

Crimea: Its Politics, Economy, and Resources

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Abstract

This article examines certain questions and challenges pertaining to the Russian Federation's illegal annexation of Crimea in the domains of security and the violation of both property rights and human rights, abuses of which are systemic in the region. The issues I will discuss, pertaining to the illegal nationalization of private and state property in the annexed region of Ukraine, are problems that entangle the Russian Federation in complex land relations, which have the potential to fuel conflict. This article examines human rights violations linked with the annexation of the Crimea. Problems have arisen concerning the persecution of different ethnic and national groups—namely, Crimean Tatars and Ukrainians—by Crimean and Russian authorities. Currently, both Ukraine and the international community lack significant opportunities to influence Crimea's politics and economy.

Introduction

A year and a half after Russia's occupation and annexation of Crimea, the matter of human rights violations remains inescapably relevant, in particular, the violation of property rights—those of individuals and the Ukrainian government's—which today are systematically violated both by Russian forces and by the self-proclaimed local government in Crimea. The so-called Verkhovna Rada of Crimea announced the beginning of nationalization on March 17, 2014. Around 250 articles of state property in the Republic of Crimea were nationalized, as reported by the self-proclaimed leaders. However, the actual figures greatly exceed the official totals. According to official information from Ukraine's Ministry of Justice, about 4,000 companies, organizations and institutions are located in the temporarily occupied territory of Crimea. However, efforts are underway to update this list. From March 1, 2015 to January 30, 2015, only nine state-owned enterprises “registered a change in location from the Autonomous Republic (AR) of Crimea or the city of Sevastopol to the Ukrainian mainland,” and one company ceased all operations.¹

In fact, the occupation and annexation were carried out on April 1, 2014, when the so-called Federal Constitutional Law of the Russian Federation № 6-FK3 of March 21, 2014, “On the Adoption into the Russian Federation of the Republic of Crimea and the

¹ Anastasia Zanuda, “Podschitat' anneksiyu Kryma: missiya nevyopolima?” BBC Ukraine, March 2, 2015.

http://www.bbc.co.uk/ukrainian/ukraine_in_russian/2015/03/150302_ru_s_crimea_economy_business

Establishment of the Republic of Crimea and the Federal City of Sevastopol as New Subjects of the Russian Federation,”² came into effect.

The Russian Federation’s position and action may be interpreted as a direct act of aggression against Ukraine as a sovereign state. The so-called referendum on the status of Ukraine was held by Crimean authorities on March 16, 2014, without the proper legislative body, outside of the existing powers of local authorities, and in the absence of international observers. The wording of the questions submitted for the referendum presumed no possibility of maintaining Crimea’s status as part of Ukraine. The referendum was not recognized by international organizations, the United States, or EU member states. Furthermore, on March 20, 2014, the Venice Commission of the Council of Europe concluded that the referendum on Crimea did not conform to European laws and legal practices.

Notably, the Russian Federation occupied and annexed Crimea despite the Budapest Memorandum of December 5, 1994, where the RF itself was among the countries to guarantee Ukraine’s independence, sovereignty, and territorial integrity. Despite the fact that Russia carried out the occupation and subsequent annexation of Crimea without a military conflict, its actions have resulted in the emergence of a number of complex issues and challenges relating to international security, international rights and relations, violations of human rights standards, and ethnic conflict.

The challenges listed above constitute a threat not only to international security in the region as a whole, but also lay the foundation for potential military conflict, for the escalation of social, humanitarian issues in Crimea, and also of inter-ethnic conflict. Despite the lack of mention of Crimea during the Minsk accords, in context of the war in the Donbas, these two separate issues are linked strategically.

Though it may be tempting to solve the problem of Russian presence in the Donbas by declaring the situation in Crimea as outside the scope of international relations, such a scheme would create a dangerous political precedent in modern history and might only further exacerbate the problem. Today, Ukraine lacks a clear vision as to how to resolve the problem of the occupation and annexation. It is not a matter of dual control of the peninsula territory or the accordance of a special status.

The subject of the referendum on Crimea’s future, which is gaining unofficial popularity in Russia among liberals, is met with more skepticism in Ukraine. Passing the referendum does not guarantee the countries different access to information, and would likely be carried out without Russia demilitarizing the peninsula, which calls into question the results of these ballot measures *a priori*. The question also remains by what rules a potential referendum might proceed. Crimea is Ukrainian territory by political-legal right, and in Ukraine, issues of this nature may be decided only by Parliament, as a national referendum, or a referendum initiated by the president. Therefore we can only

² This law of the Russian Federation may be found online (in Russian) at http://www.consultant.ru/document/cons_doc_LAW_173042/

talk about a political solution within the scope of such a step, but today, even under the aegis of international organizations, such initiatives must be looked at critically.

