance with Chapter 7, Article 51 of the Charter of the United Nations, a State is entitled to use military force in self-defence, as well as to ask assistance of third States.⁵⁸ This is the so-called "right" to War without an authorisation from the United Nations Security Council. The first person to look at the use of the term "annexation" concerning Crimea from Russia's side from this point of view was Dr. Reinhard Merkel – a lawyer, member of the German Ethics Council and professor at the University of Hamburg.⁵⁹ In his opinion, if the attachment of Crimea was an annexation, Ukraine would have had to defend itself from the Russian Federation, and third countries, similarly to USA or Germany, would have had the right to come to help, and besides – without a mandate from the UN.

2.2. Opponents. Legal justification for annexation.

Secession is the process by which part of the territory of an existing State breaks away from that State.⁶⁰ Dr. Reinhard Merkel's opinion on this is supported by several Western

⁵⁷ Definition of annexation, available on: <https://dictionary.cambridge.org/dictionary/english/annexation> Accessed April 7, 2020.

⁵⁸ Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, available on <https://www.un.org/en/sections/un-charter/chapter-vii/index.html> Accessed April 7, 2020.

⁵⁹ Prof. Dr. Reinhard Merkel: Krim, Annexion oder Sezession?, available on https://www.youtube.com/watch?v=z0E_-APvUYE Accessed April 8, 2020.

⁶⁰ Elisa Novic, Priya Urs, "Secession" Max Planck Encyclopedia of Comparative Constitutional Law (2016). Available on: <https://oxcon.ouplaw.com/view/10.1093/law-mpeccol/law-mpeccol-e459>. Accessed April 9, 2020.

lawyers, for example, a Belgian lawyer Bernard Hanotiau – a partner in the Hanotiau & van den Berg law firm and a British lawyer Samuel Wordsworth, a Queen's Council barrister in the Essex Court Chambers.

While analysing their opinions, it becomes apparent that the separatist movements in Crimea, which further led to a secession, appeared as a result of the political situation in Ukraine after Euromaidan. Moreover, according to the statements made, the centralised Ukrainian government has made major political mistakes- right after the vote of censure and election of new government officials in Kyiv, the organisers of Euromaidan had introduced a prohibition on the use of the Russian language as a second official language on Ukrainian territory (this prohibition has since been lifted). The ex-Prime minister of Ukraine, Yulia Tymoshenko admitted that she was "ready to grab a machine gun and go shoot that (..censored language, used to describe Vladimir Putin...), in the forehead" and "destroy these (..censored language, slur used to address Russians...)"⁶¹ Oleg Tyahnybok, the leader of a right-wing Ukrainian nationalistic political party "Svoboda", had previously reminded Ukrainians of how they had to "fight Germans, Jews, Russians and other scum".⁶²

This position was also indirectly approved by the President of the USA at the time, Barack Obama, in an interview to CNN on February 1, 2015. In this interview, President Obama has said:

"Mr. Putin made this decision around Crimea and Ukraine — not because of some grand strategy, but essentially because he was caught off-balance by the protests in the Maidan and Yanukovich then fleeing after we had brokered a deal to transition power in Ukraine"⁶³

According to Reinhard Merkel, all the above had led to a secession, since there was no violence involved in Crimea becoming a part of the Russian Federation. After the handover of the centralised power of Ukraine, there was a referendum held in Crimea, in which, based on the reports by the Russian Federation itself, 84 percent of eligible voters

⁶¹Телефонный разговор между Шуфричем и Тимошенко. 18 марта 2014 года в 23:17 по украинскому времени, available on: https://www.youtube.com/watch?v=oEFCmJ-VGhA&feature=emb_logo Accessed April 8, 2020.

⁶²Тягныбок (фашисты бандеровцы). Украина 2004, available on: https://www.youtube.com/watch?v=i4gvF15BRI&feature=emb_logo Accessed April 8, 2020.

⁶³PRES OBAMA on Fareed Zakaria GPS, available on: <https://cnnpressroom.blogs.cnn.com/2015/02/01/pres-obama-on-fareed-zakaria-gps-cnn-exclusive/> (transcript), Obama on Russian relations, available on: <https://edition.cnn.com/videos/tv/2015/01/31/exp-gps-obama-sot-putin.cnn/video/playlists/fareed-zakaria-interviews-president-obama/> (part of interview) Accessed April 13,2020.

casted their vote and 97 percent out of them were in favour of being included within Russia's territories.⁶⁴

Following the referendum, the State has proclaimed itself independent, and only after that the Autonomous Republic of Crimea has applied to join the Russian Federation. The request was approved. In this way, once again according to Reinhard Merkel and his supporters, what happened was a peaceful separation of Crimea from Ukraine.

Concluding from the aforementioned, this is exactly how several lawyers and political figures see the situation in Crimea. Following this trail of thought, it was concluded that the separation of Crimea from Ukraine and the referendum were not in violation of International Law, since both the secession and the referendum were merely violating the Constitution of Ukraine. Since the Constitution of Ukraine does not apply to Russia, it had the right to allow the autonomous Republic joining the Federation as a federal subject.

However, the same Dr. Merkel also states that Crimea joining the Russian Federation just two days after gaining independence from Ukraine due to the presence of Russian military forces outside of its' territories was, indeed, a violation of the International Law, although, in his opinion, this fact does not invalidate neither the separation, nor the further joining of the Russian Federation.⁶⁵ Apart from that, he had made further conclusions: despite the illegal military presence of Russia outside its territories being a violation of the prohibition on interstate relations, "even if it prevented the bloody use of violence", however "in no way does it invalidate the fact that this was the reason for a possibility of secession."⁶⁶ Furthermore, Dr. Reinhard Merkel has said: "The threat of violence [from Russia] was never directed at the residents or the Parliament of Crimea, but the Ukrainian army. There was a possibility of intervention from the central government [of Ukraine], which is why the Russian militia was blocking Ukrainian army barracks, not guarding the polling stations."⁶⁷

Pro-Russian lawyers have embraced this point of view and even started to develop the topic of secession further having found a reason to claim that neither the secession itself, nor the referendum in Crimea was in no violation of International Law. Moreover, there have been claims that the presence of Russian military forces in Ukraine were justified and were not a violation either.

⁶⁴Общекрымский референдум 16 марта 2014 года, available on: http://crimea.gov.ru/content/uploads/files/info_dep/protocol.PDF Accessed April 10, 2020.

⁶⁵ Prof.Dr.Reinhard Merkel: Krim, Annexion oder Sezession?, available on: https://www.youtube.com/watch?v=z0E_-APvUYE Accessed April 8, 2020.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

The following analysis will look into the reasoning mentioned behind said statements. Firstly, the presence of Russian militia in Crimea – outside of the Federation's territories, is not considered a violation of International Law due to following reasons (A direct quote is included from a government-owned media outlet to demonstrate the position of the Russian government):

"When the Ukrainian army was mobilised and nationalist troops headed to Crimea, the predominantly Russian residents of the Peninsula got scared of possible repressions or War. Taking that into account, the involvement of Russian troops based in Sevastopol for referendum support and protection of the Russian Naval Base in Sevastopol cannot be considered unjustified. To answer the question of whether these measures were in alignment with International Law, it is necessary to take into account the presence of a threat to the inhabitants of Crimea after the putsch in Ukraine, as well as the fact that USA and NATO would pose a threat to the Russian Naval Base in Sevastopol. If Crimea did not become a territory of the Russian Federation and stayed a part of Ukraine, and the putschists that came to power in Kyiv would have started to violate the rights of the Peninsula's population, which would make the situation there similar to the East of Ukraine: a Civil War would have started, cities and villages would have been destroyed, thousands of people dead, and hundreds would have had to seek refuge."⁶⁸

All of the arguments used mentioned hypothetical predictions without a solid reason. For example, mentioning the residents being scared of possible repressions does not seem like a valid reason for military intervention. Yes, the nationalistic sentiments were strong during Euromaidan. However, the prevention of any illegal activity, including those fuelled by radical groups, was the exact reasoning behind the decision of the Ukrainian government to mobilise its' army – the army which was created to defend the State and its population. There was no reason to claim that Crimeans were afraid of reparations, considering the news articles reviewed in the previous chapter clearly show that the government of the Autonomous Republic relied entirely on the centralised Ukrainian government and requested immediate measures to be taken against radical elements. Very general research can already reveal the lack of basis for these assumptions, and perhaps it was the Russian troops dislocated in Sevastopol who got scared of the nationalistic groups, who were, in fact, members of the general public with no special training or mass ammunition.

