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**CRIMEA'S RETURN TO RUSSIAN FEDERATION. RUSSIA'S PERSPECTIVE ON
UKRAINIAN CRISIS AND THE SEPARATION OF CRIMEA.**

Resume:

The author is an independent expert specializing in international security affairs. He is currently pursuing Ph.D. in Political Science at the Russian Presidential Academy of National Economy and Public Administration (RANEPA). He worked as a lecturer at the Collegium Civitas in Warsaw (2012/2013), the American University of Central Asia in Bishkek (2011/2012) and the OSCE Academy in Bishkek (2011/2012). He is an alumnus of the U.S State Department Fulbright Program at the Old Dominion University in Norfolk. (2009/2010). He received M.A. in Cultural Studies from the Centre for East European Studies of the University of Warsaw and M.A. in Political Science from the University of Zielona Gora.

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Content title:

The Crimean crisis as part of wider Ukrainian Crisis of 2014 is presented with different narration by adversaries, directly or indirectly involved in the process. In countries of Euro-Atlantic community the dominant narration presented by media and governments depict political change caused by Euromaidan as triumph of democratic forces. Where in Russia the main emphasis is put on the presence of fascist elements both in the movement and the new government that was established after violent protest and overthrow of democratically elected president. Such different approaches to Ukrainian crisis led to different interpretation of such issues as the Russian military operation in Crimea, referendum and the separation of Crimea from Ukraine. The approaches, discourses are well demonstrated with the use of radically different terminology by West and Russia – annexation or rejoining/return. The work is aimed to analyze Russian perspective on Ukrainian crisis and rationality behind Kremlin's policy towards Crimea.

Introduction

The political crisis in Ukraine started in November 2013 received distinct interpretation in Russia and the West seen as the European Union and NATO countries. The fact-based description of the Ukrainian crisis in the period November 2013-March 2014 and the assessment of political forces linked to anti-governmental protest provide better understanding of Russian political position. It allows to identify main issues building Russia's politico-legal stance concerning the February 2014 political change and contextualize politico-legal perspective on the separation of Crimea from Ukraine.

The Ukrainian crisis (November 2013-March 2014)

On 21st November the Government of Ukraine issued the decree No 905 “On the issues concerning the signatory of the Association Agreement between Ukraine, from one side, and the European Union, the European Atomic Energy Community, and their members, on the other side” that stated on the suspension of preparation process to sign the Association Agreement. Instead the decree called to deepen trade and economic cooperation with Russia and Commonwealth of Independent States’ (CIS) countries.¹ The decision was made just week before planned signing of the agreement during the 3rd Eastern Partnership Summit in Vilnius and was met with criticism from European Union officials openly accusing Russia for exerting economic and political pressure on Ukraine.²

It shall be stated that both sides, the European Union and Russia were exchanging such accusations before. In example, on 12th September 2013 the European Parliament adopted the resolution No 2013/2826(RSP) on the pressure exerted by Russia on Eastern Partnership countries.³ In response, the State Duma of the Federal Assembly of the Russian Federation adopted on 20th September 2013 the resolution No 2864-6 GD that recognized accusation made by the European Union (EU) as “groundless” and “contrary to the aim of development of good neighborly and mutually beneficial relations”. Furthermore, the State Duma called the style of EU politics towards Ukraine as “arm-twisting” aimed to limit state sovereignty and “undermine relations of the peoples living in Russia and Ukraine”.⁴ Furthermore, it shall be noted the decision

¹ Кабинет Министров Украины: Правительство приняло распоряжение о приостановлении процесса подготовки к заключению Соглашения об ассоциации с ЕС in:

http://www.kmu.gov.ua/control/ru/publish/article?art_id=246865421, downloaded: 20/05/2014;

European Centre for a Modern Ukraine: Ukrainian government issues a decree suspending preparation of the Association agreement with the EU in: http://www.modernukraine.eu/wp-content/uploads/2013/11/ECFMU-Newsflash_-21-November-2013.pdf, , downloaded: 20/05/2014

² European Parliament President: Martin Schulz to participate in Eastern Partnership summit in Vilnius in:

http://www.europarl.europa.eu/the-president/en/press/press_release_speeches/press_release/2013/2013-november/html/martin-schulz-to-participate-in-eastern-partnership-summit-in-vilnius, downloaded: 20/05/2014

³ European Parliament: 2013/2826(RSP) - 12/09/2013 in:

<http://www.europarl.europa.eu/oeil/popups/summary.do?id=1302996&t=d&l=en>, downloaded: 20/05/2014

⁴ Государственная дума РФ: Постановление ГД ФС РФ от 20.09.2013 N 2864-6 ГД "О Заявлении Государственной Думы Федерального Собрания Российской Федерации "В связи с принятием Европейским парламентом резолюции, содержащей безосновательные обвинения в адрес Российской Федерации" in:

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=EXP;n=566402>, downloaded: 25/05/2014

of the Ukrainian government was officially commented by the U.S. state department as “disappointment”.⁵

In such complex international community attitude toward Ukraine’s rapprochement with the European Union, the wave of demonstrations called Euromaidan was started in the evening of 21st November 2013 where approx. 800 – 2000 supporters of European Integration gathered on the central square of Kiev - Maidan Nezalezhnosti (Independence Square)⁶. Similar demonstrations were conducted in different parts of Ukraine e.g. Lviv. Demonstrators were supported by oppositional political parties as All-Ukrainian Union "Fatherland" (Batkivshchyna), the Ukrainian Democratic Alliance for Reform of Vitali Klitschko (UDAR) and the All-Ukrainian Union "Svoboda" (Svoboda).⁷ On 22nd November protesters made attempt to establish tent camp on the square despite decision of the District Administrative Court of Kyiv from 21st November that forbid to construct small architectural forms including tents during demonstrations for the period from 22nd November 2013 to 7th January 2014. However, they were prevented by police and municipal services.⁸ On 24th November 2013, Euromaidan in Kiev gathered approx. 50-100 thousands protesters for peaceful protest.⁹ The same day one group of protesters gathered around government buildings and tried to break through the cordon created by special police unit “Berkut”. To prevent protesters of entering buildings tear gas was used.¹⁰ Despite earlier court rulings on 24th November protesters established tent camp on the Independence Square.¹¹ In the following days, demonstrations continued. Despite pressure from Euromaidan the government did not change stance and President Yankovych did not sign the Association Agreement during the Eastern Partnership Summit held on 28-29th November. On the night from 29th to 30th November 2013, “Berkut” cleared out the protester's camp from the square. The Head of Kiev's Internal Affairs Department, Valeriy Koryak, informed that he directly ordered the action after demonstrators refused to leave the square and attacked police.¹² Media reported on over excessive use of force by police resulting in hospitalization of many

⁵ U.S. Department of State: State Department on Ukraine’s Decision on Association with EU in: <http://iipdigital.usembassy.gov/st/english/texttrans/2013/11/20131121287662.html#axzz34pKII6zL>, downloaded: 25/05/2014

⁶ укр.: Майдан Незалежності, en.: Independence Square.