The sole position Ukraine's political leadership has taken is to publicize proposals for the creation of an autonomous Crimean Tatar nation within Ukraine and the possible introduction of changes to the Ukrainian Constitution. President Petro Poroshenko presented similar scenarios in his address to the World Congress of Crimean Tatars in Ankara in 2015. From the Ukrainian perspective, there is no doubt that any potential status negotiations ought to involve the Crimean Tatars' political leaders, although today these processes remain unrealized and overshadowed by the Minsk talks. Ukraine possesses insufficient political leadership and subjectivity in the matter, and European countries lack the initiative to seek political regulation of the Crimean problem. German diplomacy, while playing a crucial role in the Minsk talks, has taken no action towards institutionalizing negotiations regarding the future of the Crimean peninsula.

At the same time, any discussions of Crimea's status or of different scenarios cannot proceed without analysis of property rights on the peninsula. In the future, the political and economic costs, which may outweigh domestic political gains, ought to constitute a key reason for the Kremlin's change in attitude towards Crimea. Since today the majority of Russian citizens unconditionally support the annexation of Crimea, they may willingly forgive the ensuing economic instability. Russia may incur costs due to a combination of factors, including the sanctions regime, the fall in oil prices, and other economic and political factors; in particular, the legal review of relevant cases of the Russian Federation's and self-proclaimed Crimean authorities' appropriation of state and private property.

Economic Problems in Annexed Crimea

From the very first days of occupation and annexation, the Russian leadership established the mission of "integrating" Crimea into the Russian Federation's political and legal systems, which entailed political and legal action. Beginning on January 1, 2015, the law entitled "On the development of the Crimean Federal District and the free economic zone in the territories of the Crimean Republic and the Federal City of Sevastopol" came into force in the annexed territory of Crimea, the so-called federal targeted program "Socioeconomic Development of the Crimean Federal District until 2020" was launched, and a Ministry of Crimean Affairs was created. However, on July 15, 2015, Vladimir Putin signed an order abolishing the Ministry of Crimean Affairs and the State Commission for the Socioeconomic Development of the Republic of Crimea and the City of Sevastopol. Department functions should pass to the Ministry of Economic Development in 2016.³ This shift may have been due to Russia's desire to optimize costs and to the increasingly complicated economic situation.

³ Executive Order Abolishing the Ministry of Crimean Affairs (July 15, 2015): <http://en.kremlin.ru/events/president/news/49998>

Crimea currently is living through troubled economic times. Before the annexation, the region was fully integrated into Ukraine's economic system. The region is not self-sufficient in terms of energy resources, water, and food products, much of which Ukraine supplied. Prior to the annexation, in 2013, Crimea succeeded in meeting only 51.2 percent of its financial needs. Crimean taxpayers paid 8.5 billion UAH into budgets at all levels, while receiving 16.6 billion UAH. The subsidy to Crimea's pension fund amounted to 3.4 billion UAH.⁴ More pensioners live in Crimea than in all of Ukraine. For example, in Ukraine on average about 23 percent of the population receives a pension; in Crimea, the number falls at 28 percent, or nearly 560,000 people.

Another crucial service Ukraine provided was the water for agricultural needs in northern Crimea, on the North Crimean canal built by Ukraine. In fact, the Crimean government's debt for water use for just 2013 amounted to 1.7 million hryvnia, and has not yet been repaid.⁵

Only 20-30 percent of Crimea's electricity demand is covered by its energy output.⁶ Ukraine supplies Crimea with electricity; this continues today, since the relevant contracts have already been signed. Ukraine has been developing alternative energy sources in Crimea for many years, especially in the 1990s; they built state-owned wind farms (VES) with total capacities of 90 MW. In 2012-2013, solar power plants (SES) with a 400 MW capacity appeared; however, due to "legal collisions," the SES were disconnected from the grid. Now Ukraine's energy system covers up to 86 percent of Crimea's peak load under existing intersystem power lines (in 2013, Crimea consumed higher than 6.5 billion kilowatts; less than 1.2 billion sourced from its own power generation).⁷ According to preliminary estimates in 2014, Ukrainian tariffs on the subsidy from the Russian Federation should amount to around 8 billion rubles.