Moreover, the claims of USA and NATO possibly endangering the Russian Black Sea Fleet base and the new government possibly oppressing Crimeans have even less factual background to them. If such insupportable "facts" would be applied backwards, it could be considered that Russia placing missiles with small and medium range in Kaliningrad is posing a threat to most European countries, which would undoubtedly scare the predominantly non-Russian speaking residents of repressions and War among

⁶⁸Heise (Германия): было ли присоединение Крыма к России противоправной аннексией?, available on: <https://inosmi.ru/politic/20190213/244557605.html> Accessed April 14, 2020.

other things. This thought process would mean that the European Union has the right to place military forces on the territories of Russia, which is certainly not valid or legal. This is obviously an exaggeration, however, so seem to be the arguments behind Russia's actions.

It is also proposed within the same media outlets and platforms that the referendum in Crimea and its "self-determination" occurred as a result of the infringement of rights and liberties of the Crimean minorities, and that these minorities, as the indigenous, initiated the referendum. Moreover, it is made clear that the right for self-determination nations have, which is also incorporated in the United Nations charter, is seen as the overruling in taking decisions regarding the Crimean Peninsula. However, this can be objected: on October 4, 2011, a resolution was passed during a session of PACE in Strasbourg, which states:

"(...)if International Law were to recognise a right of national or ethnic minorities or even, in some cases, national majorities, to self-determination, such a right would not give rise to an automatic right to secession. The right to self-determination should first and foremost be implemented by way of the protection of minority rights."⁶⁹

In addition, the Member States of the Council of Europe are urged to:

"(...)refrain from recognising or supporting in any way the de facto authorities of territories resulting from unlawful secessions, in particular those supported by foreign military interventions."⁷⁰

Crimea had been an Autonomous Republic for several decades by that time, proving the possible successful existence of such a State to provide equality and liberties for the minorities of said region among and ease tension.

It seems impossible to support the point of view that considers the situation with Crimea to be a secession. Apart from that, no current Constitution in the world allows secession, including the Constitution of Ukraine. According to Article 33, the administrative territory of Ukraine is comprised of the Autonomous Republic of Crimea, regions, districts, cities, districts in cities and villages. Furthermore, Article 2 states that the sovereignty of Ukraine applies to all of its territories. Article 73 states that decisions made regarding the change of Ukrainian territories shall be made exclusively through a State-wide referendum, which was violated in the secession of Crimea.⁷¹

⁶⁹National sovereignty and statehood in contemporary international law: the need for clarification, available on: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=18024&lang=en> Accessed April 15, 2020.

⁷⁰ *Ibid.*

⁷¹Constitution of Ukraine. Available on: <https://www.wipo.int/edocs/lexdocs/laws/en/ua/ua013en.pdf> Accessed April 16, 2020.

Claiming that the only legislation violated during the secession of Crimea is the Constitution of Ukraine means disregarding the facts, since the military presence on Ukrainian territories had not been denied neither by Ukraine, nor the Russian Federation itself.

The principle of territorial integrity is in one way or another incorporated into every Constitution and is directed solely at the protection of the State from outer aggressors. This is supported by The Charter of United Nations in Part 4 of Article 2, stating that all Member States have to oblige to the Purposes of the UN and refrain from the use of military or any other aggressive force towards other independent States⁷², as well as further reinforced in the Declaration on Principles of International Law⁷³.

Looking at the situation from the given perspective, the actions of Russia can certainly be considered to have been a violation to one of the main principles of International Law, established by major international bodies.

2.3. Public diplomacy

Unfortunately, despite the position of the international society and the disapproval of the acts of political aggression in Ukraine, the position of Russia remains unchanged. All political efforts taken by the Russian Federation are directed at justifying its behaviour in Crimea, and the efforts of Russian public diplomacy also are directed at the justification of its actions. That is the goal of the entire Russian media infrastructure – with pro-governmental media channels and laws being passed about "foreign agents" – a title given to anyone publicly disagreeing with the official political powers' point of view.⁷⁴

In the following chapter, examples of public diplomacy actions taken by Russia will be presented, using both mass media and calling in representatives of Western political and business circles:

⁷²Charter of the United Nations. Available on:<https://www.un.org/en/sections/un-charter/chapter-i/index.html>. Accessed April 2, 2020. Chapter I: Purposes and Principles, Article 1, Article 2.

⁷³Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, available on:<https://www.un.org/ruleoflaw/files/3dda1f104.pdf> Accessed April 16, 2020.

⁷⁴ Путин подписал закон о людях-иноагентах. Объясняем его суть в 100 и 500 словах, available on:<https://www.bbc.com/russian/features-50406548>. Published December 2, 2019. Accessed April 15, 2020.

- 1) On September 29, 2019, a delegation of 22 diplomats from USA, Germany, Norway, The Netherlands and Belgium had arrived in Crimea. The delegation arrived for what was described as a "familiarization visit", as stated by Sputnik.⁷⁵
- 2) The Head of the German delegation: "Western media is lying about Crimea." The head of the delegation consisting of a German social organisation called Druschba Global members claims that the information provided in Western media is drastically different from the actual situation on the Peninsula.⁷⁶

Moreover, there are dissertations being written by Russian researchers on the public diplomacy of Russia regarding Crimea, annotations of which have direct mentions of, for example, the cooperation between Crimea and Italy being explained by the interest towards cooperation with Russia from the Northern Italian government. Furthermore, the same annotation states that oppositional parties like Lega Nord or the Five Star Movement can use the situation in Crimea to pressure Italian governmental authorities and increase their influence.⁷⁷

It can undoubtedly be concluded that all efforts of the Russian government are directed at justification of the actions taken in the Crimean Peninsula, by not only engaging with as many Western allies as possible, including opposing parties, nationalistic and even separatist movements, but also utilising all of the means used in Hybrid War.

2.4. Hybrid War

The Chief of General Staff of the Armed Forces of the Russian Federation and the Russian deputy Minister of Defence, Valery Gerasimov has made a statement within his report that outlines the methods Russia is using and the goals it is trying to achieve, as well as will help identify whether Russia is involved in a Hybrid War. Within the statement, General Gerasimov mentioned that the rules of the War have changed and highlighted the use of non-military ways of achieving political and strategic targets, such

⁷⁵ Представители США, Германии, Норвегии, Нидерландов и Бельгии едут в Крым, available on <https://lv.sputniknews.ru/Russia/20190929/12524698/Predstaviteli-SShA-Germanii-Norvegii-Niderlandov-i-Belgii-edut-v-Krym.html> Accessed April 18, 2020.

⁷⁶ Глава немецкой делегации: западные СМИ врут о Крыме, available on <https://www.mk.ru/politics/2019/08/22/glava-nemeckoy-delegacii-zapadnye-smi-vrut-o-kryme.html> Accessed April 18, 2020.

