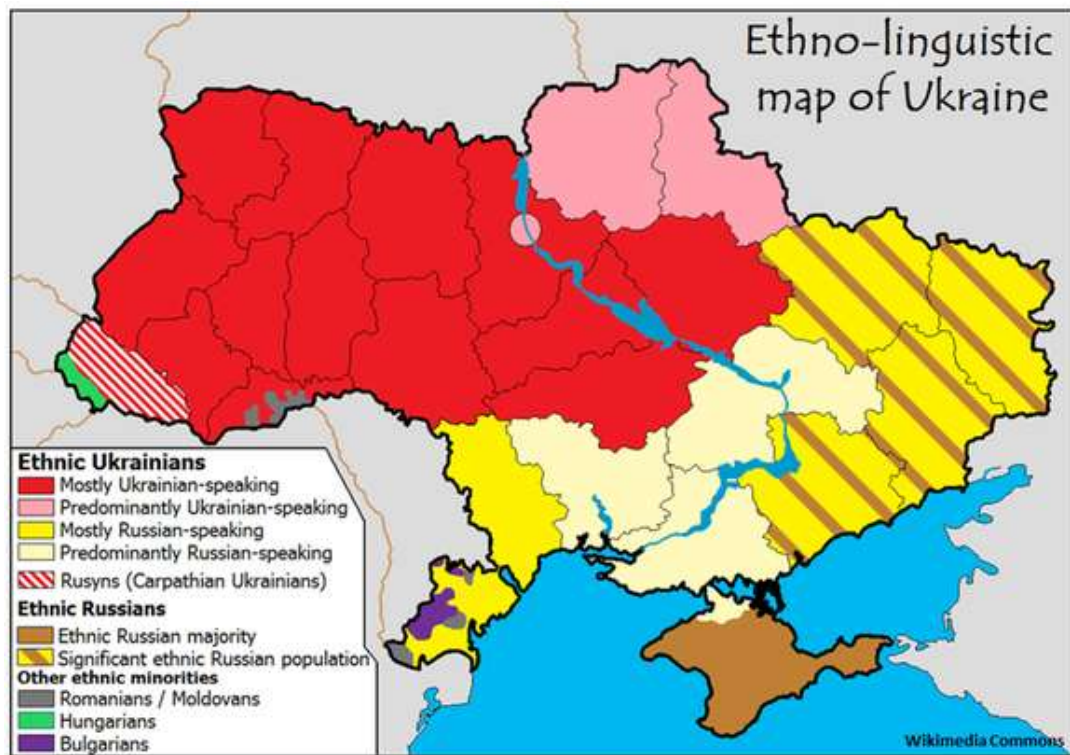


SPECPOL

AGENDA I: STATUS OF THE CRIMEAN PENINSULA

1.1.CRIMEAN PENINSULA: BACKGROUND



The Republic of Crimea, officially part of Ukraine, lies on a peninsula stretching out from the south of Ukraine between the Black Sea and the Sea of Azov. It is separated from Russia to the east by the narrow Kerch Strait and in early 2014 Crimea became the focus of the worst East-West crisis since the Cold War, after Ukraine's pro-Moscow president Viktor Yanukovich was driven from power by violent protests in Kiev. Kremlin-backed forces seized control of the Crimean peninsula, and the territory, which has a Russian-speaking majority, voted to join Russia in a referendum that Ukraine and the West deem illegal.

Crimea was annexed by the Russian Empire during the reign of Catherine the Great in 1783 and remained part of Russia until 1954, when it was transferred to Ukraine under the then Soviet leader Nikita Khrushchev. Ethnic Russians make up the majority of the population, but with significant Ukrainian and Crimean Tatar minorities. Under Greek and Roman influence for

centuries, in 1443 Crimea became the centre of a Tatar Khanate, which later fell under Ottoman control.

Rival imperial ambitions in the mid-19th century led to the Crimean War when Britain and France, suspicious of Russian ambitions in the Balkans as the Ottoman Empire declined, sent troops. Given autonomous republic status within Russia after the Bolshevik revolution, Crimea was occupied by the Nazis in the early 1940s.