Together, these factors exacerbate the tension of Russian involvement in the region, set on the backdrop of economic troubles and sanctions from abroad. About 75 percent of revenue in Crimea's 2015 budget consists of Russian federal subsidies. Federal subsidies

⁴ "Kryim byl i ostaetsya dotatsionnyim regionom- glava Minfina." *Unian* (December 3, 2014). <http://economics.unian.net/finance/895857-kryim-byil-i-ostaetsya-dotatsionnyim-regionom-glava-minfina.html>

⁵ "Gosvodagenstvo Ukrainy nazvalo usloviya, pri kotorykh vozmozhna podacha vody v Krym." *Tsenzor* (April 12, 2015). http://censor.net.ua/news/332339/gosvodagentstvo_ukrainy_nazvalo_usloviya_pri_kotorykh_vozmozhna_podacha_vody_v_krym

⁶ "Energetika Kryma segodnya: Obzor." *Energosovet* No. 2 (33), 2014. http://www.energosovet.ru/bul_stat.php?idd=460

⁷ "Energetika Kryma: proshloe, sovremennost', budushchee. O slabnosti sobstvennoi generatsii elektroenergii na poluostrove, zavisimosti regiona ot postavok s Ukrainy i griadushchikh izmeneniiakh."

http://crbc.pro/all/articles/energetika_kryma_proshloe_sovremennost_budushee/

account for 47 billion rubles of the 2015 budget.⁸ At the same time, following the annexation, the region received a significantly larger portion of the federal budget— a subsidy of 93 billion rubles in 2014, a sum many times greater than that received by any other subsidized region of the RF. Total spending for the federal program “Socioeconomic development of the Republic of Crimea and the Federal City of Sevastopol Until 2020” is planned to amount to 372.96 billion rubles.⁹ The program provides for expenditures totaling 681.2 billion rubles through 2020. The federal budget will provide 658.2 billion, and over 23 billion rubles will come from sources outside of the budget.

The socio-economic dependence of the region, exacerbated by transportation challenges in the annexed region, poses a constant threat relating to escalating military conflict; in particular, it’s impossible to rule out the possibility that Russia will create a “corridor to Crimea” by stepping up its military activities in the Donbas. In fact, similar scenarios presented themselves in the summer of 2014, and they may yet be revisited, under the current political conditions. It should be noted that the issue of a bridge across the Kerch strait as an alternative means of connecting Crimea to Russia’s Krasnodar region presents some complications. Russia has estimated the cost of a 19-kilometer bridge at just over 228 billion rubles, but this figure has not been finalized; at the same time, the RF currently has neither the technology nor sufficient resources to realize this ambitious project, which is complicated by the region’s geology, seismic activity, and potential for flooding. Initial steps to implement this project likely represent a public relations move from Russian leadership. Moreover, Ukraine would need to grant permission for the bridge’s construction, since the Azov Sea falls within territorial waters belonging to Ukraine.

The Crimean Problem and International Sanctions

Russian experts have concluded that Crimea is simultaneously experiencing external pressure on its economy and infrastructure from Ukraine, the EU, and the US, all of which have introduced a number of both overt and covert sanctions against the peninsula, as well as numerous other political and economic measures.

On July 30, 2014, the EU imposed sanctions on Crimea, separate from the previously imposed personal sanctions on Crimean and Russian public figures who were involved in the annexation.¹⁰ The sanctions include a ban for European companies on investment in infrastructure projects, investment in the transportation, telecommunications and energy sectors, as well as oil, gas, and minerals. Under the ban, European companies may supply neither equipment nor financial and insurance services. In addition, the EU has provided a list of Crimean goods that are now off-limits; this list includes ores, minerals, and fossil

⁸ <http://www.sobytiya.com.ua/articles/item/именем-госсовета-или-бомба-под-конституцию.html>

⁹ <http://www.interfax.ru/business/406731>

¹⁰ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.226.01.0016.01.ENG

fuels. The “prohibited trade” list totals over 250 items, including seawater and saline solution. European financial institutions may no longer grant loans or acquire shares in projects in sectors affected by the sanctions.

On December 20, 2014 this list was definitively approved, with a number of other restrictions tacked onto it; for example, a ban on European tourism companies operating in Crimea. Ukraine also introduced a number of measures that limit the Crimean economy’s development in light of the illegal annexation; in particular, beginning on December 31, 2014, it terminated all railroad links with Crimea. This step, however, has in turn met with sharp criticism from the international human rights community, because it limits the right to free movement.

On August 12, 2014, the Verkhovna Rada adopted a law “On tax and customs control in the free economic zone of Crimea and the special aspects of economic activity in the temporarily occupied territory of Ukraine” (№ 4032a), which defines the “special aspects” of economic activity in the occupied area. The law immediately provoked harsh criticism, concerning both Crimeans who had become tax-paying residents of Ukraine overnight and Ukrainians citizens who live in Crimea and operate small to medium-sized businesses, who now faced immense difficulties. At the same time, experts pointed out the risks of corruption inherent in the law; that is, the potential for contraband trafficking as, in fact, some companies are carrying out business and trade operations in Crimea. For example, the State Fiscal Service reports that “over the period from September 27 to December 31, 2014, the total volume of Ukrainian goods moved from the mainland into the FEZ of Crimea amounted to 1,147.2 thousand tons, valued at 431.6 million USD, and in January 2015, 101.1 thousand tons, valued at 37.3 million USD.”¹¹

However, the sanctions regime is most important from a strategic perspective; that is, in providing some leverage. These measures are intended to emphasize the economic costs of annexation; however, it is difficult to predict whether these steps will compel the RF to sit at the negotiating table over the peninsula.