⁷⁷ Баранов Андрей, Международное сотрудничество регионов и бизнеса Италии с Крымом как проявление публичной дипломатии. Available on: <https://risa.ru/ru/sections/296-3-3>. Accessed April 12, 2020.

as informational, humanitarian and economic measures with the use of the protesting potential of the population, supported by military measures of a hidden character. The statement further mentions informational confrontation as a way of lowering the combat potential of the enemy.⁷⁸

It is worth noting that the aforementioned had been published on February 27, 2013, a year before the events in Crimea took place. In other words, a person holding one of the highest military ranks in Russia has merely "created" the manifesto of Hybrid War.

Even today, Russia has not given up on its methods; the accusations of Russian political leaders meddling with other countries' elections keep appearing. It has already negatively influenced USA, Poland and the UK, and unfortunately, the "Crimean scenario" can possibly be executed again towards a State which the Kremlin views as a territory of "national interest": Belarus, Kazakhstan, and even the Baltics.

3. PART III -WAR WITHOUT ATTACK

3.1. Roots of the War without attack

Today, Russia is waging a War in which its soldiers and equipment operate on foreign territory - without the national flag flying over them. They do this covertly, masquerading as various forms of international activity, from performing certain surveillance functions, to peacemaking, and to direct interventions under the guise of protecting the Russian-speaking population. All these actions are supported by disinformation companies of the international community and cyber-attacks simultaneously. For instance, the London-based Forensic Architecture research group collected and catalogued evidence of Russian military involvement in the battle of Ilovaisk in August 2014.⁷⁹ After that, this evidence will be considered by the European Court of Human Rights, in a lawsuit filed by the European Human Rights Advocacy Centre. In total, the European Court of Human Rights has received more than 4000 applications in connection to the crisis in Crimea.⁸⁰

⁷⁸ Ценность науки в предвидении, available on: https://www.vpk-news.ru/articles/14632?_cf_chl_jschl_tk_=5bb42fcdaf2cba7997a5f1421197f72b3cac18f6-1587075756-0-AXiNQViVIRhTZL_d2EiEN0KaI9dh7g9SR1ckauFrPgv86Hy-U9A6aOEmWmbU66ZvIe9ITTTTrvPHtt-5DWfHqH02CW-sFHsXQyNbJlto_LqEdjk_N6z2PdfmVu_WknsEYR0dChCulm7GrpMbPlgMsS-gDuJ7e4TnEbB9SCTHPVWsKsYJSIDQqMpyVLYPEDbEjuYekGvxu7orVjeOkqXKihY_soq0lvuzLkCRu8I6jM3KsiWqfIgmwzIwoTP5Qagnfm9OpXm2PNeTZRw7CitaOTgfQY7CsYhLwJPrAvppxQrgv
Accessed April 19, 2020.

⁷⁹ The battle of Ilovaisk, available on: <https://forensic-architecture.org/investigation/the-battle-of-ilovaisk>
Accessed April 19, 2020.

⁸⁰ Ukraine – Україна, available on: <http://ehrac.org.uk/about-our-work/where-we-work/ukraine/> Accessed April 28, 2020.

In November 2014, the Ukrainian military reported an intensive movement of troops and equipment from Russia to separatist-controlled parts of Eastern Ukraine.⁸¹ OSCE Special monitoring mission to Ukraine observed convoys of heavy weapons and tanks in Donetsk People's Republic controlled territory without distinguishing signs.⁸² Moreover, Russia's interference in the internal affairs of Ukraine and other States, from interference in presidential elections to cyber-attacks on State information structures in various countries, is confirmed by the reports of the special adviser to the US Department of Justice, Robert Swan Mueller III and Gertjan Boulet is a Ph. D. candidate in Law at the Free University Brussels, according to whom the Pro-Russian hacker group CyberBerkut took responsibility for cyber operations against NATO, the system for counting votes in Ukrainian elections and a mobile device as part of the US Vice-President's delegation during a visit to Ukraine.⁸³ At the same time CyberBerkut denies this fact by arguing that there was no Russian support. Similarly, several security companies have found Russian roots in a number of cyber operations, without explicitly alleging Russia's involvement or revealing the identity of their clients. In March 2014, British security company BAE systems alleged the involvement of committed and well-funded professionals from within the Moscow time zone in the use of "Snake" malware against Ukrainian computer systems.⁸⁴ Belgian media reports within a period of year also reported the use of "Snake" against the Belgian Ministry of Foreign Affairs to access documents on the crisis in Ukraine.⁸⁵ In October, US company FireEye reported malware attacks by Russian hacker group APT28 against Eastern European governments. FireEye found consistency between the targeted information and Russian interests and identified malware code in Russian written during working hours in Moscow and Saint Petersburg.⁸⁶ Monthly reports of numerous companies proves that without declaring War, Russia is waging an economic, political, and Information War.

⁸¹ Kiev claims intensive movements of troops crossing Russia, available on: <https://en-maktoob.news.yahoo.com/kyiv-claims-intensive-movements-troops-crossing-russia-123248755.html>. Accessed March 2, 2020.

⁸² Spot report by the OSCE, Special Monitoring Mission to Ukraine (SMM), 8 November 2014, available on: <https://www.osce.org/ukraine-smm/126483> Accessed April 20, 2020.

⁸³ Report On The Investigation Into Russian Interference In The 2016 Presidential Election, available on: www.justice.gov/storage/report.pdf Accessed April 21, 2020.

⁸⁴ Ukraine attacked by cyber spies as tensions escalated in recent months, available on: <https://www.theguardian.com/world/2014/mar/09/ukraine-attacked-cyberspies-tensions-computer> Accessed April 21, 2020.

⁸⁵ Foreign Ministry finally free of Snake Virus, available on: <http://deredactie.be/cm/vrtnieuws.english/News/1.2053207> Accessed April 21, 2020.

⁸⁶ FireEye. APT28: A Window into Russia's Cyber Espionage Operations? Available on: <https://www.fireeye.com/resources/pdfs/apt28.pdf>. Accessed April 3, 2020.

The interventions on behalf of Russia in the territory Ukraine began with political actions in February 2014 when Russian presidential adviser Sergey Glazyev was providing instructions to Pro-Russian groups in Ukraine to create Antimaidan unrest, and on February 20, members of the Crimean population reported about Russian special forces without any identification signs. They arrived at the Crimean Peninsula and seized State Council of Crimea, shortly after that, Crimea's government declared its independence apart Ukraine and conducted a referendum to join the Russian Federation.⁸⁷

Russian army units do not cross borders, but this does not prevent the State from carrying out military activities, including military operations which take place the territory of other States, from Georgia to Ukraine. On March 1, 2014, Russian Federation deployed troops and military vehicles to the Crimean Peninsula and occupied the region.⁸⁸ The United Nations indicated that these actions were contrary to the UN Charter and called upon Russia to respect the "sovereignty and territorial integrity of Ukraine".⁸⁹ Some leaders condemned Russia's actions calling them an unlawful act of aggression⁹⁰, moreover Russia's actions are in violation of Article 2(4) of the UN Charter.⁹¹ In response, Russian President Vladimir Putin claimed that intervention mainly was to defend Russian-speaking minorities in the region from the threats to life and their health, to protect against anti-Semitic violence and for a number of other humanitarian purposes.⁹²

In 2014, the entire world was faced with an unprecedented fact since the end of the World War II: there was a forceful seizure by the Russian Federation (a permanent member of the UN Security Council⁹³) of part of the territory of Ukraine. These events can be considered as a guide to the conduct of War: The head of the Republic Sergey Aksyonov announces the temporary re-subordination of the power structures. This is

⁸⁷The Ukrainian Crisis: An Eclectic Analysis, available on: https://scholarlyrepository.miami.edu/cgi/viewcontent.cgi?article=1759&context=oa_theses) Accessed March 3, 2020.