⁷ УНИАН: Євромайдан уже собрал 800 человек in: <http://www.unian.net/politics/854696-evromaydan-uje-sobral-800-chelovek.html>, downloaded: 25/01/2014;

BBC: Срыв ассоциации Украины с ЕС вывел людей на улицы in: http://www.bbc.co.uk/ukrainian/ukraine_in_russian/2013/11/131122_ru_s_ukraine_demo.shtml, downloaded: 25/01/2014;

⁸ UNIAN: Court forbids participants of action to pitch tents in center of Kyiv in: <http://www.unian.info/politics/854781-court-forbids-participants-of-action-to-pitch-tents-in-center-of-kyiv.html>, downloaded: 20/01/2014;

Корреспондент.net.: КГГА: Суд запретил устанавливать в центре Киева палатки, но не проводить акции in: <http://korrespondent.net/ukraine/politics/3270277-khha-sud-zapretyl-ustanavlyvat-v-tsentre-kyeva-palatky-no-ne-provodyt-aktsyy>, downloaded: 25/01/2014

⁹ BBC: Huge Ukraine rally over EU agreement delay in: <http://www.bbc.com/news/world-europe-25078952>, downloaded: 25/01/2014

¹⁰ УНИАН: Под Кабмином проводится стихийный митинг, начались столкновения, слышны выстрелы in: <http://www.unian.net/politics/855332-pod-kabminom-provoditsya-stihyinyiy-miting-nachalis-stolknoveniya-slyishno-vyistrelyi.html>, downloaded: 25/01/2014

¹¹ BBC: Ukraine protest: Police clash with pro-EU crowd in Kiev in: <http://www.bbc.com/news/world-europe-25085790>, downloaded: 25/01/2014

¹² УНИАН: Стало известно, кто отдал приказ «Беркуту» идти на Майдан in: <http://www.unian.net/politics/857906-stalo-izvestno-kto-otdal-prikaz-berkuta-idi-na-maydan.html>,

protesters.¹³ The incident was criticized by human rights organizations, i.e. the Ukrainian Helsinki Human Rights Union described police actions as “the unlawful dispersing of the peaceful protest”¹⁴. The police action was condemned by the United States and the European Union.¹⁵ The same day Ukrainian Prime Minister Mykola Azarov issued a statement informing that investigation commission would be formed to evaluate the event and produce “objective assessment, no matter what”.¹⁶

Some of protesters escaping from the Independence Square found refuge in the Mykhaylivskiy zolotoverkhyi monastery¹⁷. On 30th November around 20-40 thousands protesters gathered on the Mykhailivska Square.¹⁸ In the demonstration participated by leading oppositional politicians - leader of parliamentary faction of Batkivshchyna Arseniy Yatsenyuk, leader of UDAR Vitali Klitschko and leader of Svoboda Oleg Tyagnibok. On the square were also present foreign ambassadors from some of EU countries and Canada.¹⁹ Arseniy Yatsenyuk outlined demands of opposition as resignation of politicians responsible for attack on Euromaidan - President Viktor Yanukovich, PM Mykola Azarov and Minister of Internal Affairs Vitaliy Zakharchenko. He also called for earlier presidential and parliamentary elections.²⁰ The opposition formed the National Resistance Staff (SHNS)²¹ to coordinate their further actions.²²

On 1st December 2013, protesters marched from the Mykhailivska Square, reoccupied the Independence Square, established new tent camps and constructed barricades. The peaceful rally

¹³ УНИАН: В центре Киева «Беркут» жестко разогнал Евромайдан. 30 ноября in:

<http://economics.unian.net/other/857807-v-tsentre-kieva-berkut-jestko-razognal-evromaydan-30-noyabrya.html>,

¹⁴ Ukrainian Helsinki Human Rights Union: UHHRU calls for President’s Impeachment and Dismissal of Government in: <http://helsinki.org.ua/en/index.php?id=1385878977>, downloaded: 15/03/2014

¹⁵ УНИАН: США осуждают насилие над протестующими на Майдане Незалежности in:

<http://economics.unian.net/other/857834-ssha-osujdayut-nasilie-nad-protestuyuschimi-na-maydane-nezaleznosti.html>, downloaded: 15/05/2014

¹⁶ УНИАН: Азаров возмущен разгоном Евромайдана и говорит, что власть в этом не заинтересована in:

<http://www.unian.net/politics/857885-azarov-vozmuschen-razgonom-evromaydana-i-govorit-cto-vlast-v-etom-ne-zainteresovana.html>, downloaded: 15/05/2014

¹⁷ укр.: Михайлівський золотоверхий монастир, en.: St. Michael's Golden-Domed Monastery

¹⁸ УНИАН: На Михайловской площади, по разным оценкам, собралось от 20 до 40 тысяч человек in:

<http://www.unian.net/politics/857933-na-mihaylovskoy-ploschadi-kolichestvo-mitinguyuschih-vyiroslo-do-40-tyisyach.html>, downloaded: 15/05/2014;

High Representative of The Union for Foreign Affairs and Security Policy and Štefan Füle, EU Commissioner for Enlargement and European Neighbourhood Policy: Joint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on last night's events in Ukraine in:

http://www.eeas.europa.eu/statements/docs/2013/131130_02_en.pdf, downloaded: 12/12/2013

¹⁹ УНИАН: Хроника Евромайдана: Революция начинается с елки: <http://www.unian.net/politics/857932-hronika-evromaydana-revoljutsiya-nachinaetsya-s-elki.html>; downloaded: 15/05/2014

УНИАН: Майдан будет стоять, пока премьер и глава МВД не уйдут в отставку – Яценюк in:

<http://www.unian.net/politics/857957-maydan-budet-stoyat-poka-premer-i-glava-mvd-ne-uydut-v-otstavku-yatsenyuk.html>, downloaded: 15/05/2014

²⁰ УНИАН: Майдан будет стоять, пока премьер и глава МВД не уйдут в отставку – Яценюк in:

<http://www.unian.net/politics/857957-maydan-budet-stoyat-poka-premer-i-glava-mvd-ne-uydut-v-otstavku-yatsenyuk.html>, downloaded: 15/05/2014

²¹ укр. Штаб національного спротиву (ШНС)

²² Информационное агентство www.liga.net: Оппозиция создает штаб национального сопротивления in:

<http://news.liga.net/news/politics/932802-oppozitsiya-sozdaet-shtab-natsionalnogo-soprotivleniya.htm>, downloaded: 15/12/2013

gathered around 350 thousands peoples.²³ Furthermore, the group of protesters seized the Kiev City Council and the Trade Unions' Building. Protesters also clashed with police guarding the Presidential Administration Building. Ukrainian Ministry of Internal Affairs (MVS)²⁴ informed that protesters throw stones and Molotov cocktails injuring around 100 policemen.²⁵ MVS accused the party Svoboda and nationalist organization "Bratstvo" for attacks.²⁶ Analogical protests were organized in other cities.²⁷ On the same day, SHNS announced formation of the Euromaidan self-defense force (Samooborona Maidana) that was created and organized in units called "sotnyas".²⁸ Newly created force was formally joined by nationalists united under the umbrella of the Right Sector action (Right Sector) announced in November 2013 by the Stepan Bandera All-Ukrainian Organization "Tryzub" (Tryzub)²⁹ led by Dmytro Yarosh.³⁰ Euromaidan was continued in December despite attempts from the government to stop them using range of methods. In example, authorities authorized the use of physical force by the police to destroy barricades and retake buildings seized by protesters.³¹ Simultaneously, Yanukovich called for dialogue with opposition where current political crisis could be resolved.³² On 13th December 2013, the all-nation round table with participation of President Viktor Yanukovich and opposition was held. The president announced that moratorium on any use of force would be introduced.³³ On 19th December 2013, the Ukrainian parliament (Verkhovna Rada) passed the law "On elimination of negative consequences and prevention of the prosecution and the punishment of individuals with regard to the events that have occurred during peaceful assemblies".³⁴ This amnesty act entered into force on 23rd December with signature of President