Property Rights Violations: The Annexation of Property in Ukraine

In fact, since the beginning of the annexation we have been witnessing firsthand the systematic violation of property rights in the occupied region. Across the region, the self-proclaimed Crimean government—with the support of the Russian Federation—is carrying out unprecedented nationalization of both Ukrainian state property and the private property of Ukrainian citizens. Today in Crimea, we see cases of:

- Ukrainian government-owned and private businesses that have been illegally nationalized by the Crimean authorities.
- Businesses re-registered in Ukraine, but operating in Crimea; however, practically no businesses that operate according to Ukrainian law remain in Crimea. Legal entities that were not re-registered by March 1, 2015 in accordance with Russian

¹¹http://www.bbc.co.uk/ukrainian/ukraine_in_russian/2015/03/150302_ru_s_crimea_economy_business

law no longer have the right to operate on the RF's territory and are subject to liquidation.¹²

- Individual businesses attempting to register both in Ukraine and in Russia, thereby becoming residents of two countries.

According to the State Registration Service of Ukraine, from March-December 2014, 677 legal entities changed their place of residence from the Autonomous Republic of Crimea to a different region of Ukraine. The greatest number of entities re-registered in Kyiv (182), in Kherson (142), and in the Mykolaiv oblast (114).¹³ According to unofficial sources, a number of large companies that have re-registered according to Russian law continue to operate on the peninsula—that is, they've re-registered as Russian companies or have registered their subsidiaries in Crimea.

The nationalization occurring in Crimea stands without precedent in international practice; indeed, even in Russian practice—it does not conform to the RF's laws. In April 2014 the so-called Council of State of the Republic of Crimea adopted a resolution “On the management of the property of the Republic of Crimea,” according to which all state property (that is, belonging to Ukraine) and ownerless property, located on the territory of the Republic of Crimea, at the time of the referendum and until the division of state property into municipal, federal, and Federation-owned, is considered the property of the Republic of Crimea. The same resolution asserts that the so-called Council of Ministers of the Republic of Crimea acquires expansive powers regarding the management of this property, including the creation, reorganization, and liquidation of state-owned enterprises.

On January 21, 2015, one substantive change was made to this resolution. In fact, the alienation of companies' property was occurring on the basis of regional regulations, without adopting federal law, i.e., without compensation for the owners, as Russian law stipulates. Listing certain companies in the Appendix of the resolution eliminated the need for compensation from the regional or federal budget, which doesn't comply with the Constitution of the Russian Federation.

Overall, a definitive list of the properties that the self-proclaimed Crimean authorities consider the property of the Republic of Crimea would necessarily include state enterprises and privately owned facilities. For example, transportation infrastructure—namely, the assets of the private joint stock company (PJSC) Krymavtotrans; a stockpile of fuels, lubricants, and movable assets belonging to the Crimean Fuel Alliance; property of the Ukrainian stock exchange; a land parcel and immovable assets of the Yalta film studio; shares in the JSC “Hotel on Revolutionary Street” in Feodosia, the Feodosian shipbuilding company “Morye (Sea),” shares in the East Crimean Power Company,

¹² “Citizenship, Land and Nationalization of Property in Occupied Crimea: Rights Deficit.” Ed. Yulia Tyshchenko. UCIPR, Kyiv, 2015. 96 pp.
[http://www.ucipr.kiev.ua/userfiles/Zvit%20Krym\(1\).pdf](http://www.ucipr.kiev.ua/userfiles/Zvit%20Krym(1).pdf)

¹³ Request for access to public information in the Ministry of Justice of Ukraine in December 2014, in the author's archive.