⁸⁸Ukraine, in Emergency Meeting, Calls on Security Council to Stop Military Intervention by Russian Federation, available on: <http://www.un.org/press/en/2014/sc11302.doc.htm> Accessed March 3, 2020

⁸⁹Deputy Secretary-General's briefing to the Security Council meeting on Ukraine, available on: <http://www.un.org/sg/dsg/statements/index.asp?nid=497> Accessed March 2, 2020.

⁹⁰Biden: Russia Violated International Law With Crimea Annexation, available on: <http://www.nbcnews.com/storyline/ukraine-crisis/biden-russia-violated-international-law-crimea-annexation-n55511> Access March 1, 2020.

⁹¹Charter of the United Nations. Available on: <https://www.un.org/en/sections/un-charter/un-charter-full-text/> Accessed April 29, 2020.

⁹²Candidly speaking: Putin, Ukraine and the Jews, available on: <http://www.jpost.com/Opinion/Columnists/Candidly-speaking-Putin-Ukraine-and-the-Jews-345546> Accessed April 7, 2020.

⁹³United Nations Security Council. Current Members, available on: <https://www.un.org/securitycouncil/content/current-members> Accessed April 7, 2020.

followed by his address to Russian President Vladimir Putin about ensuring peace and tranquillity in the territory of the Autonomous Republic of Crimea.⁹⁴

On the same day, March 1, 2014, the President of Russia requests permission from the Federation Council to use the armed forces on the territory of Ukraine:

"In connection with the extraordinary situation in Ukraine, the threat to the lives of citizens of the Russian Federation, our compatriots, and the personnel of the military contingent of the Armed Forces of the Russian Federation stationed in accordance with an international Treaty on the territory of Ukraine, on the basis of paragraph "d" of Part 1 of Article 102 of the Constitution of the Russian Federation, I submit to the Federation Council of the Federal Assembly of the Russian Federation an appeal on the use of the Armed Forces of the Russian Federation on the territory of Ukraine until the social and political situation in this country is normalized."⁹⁵

The Federation Council of the Federal Assembly of the Russian Federation unanimously supported Vladimir Putin's speech.

On March 6, 2014, the Verkhovna Rada of the Autonomous Republic of Crimea at an extraordinary session votes for the region's accession to Russia, while simultaneously appealing to the Russian President and Parliament to begin the procedure for granting Crimea the status of a subject of the Russian Federation. At the same meeting, it was decided to postpone the referendum on the status of Crimea to March 16, 2014.⁹⁶ In conditions of lack of time, understanding how important it is that the "Russian blitzkrieg" was lightning fast, without giving the world community and the Ukrainian Central government the opportunity to take at least some effective steps, annexation mechanism worked perfectly, which clearly indicates a long preparation Russia was ready for the development of these events in any scenario.⁹⁷

According to the opinion of Shane Reeves, Lieutenant Colonel in the US Army and Associate Professor at the United States Military Academy, the guiding source for determining the legality of a nation's use of force against another nation or within another nation's territory is the UN Charter. Under the UN Charter there are only two legal bases for intervention in Crimea—UN Security Council Resolution under Article 42 when there are no other possible mean for restoring international peace or self-defense under Article 51.⁹⁸ Without an UNSCR and no justifiable claim to self-defense, a plain reading of

⁹⁴ Москва "не оставит без внимания" просьбу Крыма о помощи, available on: https://www.bbc.com/russian/international/2014/03/140301_crimea_putin_help Accessed March 5, 2020.

⁹⁵ Владимир Путин внёс обращение в Совет Федерации, available on: <http://kremlin.ru/events/president/news/20353> Accessed March 5, 2020.

⁹⁶ Milena Ingelevic-Citak, *Crimean Conflict – from the perspectives of Russia, Ukraine and Public International law*, available on: Accessed March 8, 2020. <https://webcache.googleusercontent.com/search?q=cache:WYuQtKPceiUJ:https://content.sciendo.com/downloadpdf/journals/iclr/15/2/article-p23.xml+&cd=1&hl=lv&ct=clnk&gl=lv>

⁹⁷ National Institute for Strategic Studies: Russian blitzkrieg against Ukraine has failed, available on <https://www.rnbo.gov.ua/en/Diialnist/2399.html> Accessed March 6, 2020.

⁹⁸ *Supra* note 102, p.36.

International Law prohibits a State from intervening with military force in the any internal conflict.⁹⁹

Several States, in particular Russia, have argued for an alternative international legal basis to justify a military intervention that is not found in the UN Charter. Relying on the controversial concept of humanitarian intervention which allows one State to use military force to stop large scale atrocities in another State, interventionists believe the moral imperative to act makes consent of the Security Council unnecessary.¹⁰⁰

The origins of the humanitarian intervention use of force concept are rooted in NATO's Operation Allied Force, which involved the bombing campaign in Kosovo. For NATO, getting a Security Council Resolution to use force in Kosovo was nearly impossible given two permanent members, Russia and China, opposed such action.¹⁰¹ In such a way, NATO intervened in Kosovo without the support of the UN Security Council. Despite the absence of a UN authorization to use force, NATO justified the intervention as a necessity to stop a humanitarian crisis.¹⁰² It is essential to note that in Kosovo the humanitarian crisis has been confirmed by all international organizations, including the European Court of Human Rights. The mass atrocities that took place in Kosovo in the end 20th century, left no other option for NATO and the peacekeeping forces other than to intervene, otherwise the genocide of the State's population threatened the disappearance of this people.¹⁰³ However, regardless of the criteria, this decision will remain subjective, it cannot justify Russia's actions on the territory of Ukraine. This position is also confirmed by international legal institutions. Thus, on July 22, 2010, the International Court of Justice referred to by the United Nations General Assembly for its opinion deemed that the declaration of independence by Kosovo adopted on February 17, 2008 had not violated International Law. The Court took note of the Security Council's involvement and the decisions it had made within the framework of International Law as well as the series of events and the attempts by the international community to find other

⁹⁹ Legality of Intervention in Syria in Response to Chemical Weapon Attacks, available on: <http://www.asil.org/insights/volume/17/issue/21/legality-intervention-syria-response-chemical-weapon-attacks> Accessed March 9, 2020.

¹⁰⁰ Syria action – UK government legal position, available on: <https://www.gov.uk/government/publications/syria-action-uk-government-legal-position/syria-action-uk-government-legal-position> Accessed March 8, 2020.

¹⁰¹ Adam Roberts, "NATO'S 'Humanitarian War' over Kosovo", *Survival* 41 no 3 (1999): 102 – 123, pp. 105-108. Available on: <http://www.columbia.edu/itc/sipa/S6800/courseworks/NATOhumanitarian.pdf>. Accessed March 8, 2020.

¹⁰² Selected article on international humanitarian law, available on: <https://international-review.icrc.org/sites/default/files/irc-876-massingham.pdf> Accessed March 8, 2020.

