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The annexation of Crimea: Lessons for European security

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Abstract:

The question of Crimea, illegally annexed by Russia in March 2014, re-emerged in world political news in the autumn of 2015 following the massive blockading of Crimea by Tatar militants and members of volunteer battalions. Particularly because, since the end of November, the peninsula has been subject to electricity cuts, firstly total and then partial, which are the consequences of the destruction of the four lines that were supplying electricity to Crimea from Ukraine.

In the current war context in the East of Ukraine, the question of Crimea has, no doubt, become secondary, but let's remember that, in post-war Europe, the peninsula currently represents a unique case where, in peace time, a State has occupied and annexed a section of territory that belongs to another State, thereby breaching all existing international and intergovernmental agreements.

Crimea, a peninsula with a population of 2 million and a surface areas of 27 000 km², is a region which, because of its history, has always had its own specific national and cultural characteristics, with its inhabitants having their own different ethnic and religious identities.

The French parliamentarians who went to Crimea in summer 2015, and other partisans of annexation of the peninsula, refer constantly to two principle arguments to justify the annexation: the same arguments that the Kremlin used in its own country when presenting the March 2014 referendum as a perfectly logical event.

Firstly, according to the Kremlin, the peninsula is historically Russian territory. And yet, from a historical point of view, Crimea has been inhabited by about a hundred different peoples over the centuries: from the Cimmerians [1] to the Krymchaks [2], its territory has been controlled by numerous empires, from the Roman Empire to the Ottoman Empire. And it was only in 1783 that the Russian Empire conquered this region which has actually only been Russian, with a variety of statuses, for a century and a half. It has only been after numerous deportations of the peoples inhabiting the Crimea, organised by successive Russian powers, that the Russians have become, artificially, the ethnic majority in the peninsula. From 1944, the totalitarian regime of the Soviet Union deported the Tatars, Gypsies, Armenians, Bulgarians, Greeks and Italians. By the end of the Second World War the Crimean peninsula had therefore lost two thirds of its population.

The other argument constantly put forward to legitimise this annexation is the story of the so-called "gift" by which in 1954 Nikita Khrushchev supposedly decided, alone, to give Crimea to Ukraine. In reality, Khrushchev was never the sole decision-maker in the Soviet State: he was first secretary of the Communist Party, whilst the position of President of the presidium of the Supreme Soviet was held by Kliment Vorochilov and executive power was directed by the president of the Council of ministers, Georgi Malenkov. The decision to transfer Crimea was taken collectively by the soviet political bodies. Corresponding changes were then added to Constitutions of the Russian Soviet Federative Socialist Republic (RSFSR) and the Ukrainian Soviet Socialist Republic (RSSU). After independence of the Ukrainian State, several measures were adopted, which consolidated the territorial integrity of Ukraine and the inviolability of its borders.

But what was the aim of the Soviet leaders on transferring the peninsula to Ukraine? Crimea was not the only region to undergo a similar fate within the USSR. Transnistria, a historically Ukrainian region was transferred to the Moldavian Soviet Socialist Republic, Upper Karabakh, a historically Armenian region joined the Soviet Socialist

1. Cimmerians – a nomadic horse-riding people initially found in the Pontic Steppe, north of Pont Euxin (today the Black Sea).

2. Krymchaks – are a Jewish community who have lived in Crimea for centuries, maybe two millennia, who speak a Turkish language, krymchak.

Republic of Azerbaijan, South Ossetia and Abkhazia became part of the Georgian Soviet Socialist Republic. Historians suggest various readings of these decisions taken by the Soviet authorities, such as, for example, the artificial creation of enclaves within Soviet Republics, in order to neutralize any possible nationalistic tendencies. But there is one thing now about which there can be no doubt: all these regions remain problem territories and are used as a means of manipulation in Russia's imperial plans.

THE BLACK SEA FLEET

After the break-up of the USSR, one of the main problems in Russian-Ukrainian relations was the question of the Crimean peninsula and the Russian fleet that was moored there.

In 1992, Crimea became the Autonomous Republic of Crimea, within the Ukrainian State, with its own Parliament and Council of Ministers.