property of the Crimean branch of the JSC Ukrtelecom, property of the spa “Zori Ukraine” and the central military health center “Yaltinsky” of the Ukrainian Defense Ministry; objects located in the Kharaks garden-art park in Gaspra; 105 land parcels in the village of Semidverye (near Alushta); property of the Chornomorske resort (in Chornomorske), previously owned by the PJSC Khlib Ukrainy; the water line and wells in the Baidar valley, the PJSC Bukhta Dvuyakornaya (in Feodosia); the LLC “Kamysh-Burun” Kerch Sea Port; the CJSC Aerobud (Yalta); the Berthier-Delagarde villa (Yalta); Crimean branch of Kyivstar; Kerch Ferry State Shipping Company and the seaports located in Kerch, Feodosia, Yevpatoriya and Yalta; the bus terminals in Yalta, Kerch, and Alushta; 58 bus stations and ticket windows. For example, the self-proclaimed authorities nationalized only 82 immovable assets, belonging to [structures] governor of the Dnipropetrovsk oblast, Ihor Kolomois’kyi (for example, the lots that housed branches of PrivatBank, as well as facilities owned by the bank). Also nationalized were the Krymzhelezobeton factory, oil depots, and 32 gas stations—Ukrnafta, Sentosa Oil, ANP, and Avias.

On February 28 in Sevastopol, they decided to take into state custody 12 structures of the Sevastopol Marine Plant complex. Nationalization of companies, organizations and institutions involved in the agriculture, forestry and hunting industries also occurred. The list totaled 141 companies and included the wineries “Magarach” and “Massandra,” and the sparkling wine factory “Novyi Svet (New World).” All preserves, nature parks and forests have become the property of the Crimean Republic. Also nationalized was the property of Krympotrebsoyuz, including 28 markets and other real estate on the peninsula.

Municipal property changed hands as well. The so-called ‘decrees’ of Council of Ministers of the Republic of Crimea “On the nationalization of integral property complexes of medical institutions and organizations ” listed 84 different items of municipal property. The Council of Ministers of the RC passed a so-called resolution “On the nationalization of territorial centers of social services (the provision of social services).”

Since the end of 2014, owners of items which have been nationalized have made attempts to recover their property, with the help of Russian arbitration courts. Some companies are trying to demonstrate their property claims to the courts either directly or using front companies.¹⁴ Other Ukrainian firms have reopened appeals against privatization in the Crimean arbitration proceedings that were initiated before the annexation, so that the judge would recognize the disputed property as belonging to Ukraine, or to the plaintiff.

Certain problems have cropped up relating to the banking sector: for example, according to the Independent Association of Ukrainian Banks (NABU), over 50 banks had been operating in Crimea, with over 1,200 branches and offices. According to conservative estimates, losses exceed 100 billion hryvnia; moreover, those estimates include only

¹⁴ “V rossiiskikh sudakh pytayutsya osparivat’ krymskuyu ‘natsionalizatsiyu’.” Krym Realii, March 5, 2015. <http://ru.krymr.com/content/article/26883107.html>

material objects. The overall losses, which include potential interests, long-term investments, and clients, are much greater.¹⁵ There are precedents for appealing to international courts.

Furthermore, on March 13, 2014, following Ukraine's inter-state application, the European Court of Human Rights (ECHR) approved interim measures dealing with the dispute between Ukraine and Russia. The suit brought by Ukraine addressed issues of Russia's alleged human rights violations in Crimea and in eastern Ukraine; in particular, the violation of journalists' rights, murders, the kidnapping of both Ukrainian citizens and soldiers in Crimea, and the persecution of Crimean Tatars. In June 2015, according to information from Ukraine's Ministry of Justice, more than 4,000 state companies joined the public lawsuit filed by the ECHR. However, consideration of the case may take decades, nor is there any guarantee of compensation or resolution to the property ownership issues. Nevertheless, this issue deserves recognition and recourse during any negotiations that may occur regarding the future of the region.

Land Issues in the Annexed Crimea

The question of land has traditionally held great significance for Crimea; the lack of resolution of issues concerning land has created a font of internal conflicts, particularly in the sphere of ethnic conflict. Particularly vulnerable are the Crimean Tatars, who have experienced difficulties receiving land, on account of local authorities, who are often ill-disposed towards the indigenous peoples of Crimea. It should be noted that what are merely land disputes today may, in the future, escalate and (after the transitional period Russia has designated in 2016-17) create additional conflicts, on a catastrophic scale.

The land issue in the annexed Crimea is encountering five major problems, as the experts of the Ukrainian Center for Independent Public Research (UCIPR) have noted:¹⁶

- *The lack of a clear legal framework regulating land relations.* The laws passed by the self-proclaimed government do not fully regulate the terms and procedure for the acquisition and official registration of land parcels. At the same time, the prerogative for addressing these questions is given to the so-called Council of Ministers, whose deliberations do not carry the same force as legislative acts and, consequently, may be easily amended or repealed. This leads, first of all, to citizens' restricted ability to defend their rights through due process, and secondly, invites corruption.