¹⁰³ Statement by Kofi Annan on Kosovo Crisis, available on: <https://www.globalpolicy.org/component/content/article/190/38833.html> Accessed March 6, 2020.

solutions to put an end for an ethnic and religious-based genocide. It also recognized the legal status of Kosovo placed under the supervision of the Council, in accordance with the objectives contained within the Charter of the United Nations. The Court ruled that the "declaration of independence has not violated the Security Council's resolution" and that the "declaration of independence has not violated the constitutional framework."¹⁰⁴

It was the international community's desire to abolish these types of subjective use of force decisions that was an incentive for the United Nations Charter. Drafted following the devastation of World War II, the Charter specifically prohibits the threat or use of force by any State.¹⁰⁵ This explicit prohibition is intended to prevent a State from independently determining when to invade another State regardless of the reason. Allowing otherwise invites a return to the Wars of aggression, often driven by a nationalistic agenda, which led to the destruction and devastating consequences of the World Wars.¹⁰⁶ Consequently, any use of force by a State should be consistent with the UN Charter and authorized by the Security Council. And the fact that President Vladimir Putin used the language of a humanitarian interventionist to refute criticism of Russia's involvement in Crimea, his lightning operation on the territory of another State, indicates that all the actions of the Kremlin were prepared long before the intervention itself. The annexation of Crimea was seen as not a spontaneous action by Russia with the plan worked out for several months, but according to Andrey Illarionov, a former Putin advisor, at a NATO session in Lithuania, a conflict over Crimea with Ukraine had been planned since 2003, with a plan to begin the War in 2015. The Russians have kept Crimea as a part of the Russian Federation and have supported, supplied, and allied themselves with Pro-Russian separatists in the Crimea.¹⁰⁷ Russia's actions in this case can be considered as a tool for conducting modern hybrid operations, both in Ukraine and on the territory of other States – Georgia, Syria. The result of this intervention was a Crimean-wide referendum.

The following questions were put to a General vote - a referendum – by the residents of Crimea:

¹⁰⁴Russia, Ukraine and international law, available on: <https://www.robert-schuman.eu/en/european-issues/0344-russia-ukraine-and-international-law> Access March 10, 2020.

¹⁰⁵ *Supra note 109*, p. 37.

¹⁰⁶To Russia with Love: How Moral Arguments for a Humanitarian Intervention in Syria Opened the Door for an Invasion of the Ukraine, available on: <https://pdfs.semanticscholar.org/8eda/a9815e679930fef0821c58f8a4efbafc500b.pdf> Access March 11, 2020.

¹⁰⁷The Ukrainian Crisis: An Eclectic Analysis, available on: https://scholarlyrepository.miami.edu/cgi/viewcontent.cgi?article=1759&context=oa_theses Accessed March 10, 2020.

1. Are you in favor of Crimea's reunification with Russia as a constituent entity of the Russian Federation?
2. Are you for the restoration of the Constitution of the Republic of Crimea in 1992 and for the status of Crimea as part of Ukraine?¹⁰⁸

The city Council of Sevastopol made a similar decision to join Russia as a separate subject of the Federation. The latter also decided to take part in the Crimean referendum. A new question was added to the Crimean referendum questions for residents of Sevastopol.

3. Has the city of Sevastopol to become a part of the Russian Federation as a subject of the Russian Federation?¹⁰⁹

On March 11, 2014, the Verkhovna Rada of the Autonomous Republic of Crimea and the city Council of Sevastopol adopted the Declaration of independence of the Autonomous Republic of Crimea and the city of Sevastopol at their sessions.¹¹⁰

It should be noted that according to the Constitution of Ukraine, Sevastopol was not part of the Autonomous Republic of Crimea. It was a city with a special status, just like the capital of Ukraine – Kiev. And despite the adoption of the Declaration of independence in Crimea, holding a referendum in a single city of the country is contrary to the norms of any law, even international, even Domestic Law of Ukraine or the Russian Federation. In addition, most Russian lawyers, in particular L.G. Berlyavskiy¹¹¹, in support to the legitimacy of the annexation of Crimea to the Russian Federation put the following arguments- according to the Constitution of Ukraine of 2004, the issue of changing the status of the country or parts of it are solved solely on the national referendum (Article 73), given the unitary order of the State all matters of organization and procedure of elections and referendums are determined only by law of Ukraine. According to Ukrainian legislation, issues of legitimacy and dissolution of the Parliament of the Autonomous Republic of Crimea, as well as compliance of legal acts adopted by

¹⁰⁸ Address by President of the Russian Federation, available on: <http://en.kremlin.ru/events/president/news/20603> Accessed March 14, 2020.

¹⁰⁹ *Ibid.*

¹¹⁰ Crimea's Pro-Russian Parliament Approves Declaration On Independence, available on: <https://www.rferl.org/a/crimea-independence-declaration-approval-parliament-ukraine-russia/25292918.html> Accessed March 14, 2020.

¹¹¹ Современный кризис на Украине и тенденции государственно-правового развития Республики Крым, available on: <https://cyberleninka.ru/article/n/sovremennyy-krizis-na-ukraine-i-tendentsii-gosudarstvenno-pravovogo-razvitiya-respubliki-krym/viewer>, pp.94-98. Accessed March 13, 2020.

the Parliament of the Autonomous Republic with the Constitution of Ukraine are exclusively within the competence of the Constitutional Court of Ukraine.¹¹²

It is essential to note that the session on holding the referendum was held on March 6, and the Declaration of independence of Crimea was adopted on March 11. That is, in this situation, not just a cause-and-effect relationship has been violated, but there is evidence of falsification of facts, indicating that in Crimea in a situation of lack of time all legal acts were adopted, adjusted to the goal already selected and approved by Russian curators. On March 16, a hastily organized referendum on the status of Crimea took place. There were almost no foreign observers present, since the international community did not recognize this referendum. The self-proclaimed Crimean government declared that 81.4 percent of citizens who had such a right took part in the Declaration of their will.¹¹³ On March 18, Russian President Vladimir Putin signed The Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and on Forming New Constituent Entities within the Russian Federation.¹¹⁴ Previously, this decision was approved by the State Duma of Russia. The annexation of Crimea entails several consequences that are extremely adversarial for the modern system of International Law and international relations and relate not only to the European region, but also to the world. Russia's actions were a gross violation of the basic principles of International Law enshrined in the UN Charter, the Declaration on principles of international Law of 1970, and the CSCE Helsinki final act of 1975, on which the modern world order is based.¹¹⁵

First, the principle of non-use of force¹¹⁶ because the annexation of Crimea took place as a result of military intervention by the Russian soldiers. Second, the violation of principle of peaceful settlement of disputes and conflict prevention¹¹⁷, namely, before the annexation, Russian Federation did not apply to any international authorities for

¹¹²Constitution of Ukraine. Available on <https://www.wipo.int/edocs/lexdocs/laws/en/ua/ua013en.pdf> Accessed March 12, 2020.

¹¹³РИА Новости. Явка на референдуме в автономной республике Крым, available on: <https://ria.ru/20140316/999740754.html> Accessed March 15, 2020.

¹¹⁴The Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and on Forming New Constituent Entities within the Russian Federation, available on: <https://krymbezpravil.org.ua/en/documents/the-treaty-between-the-russian-federation-and-the-republic-of-crimea-on-the-accession-of-the-republic-of-crimea-to-the-russian-federation-and-on-forming-new-constituent-entities-within-the-russian-fe/> Accessed March 17, 2020.

¹¹⁵ *Supra* note 115, p.39.

¹¹⁶Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, available on: <https://www.un.org/ruleoflaw/files/3dda1f104.pdf> Accessed March 17, 2020.

¹¹⁷ *Ibid.*

international disputes concerning the State ownership of the Crimean Peninsula, and even more so did not address to any authorities regarding its alleged harassment of the Russian-speaking population. Third, the principle of non-interference in the internal affairs of the States¹¹⁸, particularly providing support to separatist sentiments with the help of prominent Russian political activists, including members of the State Duma of the Russian Federation, is a direct intervention in the actions of the Central government of Ukraine and regional authorities. Fourth, the principle of sovereign equality of the States¹¹⁹, thus annexation of a part of the territory of a sovereign State is a gross violation of this principle. Fifth, the principle of good faith implementation of international obligations¹²⁰, the annexation of Crimea violated the obligations to Ukraine contained in the Budapest Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of nuclear weapons in 1994.¹²¹ The Treaty of friendship, cooperation and Partnership between Ukraine and the Russian Federation¹²², Partition Treaty on the Status and Conditions of the Black Sea Fleet of 1997¹²³, the Agreement between Ukraine and the Russian Federation on the Russian-Ukrainian State border of 2003¹²⁴. Lastly, the principles of respect for human rights and fundamental freedoms. To this day, various public organizations and international observers have recorded numerous violations of human rights and freedoms in Crimea, the most significant of which is the persecution of Crimean Tatars¹²⁵.