²³ REUTERS: Timeline: Protests and political crisis in Ukraine in: <http://www.reuters.com/article/2013/12/17/us-ukraine-timeline-idUSBRE9BG10N20131217>, downloaded: 15/04/2014

²⁴ укр.: Міністерство внутрішніх справ України (МВС), рос.: Министерство внутренних дел Украины

²⁵ УНИАН: В результате столкновений под АП пострадали около 100 милиционеров – МВД in: <http://www.unian.net/politics/858122-v-rezultate-stolknoveniy-pod-ap-postradali-okolo-100-militsionerov-mvd.html>, downloaded: 10/05/2014

²⁶ УНИАН: Милиция: штурм АП и захват здания КГГА организовали представители «Братства» и «Свободы» in: <http://www.unian.net/politics/858175-militsiya-shturm-ap-i-zahvat-zdaniya-kgga-organizovali-predstaviteli-bratstva-i-svobody.html>, downloaded: 10/05/2014

²⁷ УНИАН: Акции протеста проходят в десятках городов Украины in: <http://www.unian.net/politics/858072-aktsii-protesta-prohodyat-v-desyatkah-gorodov-ukrainyi.html>, downloaded: 10/05/2014

²⁸ ВолиньPost: Хто і від кого охороняє Євромайдан? in: <http://www.volynpost.com/articles/329-hto-i-vid-kogo-ohoroniaie-ievromajdan>, downloaded: 06/05/2014

²⁹ укр.: Всеукраїнська організація "Тризуб" імені Степана Бандери

³⁰ Всеукраїнська організація «Тризуб» імені Степана Бандери: «Тризуб» оголосив мобілізацію всіх націоналістичних сил in: <http://banderivets.org.ua/tryzub-ogolosyv-mobilizatsiyu-vsikh-natsionalistychnyh-syl.html>; downloaded: 05/05/2014;

Украинская правда: Лидер Правого сектора Дмитрий Ярош: Когда 80% страны не поддерживает власть, гражданской войны быть не может, <http://www.pravda.com.ua/rus/articles/2014/02/4/7012683/>, downloaded: 05/05/2014

³¹ УНИАН: "Беркут" штурмовал Майдан in: <http://economics.unian.net/other/862088-berkut-shturmoval-maydan.html>, downloaded: 10/05/2014

³² Россия сегодня: Янукович собирает за круглый стол всех президентов Украины in: <http://russian.rt.com/inotv/2013-12-09/YAnukovich-sobiraet-za-kruglij-stol>, downloaded: 10/05/2014

³³ bigmir.net: Круглый стол: Янукович и оппозиция онлайн in: <http://news.bigmir.net/ukraine/781007-Kryglii-stol-vlasti-i-oppozicii-onlain-translyaciya>, downloaded: 10/05/2014;

INTERFAX: Yanukovich offers moratorium on use of force until Rada considers possible risks of association deal with EU in: <http://en.interfax.com.ua/news/general/181766.html>, downloaded: 10/05/2014

³⁴ NEWSru.ua: Новости Украины: Рада приняла закон о недопущении преследования и наказания участников мирных акций in: http://rus.newsru.ua/ukraine/19Dec2013/rada_ne_presledyet.html, downloaded: 10/06/2014

Yanukovich. However, the discussion continued about actual execution of the act in practice.³⁵ On 22nd December, opposition declared the formation of national movement “Maidan”. As co-chairs of the new movement were named Oleg Tyagnibok, Sergiey Kvit, Vitali Klitschko, ex-Interior Minister Yuriy Lutsenko, singer Ruslana Lyzhychko, ex-PM Yulia Tymoshenko, and Arseniy Yatsenyuk. To the council of the organization entered representatives of media and business including Petr Poroshenko. The movement called for the resignation of the government led by Prime Minister Mykola Azarov and prosecution of Minister of Internal Affairs Vitaliy Zakharchenko.³⁶ The announcement of new movement creation was accompanied with radical speeches. In example Oleg Tyagnibok stated that the opposition shall continue to fight with the use of guerilla (partisan) methods.³⁷ The same day organizers of the pro-government demonstration in Kiev so called “Anti-maidan” decided to temporary stop their action.³⁸

The next wave of demonstrations began on 5th January 2014 where first peaceful rally of the new year was held on the Independence Square.³⁹ On 10th January protesters blocked the Kiyev - Svyatoshinsky regional court where three activists linked to the Ukrainian nationalist organization “Patriot of Ukraine” were jailed over an alleged terror plot, so called “Vasylkiv terrorists case”. The opposition claimed that the case was fully fabricated by the Security Service of Ukraine (SBU).⁴⁰ The blockade that led to violent clashes with police was supported by activists of Svoboda political party.⁴¹ On 12th January on the rally in Kiev, Vitaliy Klitschko announced plans to stage a nationwide strike and again called for resignation of the government and earlier Presidential election.⁴² The so-called “AutoMaidan”, the protest in the form of motorcade, was organized to the president's residence in Mezhyhirya.⁴³

On 16th January, the Ukrainian parliament adopted several laws which introduced a comprehensive set of measures that imposed multiple restrictions on mass demonstrations. The

³⁵ УНИАН: Профильный комитет ВР объяснил, к кому можно применять закон об амнистии: <http://www.unian.net/politics/867596-profilnyiy-komitet-vr-obyasnil-k-komu-mojno-primenyat-zakon-ob-amnistii.html>, downloaded: 09/06/2014

³⁶ BBC: Киев: оппозиция создала Народное объединение Майдан in: http://www.bbc.co.uk/russian/international/2013/12/131222_ukraine_kiev_maidan.shtml, downloaded: 09/06/2014

³⁷ РИА Новый Регион: Тягнибок призвал к партизанским вылазкам in: <http://www.youtube.com/watch?v=XYUrQUcTeAE>, downloaded: 20/06/2014

³⁸ КиевВласть: Регионалы приостанавливают АнтиМайдан, чтобы отгулять Новый год in: http://kievlast.com.ua/news/regionali_priostanavlivajut_antimajdan_chtobi_otguljat_novij_god.html, downloaded: 10/03/2014

³⁹ RIA Novosti: Ukrainians Gather for First New Year Rally in Kiev in: <http://en.ria.ru/world/20140105/186265023/Ukrainians-Gather-for-First-New-Year-Rally-in-Kiev.html>, downloaded: 10/03/2014

⁴⁰ BBC: Членов "Патриота Украины" из Василькова приговорили к 6 годам in: http://www.bbc.co.uk/ukrainian/ukraine_in_russian/2014/01/140110_ru_s_vasylkiv_terrorists.shtml, downloaded: 06/06/2014

⁴¹ УНИАН: Митингующие заблокировали Киево-Святошинский райсуд in: <http://www.unian.net/politics/871234-mitinguyuschie-zablokirovali-kievo-svyatoshinskiy-raysud.html>, downloaded: 06/06/2014

⁴² УНИАН: Кличко: следующим этапом борьбы Майдана станет Всеукраинская забастовка in: <http://www.unian.net/politics/871569-klichko-sleduyuschim-etapom-borbyi-maydana-stanet-vseukrainskaya-zabastovka.html>, downloaded: 10/06/2014