At the same time, in 1992, the State Duma of the federal assembly of Russian Federation, the lower chamber, passed a resolution concerning the decisions taken in 1954 regarding the attachment of Crimea to Ukraine: Russian MPs addressed the question of the legitimacy of this transfer and the need to discuss the status of the peninsula and the city of Sebastopol on a bilateral basis. The following years were marked by an increase in tension on the question of Crimea. The confrontation came to an end with the signature in Kiev, on 31st May 1997, of the Treaty of Friendships, Cooperation and Partnership between Russia and Ukraine, during the first official visit by Russian President Boris Yeltsin, to Ukraine. The treaty set out the territorial integrity of both States: Article 2 stipulates that "*The high contracting parties, in accordance with the provisions of the United Nations charter, and obligations by virtue of the final act of the conference on security and cooperation in Europe, respect the territorial integrity of the other party and confirm the inviolability of their existing borders*" [3]. In the context of previous attempts to challenge the fact that Crimea and Sebastopol belonged to Ukraine, this treaty was of fundamental importance. At the same time, the two parties signed a joint declaration on the fate of the Black Sea fleet: the naval base of the Russian navy would remain in Sebastopol thanks to a 20-year renewable lease, which runs until 2017. Thus, the Russian fleet and the Ukrainian fleet each had their own headquarters in the city. The agreements came into force on 6th July 1999.

When Ukrainian President Viktor Yanukovych, known for his pro-Russian positions, came to power, the situation of the Russian fleet on Ukrainian territory changed radically. Within two months' of his investiture, V. Yanukovych had signed the Kharkov agreement, providing for maintenance of the Russian fleet in the Black Sea in the south of Ukraine, through until 2042, in exchange for major discounts on Russian gas. The previous government had proposed to Russia an evacuation plan for Russian military forces in Crimea after 2017. For Moscow, much more than for Kiev, this extension was of considerable importance. During the Russian-Georgian war of summer 2008, the Russian base in Sebastopol proved highly strategic. In order to blockade Georgian ports and prevent the delivery of weapons to Georgia, Moscow sent a squadron into Georgian waters, led by the guided missile cruiser "Moskva", despite opposition from the Ukrainian State.

MECHANISMS OF THE ANNEXATION

The events in Ukraine in the winter of 2013-2014, following suspension of the association agreement with the European Union in November 2013 by the Ukrainian president no doubt acted as an alarm signal for the Kremlin. The overturning of pro-Russian power in Kiev on 22nd February 2014 endangered all the Russian leaders' plans regarding Ukraine: the Eurasian Union and the uncertain fate of the Russian Black Sea fleet. The lack of political stability in Ukraine created ideal conditions for Moscow to conquer Crimea. On 27th February 2014, Russian special force units took control of strategic buildings on the peninsula, including the buildings of the Crimean Autonomous Republic Parliament. Over the course of the following month, the Russians took total control of the strategic installations of civil and military infrastructures, blocking Ukrainian military units. The occupiers wore uniforms without either national emblems or military insignia; they were

3. http://zakonbase.ru/content/part/680193 (in Russian)

therefore nicknamed "the little green men" by the local population. Events happened extremely quickly and the Kremlin sent extremely well trained special Russian forces, and the commanders of the Ukrainian army on the peninsula were quite simply taken by surprise, unable to riposte without the intervention of military forces from continental Ukraine. Kiev took the decision not to send any additional forces into Crimea, having understood that any counter-attack by the Ukrainian army would immediately provoke a large scale military confrontation with Russia. The Ukrainians had only just lived through the tragic events of the "Revolution of Dignity" and were not willing to undergo any more loss of life.