In 1990s the Soviet Union collapsed and Ukraine became independent, then political figures from the local Russian community sought to assert sovereignty and strengthen ties with Russia through a series of moves declared unconstitutional by the Ukrainian government.

The 1996 Ukrainian constitution stipulated that Crimea would have autonomous republic status, but insisted that Crimean legislation must be in keeping with that of Ukraine.

Crimea has its own parliament and government with powers over agriculture, public infrastructure and tourism.

The Crimean Tatars have their own unofficial parliament, the Mejlis, which states its purpose as being to promote the rights and interests of the Crimean Tatars.

Ukraine-Russia tension

Ukraine by ethnic identity



Crimea by ethnic identity



Note: Some totals may not add up due to rounding

Source: 2001 Ukraine census

The latest crisis in Crimea began when the democratically elected Ukrainian president, Viktor Yanukovich, was unable to reach a truce with opposition leaders. Threatened with increasing violence he fled the capital and was stripped of his presidential powers. The interim government led by Oleksandr V. Turchynov scheduled new presidential elections for May 25 when businessman Petro Poroshenko was elected president.

The Russian government started mobilizing troops on February 28, 2014 to protect its large ethnic Russian population in the region as well as economic, historical and military ties. The Russian Black Sea Naval base is located in Sevastopol. Simferopol, the capital, and the two main airports were taken over by Russian forces. They also captured the Crimean Parliament and police stations.



Crimea is a multicultural region with a Russian majority. It enjoys greater autonomy and has its own Parliament. On March 6, 2014 the Crimean Parliament approved a referendum on whether to secede from Ukraine and become part of Russia or to maintain greater autonomy within Ukraine. The referendum took place on March 16 and an overwhelming majority voted to become part of Russia. The City Council of Sevastopol, which has a special status, had a separate referendum and followed the same route as the Crimean Parliament.

The government of Kiev has ruled the Crimean Parliament's vote and the referendum illegal. EU leaders and the American government consider the referendum also illegal and contrary to the Ukrainian Constitution. The government of President Obama issued first punitive actions against a specific number of Russian citizens, which include visa bans on military officials and

individuals responsible for undermining Ukrainian sovereignty in Crimea. The EU was initially reluctant to move quickly towards applying sanctions mostly to avoid confrontations reminiscent of the Cold War and because the continent has a heavy dependency on Russian gas and oil. However, after the annexation by Russia, EU governments issued similar punitive actions as the American's.

The large Russian population of Crimea supports Russia over Ukraine but the increasingly large Tartar minority considers the referendum illegal. This could be a factor in the fate of the peninsula.

1.2. Current Situation

In March 2014, Russia's annexation of Crimea temporarily topped Western news. It epitomized the end of what many in the West had believed was the agreed international legal framework of the post-Cold War era.

The invasion marked only one step in the dramatic escalation of the crisis in Ukraine that began with the Euromaidan antigovernment protests and led to Crimea's annexation, war in the eastern Donbas region, and a standoff between the West and Russia. In a bizarre twist of events, the war, which to date has claimed over 6,000 casualties and internally displaced over 1 million people, quickly overshadowed the de facto redrawing of Ukraine's borders.

Crimea is conspicuous by its near absence in the Western and Ukrainian public discourse. On the one hand, pushing Russia on the Crimea issue is widely seen as futile or counterproductive. Rather, the diplomatic emphasis is on ending the war, and the hope is to kick-start a process of structural reforms in Kyiv.

On the other hand, not talking about Crimea means that a tacit agreement is taking hold that Russia took back what culturally and historically belonged to it, that Crimeans had been discriminated against and mobilized for becoming part of the Russian Federation, and that Crimea's status as an autonomous republic within the Ukrainian state was destabilizing.

In Russia, by contrast, the annexation's anniversary in March 2015 was celebrated with pomp and circumstance. Festivities included a film on national television featuring President Vladimir Putin boasting about the careful planning of the actions in Crimea.