⁴³ УНИАН: Возле Межигорья проходит митинг in: <http://www.unian.net/politics/871536-voze-mejigorya-prohodit-miting.html>, downloaded: 10/06/2014

laws were labelled by media as “dictatorship laws”.⁴⁴ New laws were criticized by non-governmental as well as international organizations as an attempt to limit human rights and basic freedoms.⁴⁵ Furthermore, many politicians including first Ukrainian President Leonid Kravchuk stated that new laws were passed by the Ukrainian parliament with violation of procedural rules.⁴⁶ Nevertheless, it should be noted that many of new laws mirrored legislation present in many democratic countries. In example one of them introduced the criminal liability for public denying or justifying crimes committed by fascists which is present in criminal code of various European states, e.g. Germany or Austria.⁴⁷ Another example could be the law banning the wearing of masks during demonstrations that is similar to Canadian law on the banning the wearing of masks during a riot or unlawful assembly that was recently introduced in June 2013.⁴⁸

Adoption of new laws sparked new violent anti-government riots. On 19th January, mass-rally took place on the Independent Square. Part of protesters marched towards parliament that was cordoned off by police and internal troops.⁴⁹ On the Hrushevskoho Street protesters attempted to break through the cordon causing violent clashes. MVS informed that protesters assaulted police units with stones, pyrotechnics and flammable liquids. Moreover, four buses belonging to MVS and two trucks were burned.⁵⁰ Right Sector confirmed its participation in fighting with police.⁵¹ Clashes continued resulting casualties on both sides. On 21st January MVS informed that as a result of protesters’ actions 119 policemen demanded medical treatment.⁵² On 22nd January two

⁴⁴ Украинская правда: Официальная пресса опубликовала "диктаторские законы" in: <http://www.pravda.com.ua/rus/news/2014/01/21/7010354/>, downloaded: 22/01/2014

⁴⁵ Transparency International Ukraine: Summary of laws adopted by the Ukrainian parliament on 16 January 2014 prepared by Dmytro Kotliar in: <http://ti-ukraine.org/en/news/4269.html>, downloaded: 22/06/2014;

OSCE-ODHIR: Opinion on amendments to certain laws of Ukraine passed on 16 January 2014, <http://www.osce.org/odihr/111370?download=true>, downloaded: 22/06/2014

⁴⁶ Подробности.UA: Кравчук считает, что Рада 16 января приняла законы с нарушением процедуры in: <http://podrobnosti.ua/opinion/2014/01/17/953526.html>, downloaded: 18/01/2014

⁴⁷ Корреспондент.net.: За отрицание преступлений фашизма ввели уголовную ответственность, <http://korrespondent.net/ukraine/politics/3285545-za-otrytsanye-prestuplenyi-fashyzma-vvely-uholovnuui-otvetstvennost>, downloaded: 20/06/2014;

More on Nazi crime denial law can be read on: Yad Vashem The Holocaust Martyrs' and Heroes' Remembrance Authority: Holocaust Denial Laws and Other Legislation Criminalizing Promotion of Nazism, article by Michael J. Bazylar in: <http://www.yadvashem.org/yv/en/holocaust/insights/pdf/bazylar.pdf>, downloaded: 20/06/2014

⁴⁸ Government of Canada: Preventing Persons from Concealing Their Identity during Riots and Unlawful Assemblies Act in: http://laws-lois.justice.gc.ca/eng/annualstatutes/2013_15/page-1.html, downloaded: 20/06/2014

⁴⁹ УНИАН: Народное вече в Киеве переросло в столкновения с фаерами и шумовыми гранатами in: <http://www.unian.net/politics/873924-narodnoe-veche-v-kieve-pereroslo-v-stolknoeniya-s-faerami-i-shumovymi-granatami.html#ad-image-0>, downloaded: 20/06/2014

⁵⁰ УНИАН: Массовые беспорядки на Грушевского продолжаются уже более 10 часов in: <http://www.unian.net/politics/874065-massovye-besporjadki-na-grushevskogo-prodoljayutsya-uje-bolee-10-chasov.html>, downloaded: 20/06/2014

⁵¹ УНИАН: «Правый сектор» подтверждает свое участие в драках на Грушевского in: <http://www.unian.net/politics/874077-pravyyi-sektor-podtverjdaet-svoe-uchastie-v-drakah-na-grushevskogo.html>, downloaded: 10/06/2014

⁵² УНИАН: МВД опубликовало видео с горящими силовиками in: <http://www.unian.net/politics/874668-mvd-opublikovalo-video-s-goryaschimi-silovikami.html>, downloaded: 10/06/2014

protesters were shot dead by police.⁵³ In addition, the dead body of kidnapped Euromaidan activist Yuriy Verbicki was found in outskirts of Kiev.⁵⁴

On 23rd January, Euromaidan entered new phase when its activists started to storm and seize control on regional administration buildings in western Ukraine.⁵⁵ Violent clashes were continued in Kiev and other Ukrainian cities. In February protesters besieged and attacked local headquarters of law enforcements agencies in Western Ukraine. MVS and SBU informed that in some offices the protesters were able to seize arms.⁵⁶ On 19th February, SBU announced the beginning of antiterrorist operation in the whole Ukraine.⁵⁷ Between 18-20th February approximately 76 people were killed - some of them by unknown snipers.⁵⁸

Put an end to the growing number of casualties in the evening of 20th February, Ukrainian Parliament passed the decision that obliged state authorities to stop the use of force including all kinds of weapon against civilians. SBU was obliged to immediately stop its antiterrorist operation. MVS was ordered to unblock streets and withdraw police and internal troops to their permanent locations. MOD was denied to use its forces in antiterrorist operation.⁵⁹ On 21st February President Yanukovych and opposition signed the agreement on the crisis settlement in Ukraine. The Ukrainian opposition representatives included Vitali Klitschko, Arseniy Yatsenyuk and Oleg Tyagnibok. The agreement was witnessed by the EU representatives: Poland's foreign minister Radoslaw Sikorski, Germany's foreign minister Frank-Walter Steinmeier and France's foreign minister Laurent Fabius. Russia's Human Rights Commissioner Vladimir Lukin, who was present at the negotiations, decided not to countersign the agreement.⁶⁰ The agreement indicated that within 48 hours special law will be adopted to restore 2004 constitution. Afterward, a national unity government would be formed and earlier presidential election held. Additionally, the agreement stated the amnesty and ordered to return illegally seized weapons within 24 hours

⁵³ BBC: Ukraine protests: Two protesters killed in Kiev clashes in: <http://www.bbc.com/news/world-europe-25843988>, downloaded: 10/06/2014

⁵⁴ Радіо Свобода: Брат Юрія Вербицького упізнав тіло, знайдене у лісосмузі in: <http://www.radiosvoboda.org/content/article/25238996.html>, downloaded: 10/06/2014

⁵⁵ Radio Free Europe/Radio Liberty: Beyond Kyiv: Ukrainian Protesters Seize Control Of Regional Administrations in: <http://www.rferl.org/content/beyond-kyiv-regional-protesters/25242538.html>, downloaded: 10/06/2014

⁵⁶ Украинская правда: СМИ: Протестующие захватывают оружие у силовиков in: <http://www.pravda.com.ua/rus/news/2014/02/19/7014934>, downloaded: 15/06/2014

⁵⁷ УНИАН: СБУ сегодня начнет "антитеррористическую операцию" по всей Украине in: <http://www.unian.net/politics/886553-sbu-segodnya-nachnet-antiterroristicheskuyu-operatsiyu-po-vsey-ukraine.html>, downloaded: 15/06/2014

⁵⁸ The case of sniper is still under investigation. In April 2014 SBU accused former officials including former president of ordering attack on protesters and suggested involvement of Russia's security services. President Yanukovych denied his involvement. Additionally, Russian authorities denied such accusation and sated that sniper shootings was provocation organized by groups linked to Euromaidan. More on: Human Rights Watch: Dispatches: Where is the Truth Behind Ukraine's Maidan Sniper Attacks? In: <http://www.hrw.org/news/2014/04/03/dispatches-where-truth-behind-ukraine-s-maidan-sniper-attacks>, downloaded: 15/06/2014;