The referendum on the attachment of the Crimean peninsula to Russia was organised in just two weeks and was held on 16th March 2014. The results were announced the next day: 96.6% "yes" to the attachment to Russia, with a turnout rate of 82%. According to the declaration made by Mustafa Jemilev, head of the Crimean National Movement of Tatars, the turnout rate was only 32.4%. That same day, the Crimean Parliament proclaimed the peninsula's independence and asked to be attached to Russia. The annexation process was officially completed on 21st March 2014, in an accelerated legislative process. At a ceremony in the Kremlin, Putin signed the law creating two new Russian administrative entities: Crimea and the port city of Sebastopol. The Federation Council, the Russian parliament's upper chamber and the Duma, the lower chamber, had ratified the treaty on attachment a short time previously. On 15th April 2014, the Ukrainian parliament (Verkhovna Rada) recognised Crimea as a temporarily occupied territory.

In spite of all the accusations, Moscow denied the presence of Russian military on the peninsula; but a month after the referendum, during a "Direct line with the people" session, Vladimir Putin declared "I do not deny that our objective was to ensure that the free expression of Crimea's will happened in good conditions. That is why our troops were backing up Crimea's self-defence forces" [4]. Many experts believe that these self-defence forces were trained by the Russian Special Forces, the Spetsnaz, who had already participated in operations in Chechnya and Georgia. The creation by the Russian Defence Ministry of a new military medal, the "For the Return of Crimea" medal, provides official confirmation of the Russian military operation on the Ukrainian peninsula.

A year after the annexation, on 15th March 2015, the Russian State TV channel "Rossiya 1" broadcast a documentary entitled "Crimea, the road to Motherland" on the events of spring 2014 in Crimea. In an interview for this documentary, the Russian President has admitted that he personally had directed Russian military action on the peninsula: "In the night of 22nd to 23rd February 2014, I said to my colleagues, the position is such in Ukraine that we must start work on the return of Crimea to Russia, because we cannot abandon to the nationalists this territory and its inhabitants who are in distress" [5]. Later on he adds, "So, I do not hide the fact, I gave the order to the Ministry of Defence to transfer secret service special units there, as well as marine corps forces and parachutists". In the same documentary, the Russian President stated that we was ready to "render operational" Russian nuclear forces in case of any military intervention by western countries. The idea that their president was capable of raising the nuclear threat, without there being any real external danger, paradoxically did not disturb either Russian society or the majority of the Crimean population.

In March 2015, the Russians celebrated "the return of Crimea" to their country, with the participation of Vladimir Putin. An enormous stage was set up at the foot of the Kremlin for numerous concerts and speeches. The great majority of Russians approve of what is called in Russia "the return of Crimea to the Motherland" and they also support Russian military intervention in Eastern Ukraine.

And yet, by annexing the territory of the Crimean peninsula, which belonged to the State of Ukraine, Russia violated three international treaties which it had signed.

In 1994, the Budapest Memorandum was signed between Ukraine, Russia, the United States and the United Kingdom. In this agreement Ukraine agreed

4. *http://www.huffingtonpost.fr/2014/04/17/ukraine-poutine-armee-russe_n_5165088.html*

5. *http://www.dailymotion.com/video/x2lr5nl*

to dismantle the stock of nuclear weapons that it had inherited after the break-up of the USSR. In return signatory States committed to respecting Ukrainian independence and sovereignty within its borders and to abstain from any threat or use of force against Ukraine [6].

The second agreement that was not respected is the Treaty of Friendship, Cooperation and Partnership between Russia and Ukraine, signed in Kiev in 1997.

Finally, the third treaty is the Agreement between Russia and Ukraine on the Russian-Ukrainian border, signed in Kiev in 2003 and according to which Crimea was to remain an integral part of Ukraine [7].

The violation of Ukrainian borders by the annexation of Crimea and then by Russian military intervention in Eastern Ukraine, provoked a great deal of reaction amongst the international community.

During the summer of 2014, in response to the illegal annexation of Crimea and the deliberate destabilisation of the Ukrainian State, the European Union and the United States imposed international sanctions against Russia: diplomatic, military and economic measures. Since the annexation of Crimea, the European Union has adopted three series of sanctions. The first phase of its measures took the form of travel restrictions and the freezing of assets; these affected only a list of Russian and Ukrainian personalities involved in the illegal annexation of Crimea by Russia. This list of people has been up-dated several times and now includes 95 names. The second phase of sanctions comprises the freezing of new programmes in Russia financed by the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD). Finally, the third phase of restrictive measures in the sector comprises economic sanctions, notably the limitation of access to primary and secondary European capital markets for 5 State-owned Russian financial institutions, the imposition of an embargo on selling weapons to Russia, a ban on the export of double-use goods for military end-users and the restriction of Russian access to sensitive technologies in the energy sector.