One year after the annexation, Crimea is inscribed into the domestic politics of both Russia and Ukraine. In Russia, Crimea serves as a rallying point. A March 2015 poll by Levada, a Russian NGO, showed that the vast majority of Russians see the annexation of Crimea as something positive. Over 50 percent of those surveyed said the move was motivated by the need to protect the Russian population in Crimea, followed by those who saw it as a correction of a historical injustice and an attempt to stabilize the chaotic political situation in Ukraine.

The integration of Crimea into the Russian state continues to be costly for Russia: over the last year, it has cost an estimated \$2 billion in subsidies and transfer payments to keep Crimea afloat.

Russian economy in numbers

Since Crimea annexation March 2014

16.7%

annual Russian inflation rate
(March 2015)

61.3 Russian roubles to a US
dollar on 19 March 2015

36.4 Russian roubles to a US
dollar on 19 March 2014

4% contraction in Russian GDP
predicted for 2015

Source: Rosstat, Reuters



Moscow quickly broke with its early promise to accommodate the indigenous Crimean Tatar population and has established a system of control instead. The most prominent Crimean Tatar leaders have been banned from Crimea, and the main political organization of the Crimean Tatars, the Mejlis, has been declared illegal. People have vanished or have been arrested, and demonstrations and the use of national symbols have been suppressed.

In Ukraine, the Crimean legacy lives on through an estimated 10,000 Crimean Tatars who have left the peninsula and are now primarily living in western Ukraine and Kyiv. Crimea also remains dependent on water and energy supplies that are directed through Ukraine.

Crimean Tatar leader Qırımoğlu, who was prevented from entering Crimea by the pro-Russian government, says the situation for Tatars is worse than during the Soviet era. 'In Soviet times, opposition figures were first judged and then sent to jail; however, today they are abducted and killed'.

The tourism industry in Crimea has suffered a heavy blow. The number of international tourists continues to plunge downwards. The Russian markets also saw the Ruble tumble because of sanctions and interest rates hiked.

A number of Ukrainian politicians had declared their intention to start blocking the delivery of Ukrainian commodities to Crimea on September 20 to protest against the peninsula's reunification with Russia. Not a single truck crossed into Crimea night of 20 September or on the morning of 21 September, 2015.

The authorities of the Russian region replied that Crimea was receiving most commodities from Russian producers, and that the siege would primarily do harm to the enterprises of southern Ukraine oriented towards the Crimean market.

1.3 Alleged Violations

The Crimean peninsula has suffered a spike in human rights violations since it was annexed by Russia from Ukraine last spring according to a report published by Human Rights Watch.

The report details instances of pro-Ukrainian activists and Crimea's Muslim minority, the Tatars, suffering "unlawful detention, abduction, ill-treatment including torture, and harassment" by pro-Russian paramilitary groups calling themselves 'self-defense units'.

"Russian and local authorities have not taken steps to stop abuses by the self-defense units in Crimea and have not effectively investigated past abuses in which those units have been implicated, including enforced disappearances and beatings of Crimean Tatar activists and other pro-Ukraine figures," a spokesperson for Human Rights Watch said.

Armed pro-Russian activists look on during clashes with supporters of the Kiev government in the streets of Odessa May 2, 2014. Yevgeny Volokin/Reuters

"Lack of effective investigation sends a clear signal to perpetrators that they can continue acting with complete impunity and that is a very disturbing sign," the spokesperson added.

Since the onset of Russian occupation, Crimea's residents have faced increasingly grave civic, political, and human rights violations. These include discriminatory policies against Crimea's ethnic Tatar minority, infringement of property rights, and intimidation of independent voices through selective use of the law and physical force. The Kremlin has sought to suppress reporting of many such abuses by creating a so-called "information ghetto" on the peninsula through a crackdown on local and foreign media. As Western media shifted its attention to the war in Ukraine's east, the human rights abuses in Crimea have gone underreported.

On one occasion journalists Sergey Mokrushin and Vladlen Melnikov were detained by a pro-Russian paramilitary group, threatened and beaten for "singing a song featuring profane lyrics about Russian President Vladimir Putin" on their way home from a party in June.