Корреспондент.net.: Янукович: Снайперы на Майдане стреляли из зданий, контролируемых оппозицией in: <http://korrespondent.net/ukraine/politics/3343362-yanukovych-snaipery-na-maidane-strelialy-iz-zdaniy-kontrolyruemykh-oppozitsiyei>, downloaded: 15/06/2014

⁵⁹ УНИАН: ВР приняла постановление о запрете антитеррористических операций и выводе силовиков из Киева in: <http://www.unian.net/politics/887442-vr-prinyala-postanovlenie-o-zaprete-antiterroristicheskikh-operatsiy-i-vyvode-silovikov-iz-kieva.html>, downloaded: 15/06/2014

⁶⁰ УНИАН: Янукович подписал Соглашение по урегулированию кризиса в Украине in: <http://www.unian.net/politics/887827-yanukovich-podpisal-soglashenie-po-uregulirovaniyu-krizisa-v-ukraine.html>,

after introduction of the special law.⁶¹ In the afternoon, the Ukrainian parliament passed the special law.⁶² In the evening, oppositional leaders that signed the agreement were booed by protesters demanding immediate resignation of President Yanukovich. Right Sector called to continue the fight.⁶³ During the night of 21st February 2014, Samooborona Maidana took control over the Ukrainian parliament and the Presidential Administration Building. Furthermore, President Yanukovich left Kiev for Kharkov. On 22nd February, he released statement informing on the coup d'état in Ukraine.⁶⁴ In the night of 22nd January, he escaped to Russia claiming direct threat to his life in Ukraine.⁶⁵

On 22nd February, Oleksandr Turchynov from the political party Batkivshchyna was elected as the new speaker of Ukrainian parliament.⁶⁶ The parliament voted for earlier election to be held on 25th May.⁶⁷ On 23rd February O. Turchynov was appointed as acting president.⁶⁸ On the same day, the parliament voted to repeal the law "On the principles of the state language policy" guarantying Russian language the status of a "regional language".⁶⁹

Russian perspective on the Ukrainian crisis and the February 2014 political change

The Euromaidan was formed as the movement opposing governmental decision to move towards Russia-led integration projects. Hence, it was logically seen as an attempt to cancel decision made in line with Russian interest. On 22nd November 2013, President Putin welcomed Ukraine's position and described it as pragmatic and based on economic calculations.⁷⁰ Furthermore, the governmental decision was backed by the majority of Ukrainian Parliament composed by the Party of Regions and the Communist Party. Additionally, it was welcomed by the parliament of

⁶¹ УНИАН: Обнародован текст Соглашения об урегулировании кризиса в Украине in: <http://www.unian.net/politics/887869-obnarodovan-tekst-soglasheniya-ob-uregulirovanii-krizisa-v-ukraine.html>, downloaded: 15/06/2014

⁶² УНИАН: Верховная Рада вернула Конституцию 2004 года in: <http://www.unian.net/politics/887884-verhovnaya-rada-vernula-konstitutsiyu-2004-goda.html>, downloaded: 15/06/2014

⁶³ УНИАН: Майдан освистал оппозицию, "Правый сектор" обещает новый вооруженный штурм in: <http://www.unian.net/politics/888048-maydan-osvistal-oppozitsiyu-pravyy-ektor-obeschaet-novyy-vooruzhennyi-shturm.html>, downloaded: 15/06/2014

УНИАН: "Правый сектор" заявил, что не сложит оружие до отставки Януковича in: <http://www.unian.net/politics/888076-pravyy-ektor-zayavil-cto-ne-slojit-orujie-do-otstavki-yanukovicha.html>, downloaded: 15/06/2014

⁶⁴ УНИАН: Янукович заявляет о государственном перевороте, и не собирается уходить в отставку (видеообращение) in: <http://www.unian.net/politics/888308-yanukovich-zayavlyayet-o-gosudarstvennom-perevorote-i-ne-sobiraetsya-uhodit-v-otstavku-videoobraschenie.html>, downloaded: 15/06/2014

⁶⁵ НТВ.Ру: «Охота на Януковича»: кто хотел убить президента Украины in: <http://www.ntv.ru/novosti/936796/>.

⁶⁶ УНИАН: Турчинова избрали главой Верховной Рады in: <http://www.unian.net/politics/888209-turchinova-izbrali-glavoy-verhovnoy-radyi.html>, downloaded: 15/06/2014

⁶⁷ УНИАН: Рада устранила Януковича и назначила президентские выборы на 25 мая in: <http://www.unian.net/politics/888346-rada-ustranila-yanukovicha-i-naznachila-prezidentskie-vyibory-na-25-maya.html>, downloaded: 15/06/2014

⁶⁸ УНИАН: Рада назначила Турчинова исполняющим обязанности Президента in: <http://www.unian.net/politics/888615-rada-naznachila-turchinova-ispolnyayuschim-obyazannosti-prezidenta.html>,

⁶⁹ УНИАН: ВР отменила языковой закон Колесниченко in: <http://www.unian.net/politics/888626-vr-otmenila-yazykovoy-zakon-kolesnichenko.html>, downloaded: 15/06/2014

⁷⁰ Президент РФ: Пресс-конференция по итогам заседания Совета сотрудничества высшего уровня между Россией и Турцией in: <http://kremlin.ru/transcripts/19677>, downloaded: 21/06/2014

the Autonomous Republic of Crimea (The Supreme Council of the ARC).⁷¹ In the context of protest escalation in December Russia's Foreign Minister Sergey Lavrov called the United States and the European Union to respect Ukraine's sovereignty, refrain from illegal or unsanctioned actions, and called to seek political solutions in line with the Constitution.⁷² Thus, from the beginning Russian authorities perceived the Euromaidan as the movement not adhering to the existing laws.

This Russian negative perception of the Euromaidan was supported with the fact that the core of the movement was formed by radical right and anti-Russian political groups including Right Sector, Batkivshchyna and Svoboda. Russian media framed the Euromaidan's picture taking into consideration those groups enthusiastic attitude towards the heritage of the Organization of Ukrainian Nationalists' (OUN) leader Stepan Bandera and, consequently, labeled the Euromaidan's supporters as the Banderovtsy. The attitude of those political groups to the figure of Stepan Bandera shall be seen as relativization OUN crimes during the World World II that included collaboration in the Holocaust and the genocide of Poles in Volhynia. Such approach was part of official state policy under President Viktor Yushchenko.⁷³ It shall be noted that during his tenure in January 2010 Stepan Bandera was posthumously awarded the title of Hero of Ukraine.⁷⁴ This decision was cancelled by President Viktor Yanukovich in January 2011.⁷⁵ Accordingly, Yaunkovich was attacked for this movement in official statement issued by Svoboda and Baktkivshchyna.⁷⁶ Symbolically, just after ousting Yanukovich – in March 2014 Ukraine's UN envoy claimed that the Soviet Union fabricated evidences of Ukrainian nationalists crimes during World War II.⁷⁷ Such political statements supported Russia's evaluation on ideological position of new Ukrainian authorities. From the beginning of the movement Russian authorities emphasized and documented the presence of ideologically radical groups in the Euromaidan.⁷⁸ In contrast, U.S authorities conducted informational policies denying the participation of such groups in anti-governmental protests. Such approach could be illustrated with the statement of the US Assistant Secretary of State Victoria Nuland during the House