The 28 Member States of the European Union have also supported the suspension of negotiations on Russian membership of the OECD and the International Energy Agency. Lots of other bilateral negotiations with Russia have also been suspended. For its part, Moscow has taken measures against the European Union, Canada, Australia and the United States, imposing an embargo on fresh products, thus targeting their food industry sectors.

Within this context, additional restrictions for Crimea and Sebastopol have been implemented by the European Union: all imports from Crimea and Sebastopol have been banned, together with any European investment on the peninsula, European tour operators are no longer authorised to offer their services in Crimea and Sebastopol, and the export of certain goods and technologies to Crimean companies or for usage within Crimean territory has now been banned. In June 2015, the European Council extended sanctions until summer 2016.

In September 2015, France finally voted cancellation of the delivery of two Mistral type warships to Russia, due to Moscow's role in the Ukrainian crisis.

THE TATARS OF CRIMEA

Despite Russian claims, annexation of the peninsula has not been experienced enthusiastically by the entire population of Crimea. Many families have left the territory, which is now Russian, through fear of violence against pro-Ukrainians. These are mainly the Tatars of Crimea who undergo persecution from the Russian authorities on a daily basis. The situation is doubly tragic for the Tatars: they were already subjected to the deportations organised by the Russians during the Second World War and it was only at the end of the eighties that survivors were allowed to return to Crimea. According to the results of the national population census carried out in 2001, Tatars represent 12% of the Crimean population [8].

The Tatars of Crimea ethnic group is made up of different peoples who migrated to Crimea: Tauri, Scythes, Cimmerians, Sarmatians, Greeks, Alans,

6. http://www.un.org/french/documents/view_doc.asp?symbol=S/1994/1399

7. http://kremlin.ru/supplement/1653 *(in Russian)*

8. http://2001.ukrcensus.gov.ua/results/general/nationality/crimea/

Goths, Huns, Romans, Khazars, Cumans, Pechenegs and Mongol-Tatars. They were the origin of the Crimean Khanate, founded in 1441. In the 15th century the reigning dynasty in Crimea recognised the suzerainty of the Ottoman Empire, and the Khanate thus became a protectorate of the Sultan. During its existence, the Crimean Khanate was almost permanently at war with its neighbours, the Zaporogue Cossacks, the Grand Duchy of Lithuania, Moldavia, the Kingdom of Poland and Moscovia. At the end of the 18th century, the Khanate of Crimea had become an arena in the combat for influence between the Ottoman and Russian Empires. In 1774, the Khanate was declared independent from the Ottoman Empire and very quickly the government of Catherine II of Russia annexed its territory. The Khanate of Crimea thus ceased to exist. Over the course of the ensuing decades the Tatars became a minority group in Crimea because the Russian Empire established there a large number of Russian peasants, offering them numerous advantages. This was the start of a tragic period in the history of the Tatars of Crimea, which they call "the black age". Repressions by the Russian power and the expropriation of land led to a massive exodus by the Tatars of Crimea to territories in the Ottoman Empire, currently Turkey, Bulgaria and Romania.

But it was at the end of the Second World War that the Tatars of Crimea experienced the greatest tragedy in their history. The entire population, around 200 000 people, was deported from Crimea on Stalin's orders, on the pretext of collaboration with the Nazis. This deportation, known as the "Sürgün", due to its motivation, formation and scope of application, was an act without precedent in the history of the Soviet regime because it affected an entire people. The operation, in which 32 000 NKVD agents took part, lasted 2 days, from 18th to 20th May 1944. People to be deported had between 5 and 30 minutes in which to get their things together, and were only allowed to take with them personal items, kitchen utensils and food, within a limit of 500kg per family. In reality families only managed to scramble together about 20 to 30kg of goods and products, and all other property was then confiscated by the Soviet authorities. These families were mainly sent to Central Asia, 82.5% to Uzbekistan, 2% to Kazakhstan and Tajikistan, the remainder were sent to Russia, to Siberia and the Urals. Around 46% of the population deported succumbed to malnutrition and sickness during the two years following deportation.