Pro-Ukraine activists Andriy Shekun and Anatoly Kovalksy, meanwhile, were similarly abducted by a self-described pro-Russian "defence group" without legal precedent, after which they were beaten, shot and electrocuted.

There are also recorded instances of armed pro-Russian militias searching homes of the Muslim Crimean Tatar community and confiscating literature from eight out of the peninsula's ten Islamic schools.

Over the summer, social media accounts of pro-Russian militias searching houses of Crimean Tatars surfaced online, with reports of books and leaflets appearing on Russia's list of "extremist" literature being seized.

In September a 30-man squad from Russia's federal security raided a mosque in Yalta for seven hours.

Wider repressions were also documented against media outlets which resisted the transition from Ukrainian to Russian legislation, as Russian law requires greater monitoring of press, radio and TV stations by the government watchdog Roskomnadzor.

According to the HRW report "broadcasts from the six main Ukrainian television channels in Crimea have been blocked and replaced with broadcasts from Russian channels".

Since the end of June, cable television providers also stopped airing most leading Ukrainian-language channels in Crimea, including Inter, Channel 5, 1+1, and several others, significantly reducing the amount of televised Ukrainian-language content.

Many reports from various other agencies also claim to have exposed the Kremlin's repressive and discriminatory policies against three groups: ethnic, religious, or national groups that opposed the annexation, especially members of the indigenous Crimean Tatar community, independent voices seeking to report on the situation in Crimea (journalists, civil society activists, and members of nongovernmental organizations), and holders of Ukrainian passports.

The Crimean Tatars, estimated at three hundred thousand, have endured especially harsh treatment since the annexation. For their refusal to recognize the authority of the de facto government, Tatar leaders have been exiled or banned from public life, their public commemorations prohibited, and their media muzzled. Activists and journalists who simply speak up for human rights have been subjected to torture, intimidated into emigration, and have had their property illegally confiscated. Some have gone missing, with authorities offering little to no evidence that they are investigating the disappearances. Today, holding a Ukrainian passport as a Crimean resident is tantamount to treason. Crimean residents who hold Ukrainian passports are de facto disenfranchised from exercising their political and civic rights. They are blocked from accessing social services, including public healthcare, owning property, or finding legal employment.

On March 18, all citizens of Ukraine legally residing on the territory of the Autonomous Republic of Crimea and Sevastopol were automatically declared citizens of Russia. Those who wished to keep their Ukrainian citizenship had one month to inform the Russian occupation authorities.

This procedure violated all norms of international law related to citizenship. Moreover, it was purposely complicated. In all of Crimea, an area of 10,000 square miles, only four offices—in Sevastopol, Bakhchysarai, Simferopol, and Bilohirsk—were designated to receive the paperwork for those wishing to retain Ukrainian citizenship. Applications by mail or proxy were not accepted. Some people had to travel as far as 150 miles to get to the nearest office. (Due to enormous lines, three additional offices, in Alushta, Yalta, and Kerch, were opened on April 12, five days before the deadline.) Those who rejected Russian citizenship, or have not yet received

their Russian passports, are required to obtain a residence permit. In a territory with a population of 2.4 million, the issuance of residence permits is limited to 5,000 per year.

People not granted residence permits are considered foreign nationals with no right to be on the “territory of the Russian Federation” for more than 180 days per year. Natives of Crimea with family, jobs, and property in the region will have to regularly travel outside the peninsula for long periods of time, without guarantees that they will be allowed back in. They will not be able to work without a residence permit and will be subject to employment quotas for foreigners.

1.3.1 Media violations

Today, challenging Crimea’s status as part of Russia or supporting its return to Ukraine—in the media, on social networks, or in a public place—is a prosecutable offense. The law also carries a potential three-year prison term and fines of up to three hundred thousand rubles or two years of the convicted person’s wages. Harsher penalties, including up to five years in prison, are reserved for making such calls “with the use of media, including information and telecommunications networks, including Internet.”