⁷¹ Российская газета: Киев не поддался еврошантажу in: <http://www.rg.ru/2013/11/25/integr.html>, downloaded: 21/06/2014

⁷² Министерство иностранных дел РФ: Ответы Министра иностранных дел России С.В.Лаврова на вопросы СМИ по итогам участия в заседании СМД ОБСЕ, Киев, 5 декабря 2013 года in: http://www.mid.ru/BDOMP/Brp_4.nsf/arh/E922A5D781AE202544257C380067B13C?OpenDocument, downloaded: 21/06/2014

⁷³ United States Holocaust Memorial Museum: D. Bechtel, The 1941 Pogroms as Represented in Western Ukrainian Historiography in: The Holocaust in Ukraine: New Sources and Perspectives – Conference Presentations. Center for Advanced Holocaust Studies, 2013. In: <http://www.ushmm.org/m/pdfs/20130500-holocaust-in-ukraine.pdf>, downloaded: 21/06/2014

⁷⁴ Корреспондент.net.: Ющенко присвоил Бандере звание Героя Украины in: <http://korrespondent.net/ukraine/politics/1038843-yushchenko-prisvoil-bandere-zvanie-geroya-ukrainy>,

⁷⁵ РБК: В.Янукович лишил С.Бандеру звания Героя Украины in: <http://top.rbc.ru/politics/12/01/2011/526333.shtml>, downloaded: 21/06/2014

⁷⁶ Цензор.НЕТ: Турчинов: Бандера - герой, как бы не тешились лилипутьы in: http://censor.net.ua/news/151258/turchinov_bandera_geroyi_kak_by_ne_teshilis_liliputy_; Антифашистский форум Украины – АНТИФАШИСТ: Бандера остается героем для Тимошенко и "Батькивщины in: <http://antifashist.com/latest-news/372-bandera-is-no-longer-a-hero.html>, downloaded: 21/06/2014

⁷⁷ Russia Today: Russia slams Ukraine's UN envoy for publicly justifying Nazi collaborators in: <http://rt.com/news/russia-ukraine-justifying-nazi-840/>, downloaded: 21/06/2014

⁷⁸ Министерство иностранных дел РФ: Белая книга нарушений прав человека и принципа верховенства права на (Ноябрь 2013 – Март 2014) in: http://img.rg.ru/pril/article/96/02/22/Belaya_kniga.pdf, downloaded: 21/06/2014

Foreign Affairs Committee hearing in May 2014 when asked on the presence of neo-Nazis groups in the Euromaidan. She evasively answered that “there were many colors of Ukraine involved including very ugly colors”.⁷⁹

With regard to the Right Sector it shall be noted that this organization is openly based on political thought of Stepan Bandera. With the fall of Yanukovich this informal alliance of various nationalistic groups evolved into officially registered political party. As the base for newly created structure was used political wing of the Ukrainian National Assembly - Ukrainian People's Self-Defense (UNA-UNSO).⁸⁰ It shall be noted that its para-military units fought alongside Chechen separatist forces under the command of Shamil Basayev, who is known as the mastermind of several terrorist attacks in Russia including the Budyonnovsk hospital hostage crisis (1995), the Moscow theater hostage crisis (2002) and the Beslan school siege (2004). The close relationship between the Right Sector and UNA-UNSO became reasonable security concern for Russian authorities. Thus, the Investigative Committee of the Russian Federation launched several cases against members of OUN-UNSO including the case against killed in March 2014 Right Sector's coordinator Alexander Muzychko (“Sashko Bily”).⁸¹

The Russian realistic approach was demonstrated by president's special envoy Vladimir Lukin with the decision not to countersign the EU brokered agreement on the settlement of the crisis in Ukraine. In line with his words there were no reliable partners on oppositional side that could guarantee execution of the agreement.⁸² The Euromaidan as dominated by political groups with nationalistic and anti-Russian ideological platform could not be seen by Russia as acceptable part of political dialogue in Ukraine. Lukin's position was validated with the Euromaidan move to discard the agreement. Furthermore, it supported Russia's position to describe the political change in Kiev as violent overthrow of democratically elected governments by extremists.⁸³ The interpretation that was supportive to Russia's policy concerning Crimea separation from Ukraine.

Russian perspective on the separation of Crimea from Ukraine

On 24th November 2014 two demonstrations were organized in Simferopol, the administrative center of the Autonomous Republic of Crimea, – the pro-EU “I am choosing the European Union” and the second sizably larger supportive to governmental decision for closer relations

⁷⁹ Russia Today: Nuland has tough time justifying US involvement in Ukraine in: <http://rt.com/news/157808-nuland-grilled-ukraine-costs/>, downloaded: 21/06/2014

⁸⁰ Цензор.НЕТ: Лидером радикальной партии УНА-УНСО стал опытный боевик, лично награжденный Дудаевым in:

<http://censor.net.ua/news/259317/liderom-radikalnoyi-partii-unaunso-stal-opytnyyi-boevik-lichno-nagrajdennyi-dudaevym>, downloaded: 21/06/2014;

Украинская правда: "Правый сектор" стал партией in:

<http://www.pravda.com.ua/rus/news/2014/03/22/7019934/>, downloaded: 21/06/2014

⁸¹ RIA Novosti: Ukrainian Nationalist Targeted Over Alleged Chechnya Atrocities in:

<http://en.ria.ru/russia/20140307/188181583/Ukrainian-Nationalist-Targeted-Over-Alleged-Chechnya-Atrocities.html>, downloaded: 21/06/2014

⁸² Российская газета: Украина уходит на бюллетень? , <http://www.rg.ru/2014/02/21/aktualno-site.html>, downloaded: 21/06/2014

⁸³ Министерство иностранных дел РФ: Выступление Постоянного представителя Российской Федерации при ООН В.И.Чуркина на открытом заседании Совета Безопасности ООН по ситуации на Украине, Нью-Йорк, 3 марта 2014 года in:

http://www.mid.ru/BDOMP/Brp_4.nsf/arh/D8E8DFFE7B0E60FE44257C91002D3CFA?OpenDocument, downloaded: 21/06/2014

with Russia “For stability and flourishing”. During the second meeting the chairman of The Supreme Council of the ARC stated that Ukraine shall be interested in the development of contacts with “brotherly Russian Federation” and “traditional relations with Russia shall not be sacrificed for the sake of the closer relationship with the European Union”.⁸⁴ The event could be seen as the beginning of the Russian Spring in the South-Eastern Ukraine – the movement opposing the Euromaidan and opting for closer relation with Russia. The Crimea became natural stronghold of the movement due to its majority ethnic Russian population. The 2001 All-Ukrainian population census data shows that Russians compose 58,5% of the ARC’s population where ethnic Ukrainians only 24,4%, and Crimea Tatars 12,1%.⁸⁵ Furthermore, in Sevastopol ethnic Russians compose 71,6%.⁸⁶

The Russian authorities perspective on Euromaidan was shared by the Supreme Council of the ARC and presented in the statement “On political situation” on 22nd January 2014. In alarming tone the Council criticized the Euromaidan as fascist and anti-Russian movement using violent means to seize power. It was underlined that local Crimean authorities would never “surrender” Crimea and live in Ukraine ruled by “Banderovtsy”.⁸⁷ Such radically different perspective could be illustrated with the approach to the Berkut special force unit based in Crimea to disperse demonstrations in Kiev. The Euromaidan blamed the unit for continuous excessive use of force. Thus, new Interior Minister Arsen Avakov ordered to disband the Berkut unit.⁸⁸ In contrast, the Crimean authorities recognized servicemen fallen during clashes with demonstrators as heroes fulfilling duty to protect public order.⁸⁹