¹⁵Svitlana Dorosh, "Ukraina proti Rossii: sudi na dovri roki?" BBC Ukraine, August 3, 2015.

http://www.bbc.com/ukrainian/politics/2015/08/150727_ukraine_russia_international_courts_sd

¹⁶ "Citizenship, Land and Nationalization of Property in Occupied Crimea: Rights Deficit." Ed. Yulia Tyshchenko. UCIPR, Kyiv, 2015. 96 pp.

[http://www.ucipr.kiev.ua/userfiles/Zvit%20Krym\(1\).pdf](http://www.ucipr.kiev.ua/userfiles/Zvit%20Krym(1).pdf)

- *A complicated procedure for free acquisition of land.* The primary difficulties stem from petitioners' need to provide a large number of certificates and documents and satisfy several difficult conditions; for example, proof of 5-year permanent residency in the corresponding municipal district. Furthermore, the procedure for receiving land parcels has not been entirely clarified. As a result, many citizens who fall into the category of "privileged citizen," and thus qualify to freely acquire land, will not be able to exercise this right. Even citizens who successfully pursue land claims have no guarantee that the land parcels they receive will be located in the place for which they are petitioning. This is especially true for participants in the "fields of protest," who have put up unauthorized structures in occupied parcels and as a result may receive land in a completely different place.
- *The unresolved issue of registering previously allocated land parcels.* The problems primarily stem from the lack of clarity in the legislature regarding land allocation valid until March 18, 2014. To further complicate matters, all decisions regarding land allocation dated earlier than October 14, 2008 have been declared invalid. Consequently, many citizens who received land parcels and even developed them will not be able to receive title documents for them. In addition, the so-called Resolution №313, which allows the complete registration of land parcels, contradicts Russian law and therefore may be appealed in court and, ultimately, repealed. As a result, the allocation of parcels may be final.
- *Problems related to the acquisition of land on which structures have already been built.* The primary concern consists of the need to prove that a capital construction object built on an illegally seized plot of land is a primary residence without additional construction. Proving this is the case for the overwhelming majority of "fields of protest" participants would be difficult, if not impossible. This poses a substantial problem in allocating land parcels that people have already developed. Moreover, the tense relations between the "fields of protest" participants and the Crimean authorities threaten conflict.
- *Problems concerning the nationalization of property.* Along with businesses, offices, buildings, and other units, the governments of the Republic of Crimea and Sevastopol have nationalized land parcels that were already owned by Ukrainians, and have annulled the March 18, 2014 resolutions regarding land allocation, declaring them illegal. Currently, a redistribution of property is taking place; as a result, owners who have resisted the authorities or tried to defend their rights have seen those same rights suffer.

Human Rights in Crimea: The Violation of Rights of National Minorities and Indigenous Peoples

Since February 2014, the self-proclaimed Crimean government and the political leadership of the Russian Federation have engaged in the systemic violation of the cultural, linguistic, and educational rights of national minorities and indigenous peoples on the Crimean peninsula. Many instances of discrimination on the basis of linguistic and national difference have been recorded. The most vulnerable representatives of national minorities and indigenous peoples in the occupied and annexed region are Ukrainians and

Crimean Tatars. The politically motivated systemic persecution of Crimean Tatars, a group indigenous to Crimea, is being carried out in the form of attacks on cultural, linguistic, and religious rights; Crimean Tatars have had their rights to free association, peaceful assembly, free speech, and personal safety violated.

The year 2014 witnessed the near-complete elimination of Ukrainian-language print media in Crimea, as well as of official versions of regional and municipal media. On Crimean broadcast television, only one Ukrainian-language program remains of the four that existed earlier. There is now a firewall preventing Crimean residents from accessing Ukrainian websites.

The education system put in place violates the linguistic and educational rights of the Ukrainian minority. 177,984 students in 756 schools in Crimea are educated in Russian. Out of 7 schools that teach in Ukrainian located in Crimea, only one remains, in the city of Yalta. The total number of students receiving an education in Ukrainian is 1,990, or 1.2 percent of all school-age children (184,869 children, 4,895 of whom are educated in the Crimean Tatar language, and 1,990 in Ukrainian). Before the annexation, 8.2 percent of students in secondary schools were taught in Ukrainian.

In September 2014, the Taurida National V.I. Vernadsky University in Simferopol eliminated its department of Ukrainian philology; most faculty members have lost their jobs. The study of Ukrainian language and literature has declined. 276 teachers specializing in Ukrainian language and literature were directed to undergo vocational training in “Philology. Russian Language and Literature” and were recredited. In 2013, there were 1,573 teachers with this specialty; in 2014, the number of teachers—not including teachers of Russian language and literature, who were experiencing an influx of teachers from many specialties, not only Ukrainian—amounted to 777 specialists. Over the course of six months, the number of teachers of Ukrainian language and literature was cut at least in half.