As with Russian laws on “instigating extremism,” determining what constitutes such a call and the intent of the speaker or writer is up to law-enforcement bodies. Lawyers, therefore, recommend that Crimeans choose words carefully and even watch their intonation when addressing topics related to Crimea, Ukraine, and Russia in public—be it online, in a store, or on public transport—to avoid their comments being interpreted as a “call” or “appeal.”

In such an environment, numerous independent media outlets and NGOs that do not agree with the annexation of Crimea have left the peninsula for mainland Ukraine, including the Center for Investigative Journalism, Black Sea News, Crimean Events, the Black Sea TV and Radio Company, the Information Press Center, and the Taurus Institute of Regional Development. The result is that Crimea now has only pro-Russian media

Internet traffic from elsewhere in Ukraine was also swiftly cut. Within days of the annexation, Russian Prime Minister Dmitry Medvedev ordered state-owned communications company Rostelecom to provide Internet service to Crimea as soon as possible. Over the next month, the firm laid a submarine cable across the Kerch Strait from Russia. In May, Rostelecom acquired three Crimean fiber-optic-cable owners.¹⁴ It began providing service to Crimea in late July.¹⁵ Private Internet service providers are now required to operate in accordance with Russian law, under which they must store information on users for six months and disable access to any site if so ordered by Russia’s Federal Security Service (FSB).

Divided Views on Crimea's Status

% Should the government in Kyiv recognize the results of the referendum in Crimea?

	Yes %	No %	Don't know %
Ukraine	30	57	13
West	11	82	7
East	40	41	19
Russian speakers	61	23	16
Crimea	88	4	7
Russia	89	2	8

Source: Spring 2014 Global Attitudes survey. UKR9 & QRUS5.

PEW RESEARCH CENTER

1.4 Targeting Annexation Critics and Disloyal groups

Ukrainians

The communal targeting of ethnic Ukrainians has often involved religious institutions and schools, where the Ukrainian curriculum is being curtailed through both official and unofficial means. In April and May 2014, Crimean departments of education announced that Ukrainian language and literature would be studied only as an elective. At the same time, the number of Russian language and literature lessons doubled; Russian history and geography lessons also increased. There is no longer a single one of the six hundred schools in Crimea offering instruction fully in Ukrainian.

Religious Groups Members and leaders of Ukraine's indigenous religious groups, who stood with EuroMaidan protesters against Yanukovich's presidency and have spoken out against Russia's annexation of Crimea, have been intimidated and harassed by the authorities or unknown attackers. "Battle of Orthodox Christian Patriarchs as Ukraine's Filaret for besieged Ukrainian military units in February and March, members of Crimea's five parishes of the Ukrainian Greek-Catholic Church (UGCC) began receiving threats that they would be prosecuted and their parishes eliminated.

On June 13, the façade of the Chukurcha Jami mosque in Simferopol was damaged when someone threw a Molotov cocktail at it. A surveillance camera recorded the attack, but a perpetrator has yet to be identified or arrested. In addition, the fence next to the mosque was painted with a black swastika and the arson date.

In early March, Rabbi Mikhail Kapustin of the Communities of Reform Judaism of Simferopol and Ukraine fled Crimea with his family. Kapustin had denounced Russian aggression in Crimea. In late February, someone painted a swastika and anti-Semitic graffiti on his Ner Tamid

synagogue. In April, vandals defaced Sevastopol's monument to the 4,200 Jews, including Crymchaks (a small and separate indigenous group of Tatar-speaking Crimean Jews), who were murdered by the Nazi occupiers on July 12, 1942.

Crimean Tatars

The Tatars of Crimea have endured especially harsh treatment since the annexation. Although there are no recent official statistics, it is estimated the Tatars number at approximately three hundred thousand. For their refusal to recognize the authority of the de facto government, Tatar leaders have been exiled or banned from public life, their public commemorations prohibited, and their media muzzled.

On July 5, Mejlis Chairman Refat Chubarov was banned from Crimea and Russia for five years on the grounds that he and the Mejlis had engaged in extremist activity. Chubarov had been traveling back to Crimea from a neighboring part of Ukraine when he was stopped at a checkpoint and barred from entering the peninsula.