Pointing out violations of the principles and norms of International Law by the Russian Federation is particularly important not only because the Russian Federation is a nuclear power. This is important because, by participating in the work of the UN Security Council and enjoying the status of its permanent member, it should be responsible for

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, available on: <http://www.pircenter.org/media/content/files/12/13943175580.pdf> Accessed March 18, 2020.

¹²² Treaty on friendship, cooperation and partnership between Ukraine and the Russian Federation. Kiev, 31 May 1997, available on: <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/52240/Part/I-52240-08000002803e6fae.pdf> Accessed March 19, 2020.

¹²³ Соглашение между Российской Федерацией и Украиной о статусе и условиях пребывания Черноморского флота Российской Федерации на территории Украины, available on: <http://docs.cntd.ru/document/901737969> Accessed March 19, 2020.

¹²⁴ Договор между Российской Федерацией и Украиной о сотрудничестве в использовании Азовского моря и Керченского пролива, available on: http://www.cawater-info.net/bk/water_law/pdf/russia_ukraine_2003.pdf Accessed March 19, 2020.

¹²⁵ Human Rights Violations in Crimea: Ending Impunity, available on: <https://humanrightshouse.org/noop-media/documents/22847.pdf> Accessed 19, 2020.

maintaining international peace and security throughout the world. Disregard of the basic principles of International Law leads to their devaluation and, moreover, it becomes an example for others.

On March 27, 2014, a vote was held on UNGA resolution 68/262 regarding the territorial integrity of Ukraine. According to the text of the resolution, the UNGA did not recognize the referendum in Crimea, as it has no legal force due to its violation of the internationally recognized borders of Ukraine, violation of its sovereignty and legislation.¹²⁶ Today, the result of this War without attack is the ongoing annexation of the Crimean Peninsula and military actions in the South of Ukraine. The most important question is about the legal consequences of this War for Ukraine, for Russia and for the whole world.

3.2. Legal implications for the international community

The main consequence of Russia's aggression against Ukraine and its actions to annexation the Crimean Peninsula is that today, in the 21st century, a dangerous case has been created. Russian officials tend to quickly dismiss the security concerns of their Western neighbours as solely driven by anti-Russian biases that persist in these countries. For example, academic and activist Sergei Markov cautioned Finland against considering NATO membership out of such supposed nationalistic biases: Finland shall think about the consequences while considering joining NATO. The important aspect is that Finland shall ponder whether joining NATO can mark the beginning of World War III. Russophobia might be the reason of initiating the War because "Finland is one of the most Russophobic countries in Europe, after Sweden, Poland and the Baltic countries"¹²⁷

In case with Norway where Russia is dividing a part of the border with Norway, Russian Federation until nowadays is protecting of security policy of Norway which lead to the occasion to become a member of NATO back in the beginning of the Cold War. Even the fact that Norway had warm relations with Russia in several previous years, in particular after the Resolution of the territorial dispute in the Barents Sea in 2010. Unlawful annexation of Crimean Peninsula resulted in increasing interests about Russia's planned actions within the population of Norway. In addition, a Gallup poll conducted in

¹²⁶ United Nations General Assembly. Resolution adopted by the General Assembly on 27 March 2014, 68/262. *Territorial integrity of Ukraine*, available on: https://www.securitycouncilreport.org/atf/cf/%7B65BFCE9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_res_68_262.pdf Accessed March 25, 2020.

¹²⁷ European Relations with Russia, available on: https://www.rand.org/content/dam/rand/pubs/research_reports/RR1500/RR1579/RAND_RR1579.pdf, pp. 6-16. Accessed March 21, 2020.

April 2015 demonstrates that Norwegian objection for the actions of Russia's leadership is stronger than the resistance of the other States that have been taking part in the poll.¹²⁸

According to the opinion of experts from RAND-Corporation, because of the annexation of Crimean Peninsula, States having bordering with Russia do not feel safe nowadays. Even though there are agreements concluded among these States regarding the respect States' sovereignty and territorial integrity.¹²⁹

According to the provisions of Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation of 1997, the parties assumed obligations to respect each other's territorial integrity and confirmed the inviolability of the existing borders between them. Article 3 provides that parties respect each other's of sovereignty, territorial integrity, inviolability of borders, disputes to be settled by peaceful means without use of force, including, peoples are free to decide upon their fate, interference in other State's internal affairs is prohibited, human rights and fundamental freedoms shall be respected and international obligations and other universally recognized norms of International Law shall not be breached.¹³⁰

Following the wording of the Agreement, if Russia intervened in the Crimea in order to protect the rights of the Russian-speaking population and prevent a humanitarian catastrophe, in any case it was mandatory to follow to the provisions of Article 5, according to which parties shall hold regular consultations for strengthening bilateral relations and make an exchange of views regarding the multilateral issues of a mutual interests. Parties may establish mixed commissions on a permanent or temporary basis to deal with individual issues in various fields. Thus, if Russia understood that there are problems or threats to the Russian-speaking population, it had to take steps to settle the situation by peaceful means. However, Russia chose military intervention without any attempts for the peaceful settlement of the crisis by violating Article 7 of the Agreement. According to Article 7, in case when in the opinion of one of the Parties the crisis arose and constitutes a threat to the peace, violates the peace or affects the interests of its national security, sovereignty and territorial integrity, it has rights to address the other Party in order to hold appropriate consultations without delay. The parties shall exchange

¹²⁸ *Ibid.*

¹²⁹ Lessons from Russia's Operations in Crimea and Eastern Ukraine, available on: https://www.rand.org/content/dam/rand/pubs/research_reports/RR1400/RR1498/RAND_RR1498.pdf
Accessed March 21, 2020.

¹³⁰ Ukraine and Russian Federation Treaty on friendship, cooperation and partnership between Ukraine and the Russian Federation. Kiev, 31 May 1997. Entry into force: 1 April 1999, in accordance with article 39. Available on: <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/52240/Part/I-52240-08000002803e6fae.pdf>. Accessed March 21, 2020.

relevant information and, if necessary, implement agreed or joint measures to overcome this situation.¹³¹ According to Article 6 of the Treaty, parties shall refrain from supporting or taking part in any actions which directed against the other party. None of the States shall allow its territory to be if it threatens other States security.¹³² In violation of this provision Russia not only supported separatist sentiments of Crimean politicians, but rather provided its territory as a springboard for interventions of own military personnel both in Crimea. In this case, Russia violated not only the provisions of the Treaty on Friendship, Cooperation and Partnership with Ukraine, but also the first principle of the Declaration on Principles of International Law concerning trusted relations and cooperation between States in accordance with the UN Charter according to which each State must exempt from participating, organizing, instigating, providing assistance in acts of civil unrest or terrorist acts to another State or consent to organized activities on its territory aimed at committing such acts where the actions referred to this paragraph involve the threat or use of force.¹³³

Russia's violation of these provisions and its insistence on declaring its actions to annex Crimea legitimate and fully in line with the principles of International Law directly threaten the security and territorial integrity of the States which have borders with the Russian Federation. The actions of the Russian Federation are a declaration of its superiority of the right of the strong. By acting as a nuclear power, Russia has made it clear that it has the right to dictate its will to States that are weaker for one reason or another. As a result, the international security system is being destroyed and restrictions imposed by International Law are being lifted in order to ensure the equality of all States.