On 27th February 2014 unknown armed people seized buildings of the Supreme Council of the ARC and the Council of Ministers of the ARC. The Crimea’s Deputy Vladimir Klychnikov was taking control of the buildings by the Crimean Self-Defence to secure the work of those institutions.⁹⁰ The same day, the Supreme Council approved the leader of the party Russian Unity

⁸⁴ Верховный Совет АРК: Выступление Председателя Верховного Совета АРК Владимира Константинова на митинге в поддержку решения правительства Украины не подписывать соглашение об Ассоциации с Европейским Союзом, 24.11.2013 in: http://www.rada.crimea.ua/chairman-of-vr-arc/inter/24_11_13, downloaded: 21/06/2014

⁸⁵ The last All-Ukrainian population census was conducted in 2001. Next census was planned for 2011 and consequently moved. In September 2013 Ukrainian authorities decided to conduct next census in 2016. Новости Крыма KRI.SU: В Украине перепись населения решили отложить на несколько лет in: <http://kri.su/2011/0921/13231.html>, downloaded: 21/06/2014;

Государственный комитет статистики Украины: Численность и состав населения Автономной Республики Крым по итогам Всеукраинской переписи населения 2001 года in: <http://2001.ukrcensus.gov.ua/rus/results/general/nationality/crimea/>, downloaded: 21/06/2014

⁸⁶ Государственный комитет статистики Украины: Численность и состав населения Севастопольского горсовета по итогам Всеукраинской переписи населения 2001 года in: <http://2001.ukrcensus.gov.ua/rus/results/general/nationality/sevastopol/>, downloaded: 21/06/2014

⁸⁷ Верховный Совет АРК: Заявление Верховного Совета АРК «О политической ситуации» от 22 января 2014 года in: http://www.rada.crimea.ua/news/22_01_2014_8, downloaded: 07/04/2014

⁸⁸ Лента.Ру: Глава МВД Украины расформировал «Беркут» in: <http://lenta.ru/news/2014/02/26/noberkut/>,

⁸⁹ Верховный Совет АРК: В Симферополе простились с крымскими правоохранителями, погибшими во время массовых беспорядков в Киеве in: http://www.rada.crimea.ua/news/22_02_14, downloaded: 07/04/2014; Верховный Совет АРК: Парламент поручил Совмину создать орган по охране общественного порядка в Крыму in: http://www.rada.crimea.ua/news/28_02_14_11, downloaded: 07/04/2014

⁹⁰ Верховный Совет АРК: Депутат пояснил, кто и зачем захватил Верховную Раду и Совмин АРК in: http://www.rada.crimea.ua/news/28_02_14_5, downloaded: 07/04/2014

as the new prime minister of the ARK.⁹¹ Simultaneously, Crimean authorities announced plans to conduct referendum to widen its prerogatives on 25th May 2014. On 28th February, Ukrainian central authorities decided to change the head of the MSV of the ARK without consultations with local authorities. This step was recognized as the violation of the ARK Constitution and Ukrainian law “On militia”. On 1st March PM Aksenov citing security reasons called for temporary subordination of security sector structures based in Crimea to his authority. Furthermore, he appealed to Russia’s President Vladimir Putin for assistance in securing peace on the territory of the ARK.⁹² On 3rd March 2014, the date of the referendum was changed to 30th March.⁹³ Finally, on 6th March 2014 the Supreme Council of the ARC adopted the decision “On holding of the all-Crimean referendum” that set 16th March as date of referendum on territorial status of the Crimea – to join Russia as a federal subject of Russian Federation or to stay as a part of Ukraine.⁹⁴ Subsequently, on 11th March the Council adopted “Declaration on the independent of the ARK and the city of Sevastopol.”⁹⁵ The official data of the ARC commission on holding the all-Crimean referendum stated that in the referendum of 16th March took part 1 274 096 (83,10 %) eligible voters, of whom 1 233 002 (96,77 %) voted for reunification of Crimea with Russia.⁹⁶ Consequently, on 17th March 2014 the Supreme Council of the ARC adopted the decision „On the independence of Crimea” in which independent sovereign state of Republic of Crimea (RC) was proclaimed. In the same document the RC requested Russia to be accepted as its subject based on international agreement.⁹⁷ The same day Russia recognized RC as the independent state. On 18th March 2014 the Russian Federation and the Republic of Crimea signed „The Agreement between the Russian Federation and the Republic of Crimea on accession of the Republic of Crimea to the Russian Federation”.⁹⁸

Russian policies towards Crimea’s secession from Ukraine are based on two politico-legal arguments. The first is the evaluation of the Crimean Oblast from the Russian Soviet Federative Socialist Republic (RSFSR) to the Ukrainian Soviet Socialist Republic (USSR) transfer in 1954 as illegal.⁹⁹ On 21st May 1992 the Supreme Soviet of the Russian Federation adopted the act “On the legal evaluation of the higher state authorities of the RSFSR decisions on the change of the

⁹¹ Верховный Совет АРК: В парламенте Крыма назначили нового премьерa in: http://www.rada.crimea.ua/news/27_02_14_6, downloaded: 07/04/2014

⁹² Верховный Совет АРК: Обращение Председателя Совета министров АРК Сергея Аксенова in: http://www.rada.crimea.ua/news/01_03_14, downloaded: 07/04/2014

⁹³ Верховный Совет АРК: Президиум Верховного Совета АРК поддержал инициативу крымчан о переносе даты республиканского референдума на 30 марта 2014 года in: http://www.rada.crimea.ua/news/03_03_14_2, downloaded: 07/04/2014

⁹⁴ Верховный Совет АРК: Постановление Верховного Совета АРК «О проведении общекрымского референдума» 16 марта 2014 от 6 марта марта 2014 in: http://www.rada.crimea.ua/news/06_03_2014_1, downloaded: 07/04/2014

⁹⁵ Верховный Совет АРК: Декларация о независимости Автономной Республики Крым и г. Севастополя от 11 марта 2014 года in: http://www.rada.crimea.ua/news/11_03_2014_1, downloaded: 07/04/2014

⁹⁶ Верховный Совет АРК: Результаты общекрымского референдума от 16 марта 2014 in: <http://www.rada.crimea.ua/referendum/resultaty>, downloaded: 07/04/2014

⁹⁷ Верховный Совет АРК: Постановление Верховного Совета АРК «О независимости Крыма» in: www.rada.crimea.ua/news/17_03_2014_1, downloaded: 07/04/2014

⁹⁸ Государственная Дума РФ: Федеральный конституционный закон Российской Федерации от 21 марта 2014 г. N 6-ФКЗ "О принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов Республики Крым и города федерального значения Севастополя" in: <http://www.rg.ru/2014/03/22/krym-dok.html>, downloaded: 23/03/2014

⁹⁹ Soviet documents related to the Crimea’s 1954 transfer are at: <http://www.rg.ru/2004/02/19/sssr.html>.

status of Crimea, made in 1954". The act stated that the decision on the transfer violated the Constitution of the RSFSR and did not comply with legislative procedure. Thus, adopted decisions were not legally binding from the beginning. In the same act the Russian Supreme Council called to regulate the status of the Crimea with interstate negotiations and consideration of the Crimea's people will.¹⁰⁰ Furthermore, Mikhail Moskvina-Tarkhanov noted that the territorial transfer between the RSFSR and the Ukrainian SSR did not comply with international law. In his analysis he stated that the Ukrainian SSR was subject of international law (member of the United Nations) where the RSFSR did not possess such status. Thus, the transfer to be legal shall be based on the international agreement between the Soviet Union representing the RSFSR and the Ukrainian SSR. Subsequently, the transfer had no legal force leading to the situation when in 1991 Ukraine illegally appropriated Russian territory. Therefore, the return of the Crimea to Russia cannot be seen as annexation but "the restitution of territory from illegal possession".¹⁰¹