Today, following massive repression by the Kremlin, around 7 000 Tatars, a native people of Crimea, have been obliged to flee their historical country. Those who have remained have to make a crucial choice: either they renounce their Ukrainian nationality in favour of Russian nationality or else they become "foreigners" in their own country. Mustafa Jemilev, the acknowledged head of the Crimean National Movement of Tatars of Crimea, and Refat Chubarov, president of the Majlis of the Tatar people of Crimea have been banned by Russia from entering Crimea for five years. The only TV channel for the Tatars of Crimea, ATR, which had openly called for a boycott of the referendum on the attachment to Russia, ceased broadcasting to the peninsula in March 2015. It is now installed in Kiev. The Russian government plans to open its own TV channel for the Tatars in Crimea, which will be used as an instrument of Soft Power to promote Russia's image. For the first anniversary of the annexation, Amnesty International published a summary entitled "*Violations of the rights to freedom of expression, assembly and association in Crimea* [9]", in which it explained how the Russian authorities in Crimea were infringing a whole series of human rights against pro-Ukrainian media, militant organisations, the Tatars of Crimea and people who criticise the regime. A certain number of activists have been imprisoned and several people have been reported missing. On 25th August 2015 the Ukrainian film director, Oleg Sentsov, arrested in Crimea in May 2014 and accused of having set up a terrorist organisation with the aim of obtaining restitution of the peninsula to Ukraine, was sentenced to 20 years in jail by a Russian military tribunal in Rostov-sur-le-Don. His co-accused, Alexandre Kolchenko, considered to be a member of the same terrorist organisation, was sentenced to 10 years in jail. In a declaration made after the verdict, the High Representative of the European Union for Foreign Affairs and Security, Federica Mogherini, stated "The European Union believes that these convictions violate international law and elementary legal standards. It will continue to call on Russia to release O. Sentsov and A. Kolchenko immediately and to guarantee their

9. https://www.amnesty.org/fr/documents/document/?indexNumber=eur50%2F1129%2F2015&language=en

safe return to Ukraine" [10]. At the end of November 2015, the Russian courts rejected Sentsov's appeal, confirming his 20-year jail sentence.

THE RUSSIAN CRIMEA

Russian propaganda about the annexation of Crimea has proved to be as efficient on the peninsula as it is amongst Russian citizens. The Kremlin's strategy consisted of convincing people that the attachment of the peninsula to "the Motherland" was both necessary and urgent because the Russian speakers of Crimea were threatened by "Fascist Kiev." Remember that exactly the same pretext was used by Moscow to justify its military intervention in Eastern Ukraine. A great majority of Russians are convinced of the legitimacy of this annexation and believe that this action is proof of their country's power. But they do not ask themselves about the possible cost of this attachment. Indeed, Crimea has never been a self-sufficient region and was always dependent on Kiev for both subsidies and vital services, such as water and electricity. For example, 80% of Crimea's electricity came from Ukraine.

Since September 2015, the peninsula annexed by Russia has also been subject to a road blockade: the passage of trucks bringing foodstuffs to Crimea is blocked by Tatar activists, members of the Praviy Sektor ("Right Sector") nationalist movement and battalions of volunteers. Restrictions on goods transported across the border to Crimea are now being imposed even on private vehicles.

At the end of November the foundations of the four electricity lines that supply Crimea were sabotaged with explosive on the Ukrainian side by members of the "Civil Blockade", cutting off any delivery of Ukrainian electricity to the annexed peninsula. Ukrenergo, the Ukrainian company, attempted to partially recommence supplies to the peninsula from the continent, but in the end was prevented from doing so by the blockade activists. A state of emergency was thus called in Crimea, businesses on the peninsula were halted and homes received electricity for only a few hours per day. Since then Crimea has been getting its supply from generators and from the "energy bridge" that links it to the Russian electricity network. This high voltage cable was started up on 2nd December, in the presence of Vladimir Putin.