Since February 2014, representatives of the Crimean government have created a general social atmosphere of intolerance to all things Ukrainian, to all manifestations of “Ukrainian-ness,” that is to say, Ukrainian identity, and that has directly influenced the choice of language instruction. According to parents, many of them feel endangered, and as a result they have not appealed to educational institutions to continue educating their children in their native language.

Representatives of the Ukrainian community are afraid to express their views openly because of the threat of reprisals. Their fears are grounded; throughout 2014, Ukrainian activists were met with the systemic use of repressive measures. In parallel, Russian or pro-Russian forces have exerted pressure and made attempts to gain control over churches that are part of the Ukrainian Orthodox Church, Patriarchate of Kyiv, the parishioners of which by and large belong to the Ukrainian community.

Throughout 2014 and 2015, Crimean authorities exerted near-constant systemic pressure on the national representative institutions of Crimean Tatars, the Kurultai and Mejlis of

the Crimean Tatar people. On May 3, 2014, Mustafa Dzhemilev, a leader of the Crimean Tatar community, was forbidden from entering the Crimean territory. On May 13, Crimean courts took up 55 cases concerning 49 Crimean Tatars who had participated in the events of May 3, when Dzhemilev was prevented from entering Crimea, and thousands of Crimean Tatars crossed over Crimea's border from the Ukrainian mainland as a show of protest. On July 4, the occupying Crimean authorities ruled to deny entry into the Republic to Refat Chubarov, chairman of the Mejlis. On September 11, chairman of the audit committee of the Mejlis, Ali Ozenbash, was denied entry into Crimea. Finally, on September 18, the Mejlis of the Crimean Tatar People, the charity fund "Crimea," and the newspaper office "Avdet" were all expelled from their headquarters in Simferopol. Crimean Tatars have thus systematically been denied their right to peaceful assembly throughout 2014-2015.

Representatives of the Crimean Tatar people have repeatedly been subjected to the gravest forms of human rights violations.¹⁷ Crimean authorities are pursuing a policy of systematically restricting Crimean Tatar media. Thus in March 2015, the license for the only Crimean Tatar language channel, ATR, was not renewed, and it was forced to stop broadcasting. The case of ATR represents an extension of the immense pressure the Crimean Tatars face, which includes numerous searches of individuals and schools, the eviction of the Mejlis, and the searches and ultimate eviction of the newspaper "Avdet."

It should be noted that Ukraine possesses an extremely limited ability to influence the situation regarding human rights violations in Crimea, as do international organizations, due to the fact that Russian leadership has effectively shut off their access to the peninsula. These conditions, therefore, merit the introduction of economic leverage against the Russian Federation in cases of human rights violations in Crimea.

Conclusions

The precedent set by the Russian Federation's illegal annexation of Crimea has created a pressing threat to international security. It is, moreover, difficult to consider the annexation of Crimea outside of the context of the conflict in the Donbas, which Russia both catalyzed and continues to actively support, as a means of exerting steady and comprehensive influence on Ukraine.

The situation surrounding Russia's occupation and annexation of Crimea, namely, the violation of Ukraine's sovereignty, has undermined the foundations of international law and security. Very nearly for the first time since World War II, we are witnessing the

¹⁷ On March 5, the body of the activist Reshat Ametov, who had openly opposed the occupation, was recovered; on March 17, the activist Abu Yusuf, who was expelled from the peninsula, was kidnapped; on March 20, Nuri Suleimanov was abducted; on May 30 Seyran Zinedinov disappeared in Simferopol; he had been engaged in search efforts for Timur Shaymardanov, who had gone missing only days earlier. Edem Aasanov, who went missing on September 29, was found dead. On September 27, Islyam Dzhapparov and Dzhevdet Islyamov were kidnapped by strangers.

annexation of territory belonging to a sovereign state on the European continent. The political leadership of the Russian Federation is actively trying to undermine the position held by the United States and EU member states, which could set a precedent in the system of international relations.

The annexation of Crimea has led to the total violation of property rights of Ukraine and its citizens, in both the public and private spheres. According to the Ministry of Justice of Ukraine, the sum total damage from the appropriation of property belonging to the Ukrainian government and citizens exceeds 1 trillion dollars. That figure does not include lost profits, mineral resources, or offshore reserves.¹⁸ According to independent Ukrainian experts, the loss may well exceed 3 trillion dollars.

Russia's annexation of Crimea, its subsequent hybrid war in Ukraine, and its catalyst for and support of the conflict in the Donbas all constitute a threat to the entire region and to all the countries of the former Soviet Union, since these actions may be interpreted by the political leadership of certain countries as "payment" for their desire to integrate with the EU and leave Russia's sphere of geopolitical influence.