The second argument concerns the evaluation of the Crimea's referendum and reunification with Russia as conducted in line with democratic procedures and international norms. Russian authorities many times underlined that population in Crimea was threatened by radical forces responsible for unconstitutional overthrow of the legitimate government in Kiev. Thus, it has full right to secede as form of self-defense and self-determination. Furthermore, such move was motivated by the need to preserve identity of local Russian population. In this context any political or legal guarantee of its territorial integrity i.e. given in the 1994 Budapest Memorandum on Security Assurances cannot be valid due to minority rights violations.¹⁰²

The identification of physical threat is difficult as the preventive measures of local Crimea's authorities manage and Russia's involvement to avoid the export of political violence from Kiev. However, the events documented by Russia supported the Information Group on Crimes against the Person (IGCP). The group documented facts of violent attacks on Crimea's residents including so called "the Korsun Pogrom" where "Anti-Maidan" activists were targeted by nationalists.¹⁰³ Furthermore, as the example of potential threat linked to new Ukrainian authorities could serve as a lack of action to prevent the Odessa tragedy of 2nd May 2014.¹⁰⁴

Successively, the intention of new Ukrainian authorities towards ethnic minorities could be measured with the move of the Ukrainian parliament to repeal the 2012 law "On the principles of the state language policy" on 23rd February 2014.¹⁰⁵ Distrust caused by this decision could not be

¹⁰⁰ Верховный Совет РФ: Постановление ВС РФ от 21.05.1992 N 2809-1 "О правовой оценке решений высших органов государственной власти РСФСР по изменению статуса Крыма, принятых в 1954 году" in: <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=EXP;n=223157>, downloaded: 30/06/2014

¹⁰¹ Парламентская газета: Михаил Москвин-Тарханов: О международно-правовых основаниях вхождения Крыма и Севастополя в состав России in: <http://www.pnp.ru/news/detail/53680>, downloaded: 30/06/2014

¹⁰² Министерство иностранных дел РФ: Заявление МИД России в связи с обвинениями в нарушении Россией обязательств по Будапештскому меморандуму от 5 декабря 1994 года in: http://www.mid.ru/brp_4.nsf/0/E2C2FECC50FBD22944257CAD0047429D, downloaded: 30/06/2014

¹⁰³ IGCP: IGCP выпустила документальный фильм "Корсунский погром", снятый по свидетельствам очевидцев in: <http://igcp.eu/novosti/igcp-vypustila-dokumentalnyy-film-korsunskiy-pogrom-snyatyy-po-svidetelstvam-ochividcev?language=ru>, downloaded: 30/06/2014

¹⁰⁴ Open Dialog: Odessa police responsible for the death of 46 people in: <http://en.odfoundation.eu/a/3417.odessa-police-responsible-for-the-death-of-46-people>, downloaded: 30/06/2014

¹⁰⁵ РИА Новости: Верховная рада отменила закон о статусе русского языка in: <http://ria.ru/world/20140223/996527008.html>, downloaded: 30/06/2014

changed despite Ukraine's acting president Turchynov refusal to sign the decision to repel the language law.¹⁰⁶

Accordingly, Russian authorities believed that its military involvement in February and March shall be seen as guarantee of local population security. On 18th April 2014 President Putin confirmed that so called “green people” or “gentle soldiers” were Russian troops acting on the request of Crimean peoples.¹⁰⁷ Furthermore, it shall be noted that on 1st March 2014 Russian authorities received official request from then legitimate Ukrainian President Viktor Yanukovich to use its military forces to “restore the rule of law in Ukraine”.¹⁰⁸ Thus, legality of Russian troop’s presence is heavily supported not only in the light of international norms as the Responsibility to Protect but also by internal Ukrainian law.

Concerning, the referendum and its results the Russian President Vladimir Putin in his address made on 18th March strongly stated that Crimea’s return to Russia is based on democratic procedure. Furthermore, he underlined that unilateral separation secession of Crimea from Ukraine was “legitimate and did not require any permission from the country’s central authorities” and his stance is supported with the UN International Court ruling of July 22, 2010.¹⁰⁹

The Autonomous Republic of Crimea secession and the accession of the Republic of Crimea to the Russia Federation possess strong complex legal basis. It was conducted strictly in line with international and Russian legal procedures. It included the recognition of the Republic of Crimea as independent state that formally concluded international agreement with the Russian Federation.

Summary

The Russian authorities’ perspective on the Ukrainian crisis is based on the interpretation of political developments in line with its own national interest. Still, it is based on comprehensive analysis of engaged parties and their actions. The analysis of protests conducted by the Euromaidan cannot prove the thesis of non-violent movement.

Moreover, its mosaic structure that included less and more radical groups referring to ideas of Nazi collaborator Stepan Bandera, hence targeting ethnic minorities cannot be presented as fully democratic or referring to European values. Furthermore, the change of the government in February 2014 was anti-constitutional and not in line with democratic procedures. The legitimacy of new authorities, hence the jurisdiction over Ukraine and the Crimea could be questioned.

Based on Kosovo’s precedent Crimea’s secession was conducted in line with international norms. Concerning, the referendum it shall be seen as expression of the majority population will which is

¹⁰⁶ Корреспондент.net: Турчинов отказался подписать решение Рады об отмене закона о языках in: <http://korrespondent.net/ukraine/politics/3314338-turchynov-otkazalsia-podpysat-reshenye-rady-ob-otmene-zakona-o-yazykakh>, downloaded: 30/06/2014

¹⁰⁷ Президент РФ: Прямая линия с Владимиром Путиным, 17 апреля 2014 год in: <http://kremlin.ru/transcripts/20796>, downloaded: 30/06/2014

¹⁰⁸ ТСН.ua.: Янукович призвал Путина ввести войска в Украину in: <http://ru.tsn.ua/politika/yanukovich-prizval-putina-vvesti-voyska-v-ukrainu-352680.html>, downloaded: 30/06/2014

¹⁰⁹ President of Russia: Address by President of the Russian Federation on 18.03.2014 in: <http://eng.kremlin.ru/transcripts/6889>, downloaded: 30/06/2014

composed by ethnic Russians. The questioning of Crimea's referendum results by part of international community could be seen as unproductive. Moreover, it stimulates Ukraine's action that have questionable nature i.e. blocking water supply to Crimea.¹¹⁰ Furthermore, it shall be noted that Russia's policies after Crimea's return took into consideration complicated ethnic structure i.e. Russian authorities moved forward with the legal rehabilitation of Crimean Tatars.¹¹¹

Thus, the understanding and acceptance of Russia's stance on the Crimea's secession by international community shall be seen as chance for stable developments of this region. Moreover, it could positively influence developments in Ukraine that shall seek to develop rational policies that would consider regional and ethnic interests to avoid further disintegration.

¹¹⁰ Эхо Москвы: Украина перекрыла подачу пресной воды на Крымский полуостров in: Крымскотатарский народ: вызовы прошлого и будущего in: <http://echo.msk.ru/news/1308164-echo.html>, downloaded: 30/06/2014

¹¹¹ More in: П. Озерски, Крымскотатарский народ: вызовы прошлого и будущего in: Журнал „Вопросы национальных и федеративных отношений” 2(24) 2014

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