In December 2015, the government in Kiev proposed to Russia that it would continue to supply electricity to Crimea, subject to the contract mentioning the fact that the peninsula belonged to Ukraine. Following this proposal, the Russian president ordered an opinion poll in Crimea before signing the contract with Ukraine. Inhabitants of the annexed region were asked two questions, said Russian Energy Minister: "Do you support, yes or no, the contract signed with Ukraine for the supply of electricity to Crimea and Sebastopol, if it is stipulated therein that Crimea and Sebastopol are part of Ukraine?" and "Are you willing to put up with temporary difficulties linked to minor interruptions to your electricity supply for the next 3 or 4 months?" [11]. According to the Russian press agency, RIA Novosti, 93% of the inhabitants of the annexed peninsula do not accept the contract proposed by Kiev, whilst 94% of the population are willing to put up with temporary difficulties [12]. Although the Russian government states that 90% of electricity requirements are now covered in Crimea thanks to these measures, that does not mean that inhabitants receive electricity for periods of any longer than 3 hours.

Leonid Kravchuk, who was the first President of the independent Ukraine, believes that the blockade of Crimea is maybe not an efficient negotiation method within the current context, because activists are using force whereas the only way to negotiate with Russia would be to suggest rational solutions. Politicians and Ukrainian experts believe that the inhabitants of Crimea would like to become Ukrainian citizens again on condition that the living standard in Ukraine appeared to be higher than their own. Leonid Kravchuk is convinced that this social solution could never resolve the Crimea question. In his opinion only a political solution can be suggested to Russia, in view of the current balance of power. In an interview with Ukrainian TV channel "5 Kanal", he refers to a loose autonomous status for Crimea, whilst it remains part of the State of Ukraine [13].

10. http://eeas.europa.eu/statements-eeas/2015/150825_01_fr.htm

11. http://minenergo.gov.ru/node/3801

12. http://ria.ru/society/20160111/1357916637.html

13. http://www.rbc.ua/styler/zhizn/eks-prezident-kravchuk-uveren-putin-gotov-1452340497.html

The Russian government has announced that it will complete constructions of the bridge across the Kerch Strait, which will connect the Kerch peninsula in Crimea to the Taman peninsula in the Krasnodar region of Russia, in 2018. The bridge's first pile was installed on 16th August 2015. The project has a total budget of $3 billion (€2.16 billion).

In addition and in spite of official statements from the Kremlin, sanctions imposed following the annexation of Crimea have had a considerable impact on the Russian economy.

On a military level, some sources indicate the presence of Russian nuclear weapons in Crimea. At the end of 2014, the Russian Foreign Minister, Sergey Lavrov, stated that Moscow had the right to install its nuclear arsenal on any part of Russian territory, including on the Crimean peninsula.

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Although Daesh and terrorism have moved centre stage in the concerns of the international community, the annexation of Crimea is still a serious threat, not only for Ukraine but also for the rest of Europe. The Ukrainian State sees this attachment as double treachery: on the part of the inhabitants of Crimea who voted for "reunification" with Russia and on the part of Russia who, for years, set itself up as a friendly people but, in the end, did not hesitate to use military force to annex part of Ukrainian territory. Kiev is not currently in a position to recuperate the Crimean peninsula but continues to consider this region as Ukrainian territory, temporarily occupied by Russia.

For other countries, such as Georgia, Moldova or the Baltic States, this annexation is a signal of foreseeable danger for their own territory: Russia has demonstrated that it is capable of acting quickly and efficiently, whilst the international community has offered no other response than the imposition of sanctions on Russia. Even the United Kingdom and the United States, signatories to the Budapest Memorandum, who were supposed to guarantee the sovereignty and existing borders of Ukraine, have been unable to oppose the Russian annexation. Unfortunately, the lack of any strong reaction from the international community could enable the Russian president to envisage a similar scenario in other States that are home to a Russian minority.

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