The annexed Crimea is not economically self-sufficient; this may have catalyzed the conflict in the Donbas, in particular, it presented the opportunity for Russia to create a "land corridor to Crimea" through military action. This situation continues to develop, but in 2014, proved especially relevant.

The situation concerning Russia's annexation of Crimea threatens global nuclear nonproliferation. The associated risks stem not only from systemic violations of the provisions of the Budapest Memorandum, but also from the potential threat of Russia deploying nuclear weapons in Crimea. Another, separate problem is Russia's vision for Crimea's future: there is reason to believe that the region will remain militarized, which poses a threat to stability in the Black Sea basin. On May 26, 2015, the newly approved National Security Strategy of Ukraine named one of the threats as the buildup of military groups at the Ukrainian border and in the temporarily occupied territory of Ukraine, including the distribution of tactical nuclear weapons on the Crimean peninsula.¹⁹

The emergent situation surrounding the annexed Crimea is a manifestation of the hybrid war Russia is waging on Ukraine (hybrid in the sense that it is being waged on multiple fronts: military, humanitarian, information or propaganda, and the use of political technologies). In the context of Russia waging this "hybrid war," the annexation of Crimea and parts of Ukraine may be interpreted as a kind of distinctive proving ground for testing the possibilities for applying similar scenarios in other post-Soviet states and Eastern Europe.

¹⁸ <http://obozrevatel.com/crime/73695-minyust-otsenil-uscherb-ot-okkupatsii-kryima-v-trillion-80-milliardov-griven.htm>

¹⁹ "Strategia natsionalnoi bezpeki Ukrainy," <http://zakon4.rada.gov.ua/laws/show/287/2015>

Russia and the self-proclaimed governments of occupied areas have committed flagrant, systemic human rights violations (forced citizenship²⁰; kidnappings; violations of the principles of free speech, expression of dissenting opinions, freedom of religious practice and belief; prohibition of peaceful assembly and associations of citizens; discrimination and persecution of minorities and indigenous peoples; violation of the right to free movement; violation of the right to impartial justice; et al.).

Despite statements from Ukraine's political leadership, Ukraine lacks a clear, step-by-step vision of how to resolve the situation in Crimea; the lack of both political leadership on this issue and of effective international support regarding the possible initiation of negotiations with Russia concerning Crimea have led to stalling.

At the same time, different versions have figured in public discourse in Ukraine concerning the possible political scenarios for resolving the conflict in the Donbas. For example, on the part of the EU and US, that the issue of Crimea, and its failure to be fully addressed in the negotiation process, can be considered a kind of payback for the Russian Federation, i.e., that curbing support for separatism in the Donbas and catalyzing the spread of conflict to other regions of Ukraine is "payment" for Russia's position on the Middle East. However, the EU and US voiced a clear position on the unconditional non-recognition of Russia's annexation of the region. Without Russia introducing a provision into negotiations that guarantees de-occupation of Crimea, the Russian-Ukrainian crisis cannot be wholly resolved. Today Ukrainian society unconditionally supports the de-occupation of Crimea, but through political dialogue, not bloody conflict. The issue of Crimea has become a stark dividing line between Ukrainian and Russian society.

One of the preconditions for the de-occupation of Crimea may be the high price that Russia is paying, or else profound internal political changes in Russia, which today seem unlikely. For now the economic costs of holding Crimea are sustained by political support for the Kremlin regime among the majority of the Russian people.

Ukraine today has no clearly articulated strategy for staging the de-occupation of Crimea, for resolving the issue of nationalized property, or for an effective response to the widespread human rights abuses in Crimea. The issue of the annexation demands a political solution, monitoring and the initiation of negotiations regarding de-occupation under the aegis of the international community.

Today, Ukraine has very limited opportunities to influence the situation which is unfolding in the annexed Crimea, particularly when it comes to defending the rights and interests of Ukrainian citizens who live in the occupied territory. The systematic violation

²⁰ Strictly speaking, it is not a matter of being forced to renounce Ukrainian citizenship and acquire Russian citizenship instead, as the Russian Federation allows dual citizenship, and renouncing Ukrainian citizenship in accordance with Ukrainian law requires filing an application with the diplomatic mission of Ukraine. However, such a "dual" situation poses a potential threat relating to employment in state or municipal service, receiving medical services, and registering property.

of human rights and of collective rights has potentially laid the foundation for the emergence of new conflicts in the region, particularly in the sphere of inter-ethnic relations. In this regard, despite the West implementing sanctions on Russia for its actions in Crimea, it remains expedient to take further action beyond the existing sanctions, based on the human rights violations that have occurred.