During a recent meeting with Russian President Vladimir Putin, President Recep Tayyip Erdoğan delivered a report about human rights violations against Crimean Tatars, drafted by an unofficial Turkish delegation who visited the region.

The report prepared after the unofficial visit to the peninsula "lays out that many human rights violations, acts of oppression and suppression continue and [are] systematically practiced" towards Crimean Tatars, Foreign Ministry spokesperson Tanju Bilgiç told reporters on June 18. The report also underlines that Russia has not kept its promises, Bilgiç said.

Turkey is ready to give all means of support to Crimean Tatars, he said, noting that Ankara pledged \$10 million to Ukraine, which will also be provided for Crimea.

The report also stressed the issue of citizenship was among the most important problems of Crimean Tatars. According to the report, the minority is forced to become Russian citizens, while their freedom of speech, language, education, residence and access to fair trial have been widely disrupted by Russia.

Following Russian annexation of Crimea, only a few numbers of foreigners have been allowed to stay in the peninsula.

Because those who reject Russian citizenship are deprived of public services, including education and health, the population has been forced to accept Russian citizenship, the report said.

Although Crimean Tatar language was accepted as an official language along with Russian and Ukrainian, it is yet to be practiced in daily life. There are only 15 schools providing training in Crimean Tatar, which is not enough for the whole population, according to the report.

The report also pointed to the pressure on Crimean Tatar media outlets, such as the denial of Crimean Tatar television ATR's application to open a channel.

There has also been no serious investigation and questions about kidnapped and missing Crimean Tatars, the report said.

Journalists and Political Activists

In early March, armed men cut Ukrainian radio and television signals and Russian hannels took over the airwaves. Since then, journalists have been subject to an ongoing campaign of harassment, violence, and threats.

Activists who oppose Russia's annexation of Crimea, or simply speak up for human rights, have been subjected to torture or hounded out of the peninsula, losing their property in the process. Some have gone missing, with authorities offering little to no evidence they are investigating the disappearances.

1.5. Property Rights

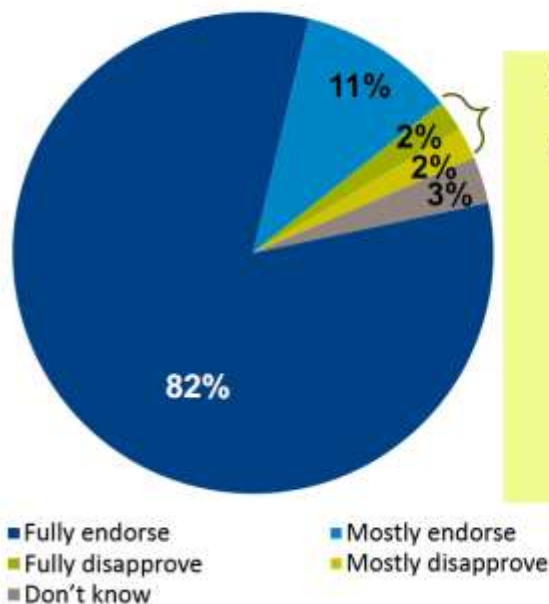
Since the annexation, property rights in Crimea have been violated on a massive scale. All Ukrainian state property on the peninsula is now being expropriated under the rubric of "nationalization" by the Republic of Crimea. Private companies have also been effectively confiscated through hostile takeovers and forced management changes carried out by "self-defense" forces. Crimean authorities decreed on July 30 that all lease contracts on property dated before the annexation could be terminated prematurely and unilaterally.

1.6. Claims by media and coverage of the issue

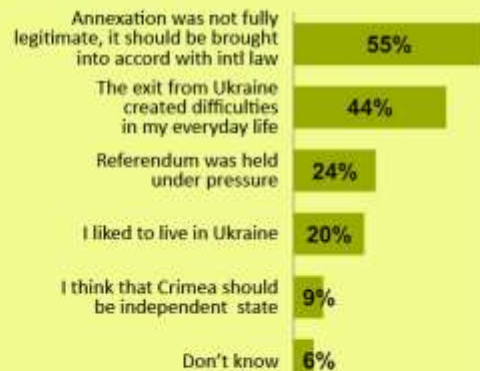
GfK Opinion Poll in Crimea, Jan 2015



DO YOU ENDORSE RUSSIA'S ANNEXATION OF CRIMEA?