By seizing Crimea, Russia violated the provisions of the Budapest Memorandum on security guarantees in connection with Ukraine's accession to the 1994 Treaty on the non-proliferation of nuclear weapons. In the Memorandum, the Russian Federation, the United Kingdom, Northern Ireland and the United States of America reaffirmed to Ukraine their obligations, in accordance with the principles of the OSCE Final act, to respect Ukraine's independence, sovereignty and existing borders. All these States reaffirmed their commitment to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine. They guaranteed that none of their weapons would ever be used against Ukraine, except for self-defence purposes or in any other way in accordance with the Charter of The United Nations. Ukraine's refusal

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Supra note 83.*

from nuclear weapons in exchange for guarantees indicated was an important step in the international community's fight against the proliferation of nuclear weapons. Especially significant in this sense is the fact that Ukraine is faced not just with foreign aggression, but with the aggression of a State that, in accordance with a special international legal act, is one of the guarantors of its security and territorial integrity.¹³⁴ Finally, Russia's aggression against Ukraine threatens the functioning of the UN Security Council, the body which is responsible for maintaining international peace and security.

3.3. Legal consequences for Russia

The reaction of international organizations to the annexation of Crimea to Russia was uncertain. On March 27, 2014, at the UN General Assembly on the issue of recognizing the illegality of the Crimean referendum, 100 States out of 193 UN Member States voted unequivocally in favor of the adoption of the Resolution, the votes of almost the same number of other States were distributed as follows: "against" – 11, abstained – 58, did not vote – 246. For the most part, the international community reacted negatively to the annexation of Crimea to Russia.¹³⁵

Since the Russian annexation of Crimea, international organizations have imposed the following restrictions on the aggressor country, namely NATO, EU and G8. In March 2014 NATO suspended military and civilian meetings with Russia and refused to plan joint military missions. In April it suspended all forms of cooperation with Russia, except for negotiations at the level of ambassadors and above. Later, NATO Parliamentary Assembly ceased its cooperation with the Federal Assembly of the Russian Federation, and it closed free access to the headquarters to all employees of the Russian mission.¹³⁶ EU for its part On March 25, Council of the European Union banned its embassies in Russia from issuing all types of visas to residents of Crimea. In April European Parliament adopted a Recommendation Resolution calling for the abandonment of the construction of the South stream gas pipeline. Later in July it imposed sanctions against Sberbank of Russia, VTB Bank, Gazprombank, Vnesheconombank, and Rosselkhoznadzor. It also imposed an embargo on the import and export of weapons to

¹³⁴ *Supra note 30.*

¹³⁵ SWOT - анализ присоединения территории Крыма к России, available on: <https://istina.msu.ru/publications/article/26714983/> Accessed March 24, 2020.

¹³⁶ Sanctions after Crimea: Have they worked, available on: <https://www.nato.int/docu/review/articles/2015/07/13/sanctions-after-crimea-have-they-worked/index.html> / Accessed March 23, 2020.

Russia; a ban on the export of dual-use goods and technologies for military use to Russia or to Russian end-users.¹³⁷ Moreover, The European Union imposed sanctions against Russia, in particular on the basis of Article 42 of the Treaty on European Union, according to which the Union may use the funds in the conduct of missions beyond the borders of EU in order to ensure the maintenance of peace, conflict prevention and strengthening international security in accordance with the principles of the Charter of the United Nations.¹³⁸ Finally, on March 25, G8 Suspended Russia's participation. This is not an exhaustive list of all organizations and sanctions imposed on the Russian Federation as a response to its violation of International Treaties, the most substantial sanctions are listed.

The list of the sanctions, both in the political and economic spheres, are gradually expanding. Democratic countries are determined to restore Ukraine's sovereignty and geopolitical balance. However, the legal consequences of aggression for Russia are disproportionately less sensitive than for Ukraine. Back to 2014, the international reaction to Russia's aggression was almost unanimous and full of determination to change the situation. The UN General Assembly by most votes recognized the referendum held in Crimea and Sevastopol as invalid. It follows from the document of the General Assembly that:

"A referendum held in the Autonomous Republic of Crimea and the city of Sevastopol on March 16, 2014, without legal force, cannot be the basis for any change in the status of the Autonomous Republic of Crimea or the city of Sevastopol."¹³⁹

In addition, the UN General Assembly called on all States, international organizations and specialized agencies not to recognize changes in the status of Crimea and Sevastopol and "to refrain from any actions or steps that could be interpreted as recognition of any change in status".¹⁴⁰

Today, 6 years after the annexation of the Crimean Peninsula, the rhetoric and behavior of Western countries towards Russia is changing. Already on June 25, 2019, despite a protest from Ukraine, the Parliamentary Assembly of the Council of Europe

¹³⁷ EU restrictive measures in response to the crisis in Ukraine, available on: <https://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/> Accessed March 20, 2020.

¹³⁸ Consolidated version of the Treaty on European Union OJ C 326, 26.10.2012, p. 13–390. Available on: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>. Accessed March 21, 2020. Article 42.

¹³⁹ United Nations General Assembly. Resolution adopted by the General Assembly on 27 March 2014, 68/262. *Territorial integrity of Ukraine*, available on: https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_res_68_262.pdf Accessed March 25, 2020.

¹⁴⁰ *Ibid.*

decided by a majority vote to return Russia to its membership.¹⁴¹ The legal consequences of Russia's annexation of Crimea for an aggressor country are negligible.

In such a way, the European Union still had at least some influence on Russia, for example, with the help of the European Court of human rights or European Court of Justice. However, this year President Putin announced changes to the Russian Constitution, more specifically, the requirements of international legislation, Treaties, and decisions of international bodies, further can only partially apply on Russia. They should not restrict the rights and freedoms of people and contradict Russian Constitution.¹⁴² Therefore, once the amendments will be adopted, it will give Council of Europe even less leverage over Russia and, consequently, over the human rights situation in Crimea.

3.4. Legal consequences for Ukraine

After the Russian annexation Ukraine lost not only part of its own territory, but also faced significant economic loss. For instance, loosing oil and gas reserves resulted in a major loss in GDP. In this way, Ukrainian GDP would decreased by 14.74 percent at the time when Russia's GDP increased by 1.42 percent.¹⁴³ In addition, in 2014 because of annexation the number of tourists decreased by almost 50 percent in comparison to 2013.¹⁴⁴ Moreover, Ukraine faced the most severe legal consequences of the Russian annexation. Among them, the most important is the violation of human rights that occurred since February 2014 and continues to this day, during the illegal occupation of Crimea by Russia.¹⁴⁵

The most legal consequences for Ukraine are damnification of law. As long as the entire democratic world community is of the opinion that Crimea remains a part of Ukraine, this does not prevent the actual Russia's occupation over the Peninsula. This is since International Law often lacks clear mechanisms for influencing the guilty party.

¹⁴¹Council of Europe Restores Russia's Voting Rights, available on: <https://www.nytimes.com/2019/06/25/world/europe/council-of-europe-russia-crimea.html> Accessed March 24, 2020.

¹⁴²Выступления президента России, available on: <https://www.1tv.ru/shows/vystupleniya-prezidenta-rossii/poslanie-federalnomu-sobraniyu-2020> Accessed March 25, 2020.

¹⁴³ Michael P. Barry, "The Loss of Crimea How Much Does Ukraine Lose, and How Much Does Russia Gain, a Computable General Equilibrium Model", *Journal of Global Peace and Conflict* Vol. 2, No. 1 (2014): 103-119, pp.103-107. Available on: http://jgpcnet.com/journals/jgpc/Vol_2_No_1_June_2014/5.pdf.

¹⁴⁴ The economic effect of the Crimean annexation, available on: <https://ankasam.org/en/the-economic-effect-of-the-crimean-annexation/> Accessed March 25, 2020.

¹⁴⁵ Human Rights Violations in Crimea: Ending Impunity, available on: <https://humanrightshouse.org/noop-media/documents/22847.pdf> Accessed March 29, 2020.

Non-legal acts cannot create a right just by the fact of their existence.¹⁴⁶ That is, based on violation of the law, an individual cannot be granted any right. After all, this was the case in the Baltic States, which lived in a State of annexation for decades and the Baltic States regained their lost independence only with the collapse of the State that existed at that time.¹⁴⁷

Currently all Ukraine's efforts and hopes are directed to Strasbourg where it expects to receive a decision of the European Court of Human Rights this year on the admissibility of the claim Ukraine versus Russia on human rights violations within the context of annexed Crimea.¹⁴⁸ In addition, on November 8, 2019, the Court of Justice has already held a meeting in the Hague. The Court Rejected the preliminary objection of the Russian Federation that the Court has no jurisdiction on the basis of Part 1 of Article 24 of the International Convention for the Suppression of the Financing of Terrorism.¹⁴⁹ It decided on the existence of jurisdiction on the basis of Article 24, Part 1, of the International Convention for the suppression of the financing of terrorism. In addition, the Court rejected the Russian Federation's preliminary objection to the Court's lack of jurisdiction on the basis of Article 22 of the International Convention on the Elimination of All forms of Racial Discrimination.¹⁵⁰ Furthermore, it unanimously rejected the Russian Federation's preliminary objection to the inadmissibility of Ukraine's Claim under the International Convention on the elimination of all forms of racial discrimination. Lastly, it decided on the existence of jurisdiction under Article 22 of the International Convention on the Elimination of all Forms of Racial discrimination¹⁵¹ to consider Ukraine's claims under this Convention, as well as on the admissibility of the Claim in respect of these claims.¹⁵²

¹⁴⁶The Crimea crisis and reterritorialization of international conflicts, available on: <https://www.mpg.de/9285650/crimea-crisis-reterritorialization-international-conflicts> Accessed March 29, 2020.

¹⁴⁷The national council for Soviet and East European research, available on: <https://www.ucis.pitt.edu/nceeer/1994-808-12-Raun.pdf> Accessed March 29, 2020

¹⁴⁸ ECtHR to consider lawsuit of Ukraine against Russia on human rights violations in Crimea, available on: <https://qha.com.ua/en/novosti-en/echr-to-consider-lawsuit-of-ukraine-against-russia-on-human-rights-violations-in-crimea/> Accessed March 26, 2020.

¹⁴⁹ International Convention for the Suppression of the Financing of Terrorism, available on: <https://www.un.org/law/cod/finterr.htm> Accessed March 27, 2020.

¹⁵⁰ International Convention on the Elimination of All Forms of Racial Discrimination, available on: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx> Accessed March 21, 2020.

¹⁵¹ *Ibid.*

¹⁵² Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (*Ukraine v. Russian*

3.5. Possibility of peaceful resolution of the situation

The revision of the boundaries is contrary to international law. It is a direct threat to international security and has grave consequences for the international order that protects the unity and sovereignty of all States.

Today, Ukraine is a reference point on which the principle of the inevitability of punishment, the principle of the triumph of equality and justice for all States of the United Nations is based. Therefore, the most important task is to resolve the existing conflict without use of weapons. The Hague peace conferences of 1899 and 1907 adopted the Convention on the Peaceful Settlement of International Disputes, which institutionalized the practice of mediation, International Arbitration Courts and commissions of inquiry.¹⁵³ Considering the settlement of a crisis in Ukraine, the reference can be made to the approach of the Rand Corporation. All of the events that occurred in Ukraine in 2014 – Euromaidan and Russia's annexation of Crimea is the result of a combination of factors, including ethnic and religious diversity, historically in Ukraine, took the form of internal separation.

To resolve the Crimean crisis, it is necessary to influence Russia in as much areas as possible. First, the use of soft power methods shall be used, namely, support for non-governmental organizations, cooperation with all parties of the political spectrum without exception, expert work in the field of student exchange, scientific grants for young professionals, as well as the propaganda potential of the media, television, Internet and film production. Second, the use of methods of economic influence is of a high importance and this is not only an extension of the sanctions that the international community can impose against Russia. Third, use of pre-emptive measures by NATO shall be used, the Alliance must maintain a firm position on the Ukrainian crisis and make active efforts to resolve it. Lastly, participation of international legal institutions in one of the most significant aspects, including the international Court of Justice in the Hague and the European Court of Human Rights.¹⁵⁴

Federation). Summary of the Judgment of 8 November 2019. Available on: <https://www.icj-cij.org/files/case-related/166/166-20191108-SUM-01-00-EN.pdf> Accessed March 28, 2020.

¹⁵³Convention for the Pacific Settlement of International Disputes (Hague Convention I). Available on: <https://www.jus.uio.no/english/services/library/treaties/01/1-09/settlement-international-disputes.xml> Accessed March 27, 2020.

¹⁵⁴Russia and the West, after Ukrainian crisis, available on: https://www.rand.org/content/dam/rand/pubs/research_reports/RR1300/RR1305/RAND_RR1305.pdf Accessed March 27, 2020.

CONCLUSION

In 2014, the Russian Federation annexed Crimea, the territory of Ukraine, which is a sovereign State. This act of direct aggression followed the intervention of the Armed Forces of the Russian Federation which were based on the Crimean Peninsula, including Sevastopol, based on an Agreement with Ukraine, the referendum and the Declaration of Independence of Crimea.

The annexation of Crimea caused a serious challenge for the entire international community. Crimea has become the first precedent of military aggression, the seizure of territory by force and its incorporation into another State, despite all agreements between UN Member States, despite the existence of International Judicial Institutions and a single global security system. Today, the events in Crimea have put under question the whole international order and questioned the role of the international law and justice. To avoid it, international community has a duty to resist Russian aggression, first of all, in the legal field by using existing legal mechanisms, and perhaps developing new ones.

Throughout the Bachelor thesis, considering the legal arguments that the Russian Federation has formulated in defence of its actions, there are evidences that the Russian Federation has breached International Law. The thesis also analyses the legal norms of Public International Law which are violated by the Russian Federation during the annexation of Crimea, examines the issues of international reaction and possible consequences of Russia's actions both for Russia and for Ukraine. In addition, thesis provides arguments for the further more complete and in-depth analysis of the legal aspects of International Law to prevent similar incidents in the future related to changing the borders of the existing world, with a threat to the security of the world community and specific countries.

By answering the main question throughout the Bachelor thesis: "How has Russia breached international law to seizure a territory of another State while explaining in the society legitimacy of its actions?", the thesis provides the following conclusion.

Today, even when most countries of the world hold the opinion that Crimea remains the part of Ukraine, this does not prevent the actual annexation of Russia over the Crimean Peninsula. The world community shall not allow a situation where it would be impossible to cancel the results of the illegal annexation of Crimea. Furthermore, the history of the Baltic States that existed under occupation for several decades shall not be repeated, so that after a certain period of time the illegal act of annexation of Crimea could not be recognized as having legal consequences and incorporated into the Russian

Federation. The efforts of the international community in the field of international law shall be focused on ensuring that the problem of the annexation of Crimea does not lose its relevance and never becomes academic. So that Ukraine's right and territorial integrity are restored, and the aggressor country shall receive the punishment that will be provided for it in strict accordance with the law.

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