WHY DO YOU FULLY OR MOSTLY DISAPPROVE ANNEXATION?



© GfK 2015 | Social-political sentiments in Crimea | 04.02.2015

One of the first casualties in the Russian invasion of Crimea was independent television. Black Sea TV, the peninsula's only independent channel, was shut down on Monday. The head editor, Oleksandra Kvitko, said a Crimean governing body had decided to close the station, claiming there had been threats against its journalists.

Russian media chiefs defended their reporting Monday against charges of bias, even as recent coverage demonstrated the Kremlin's control of the news.

Following the ouster of pro-Kremlin president Victor Yanukovych, Russian TV anchors have suggested that supporters of Ukraine's new interim government would have sided with the fascists in World War II -- or the "Great Patriotic War," the term commonly used in Russia -- and that Western-facing protesters largely belonged to the extreme right.

Coverage of clashes in Kiev, however, shifted to the fate of the Crimean peninsula, home to predominately Russian-speaking Ukrainians. Reuters reported last Tuesday that Russian state television had begun showing Ukrainians in Crimea "saying they would not follow orders from Kiev."

Russia's state-controlled media has undergone a shift in recent months toward increased centralization and control.

Russian media also claimed to be showing people fleeing Ukraine for Russia, when in fact the footage showed an ordinary day at a Polish-Ukrainian border crossing. Russian state agency

ITAR-TASS quoted the border service as saying there were signs of a "humanitarian catastrophe." A Daily Beast article on Monday described Russian state-controlled media as having gone "into full fabrication mode."

1.7. International Legal Framework

UKRAINE'S STAND:

First, Article 2(4) of the U.N. Charter prohibits states from engaging in any *threats or uses of force* against other states. Although this clause has engendered untold hours of debate about its meaning, the transfer of one state's armed forces into another state in significant numbers without consent almost certainly falls within Article 2(4)'s prohibition. Although the number of Russian forces in Crimea is hard to determine, Russia seems to have sent at a minimum hundreds of troops, ten troop trucks, and five armored vehicles—and there are unconfirmed reports that Russian ships bearing additional troops are landing in eastern Crimea. As the *Times reports*, Russian troops "swarmed the major thoroughfares of Crimea on Saturday, encircled government buildings, closed the main airport and seized communication hubs, solidifying what began on Friday as a covert effort to control the largely pro-Russian region." Russia's goal appears to be to deprive the new Ukrainian leadership in Kiev and Ukrainian government and military officials in Crimea of any control over a significant portion of Ukraine.

The point of view which should also be considered is Russia's show of force, its takeover of a part of another state's territory against the stated will of the latter's new leadership, the patent willingness of Russia to use force (considering the level of weaponry that Russia has sent into Crimea), and the way President Putin framed his request to the Duma for permission to use force on the territory of Ukraine.

RUSSIA'S STAND

Even if one state undertakes a use of force against another state, most states and scholars believe that a use of force alone may not trigger the harmed state's right of self-defense. That requires a particular type of force: an *armed attack*. Article 51 of the Charter states, "Nothing in the present Charter [i.e., the prohibition on the use of force] shall impair the inherent right of self-defense if an armed attack occurs" The archetypal case of an armed attack is when one state bombs another. Some might ask: Since Russia's takeover of Crimea seems to have been effected without a shot fired, can we really call this an armed attack? Most importantly, consider the implications for the Charter if the answer were that this was *not* an armed attack: Ukraine could not lawfully use force against Russian troops to protect territory that undisputedly is part of Ukraine.

If this otherwise would constitute an armed attack, does Russia have any international law justification for what it has done? There are three cases in which one state may use force in or against another state: when the Security Council authorizes it under Chapter VII; when the

territorial state consents; or when it is acting in self-defense against the territorial state. Russia has proffered one version of a self-defense argument, though oddly it seems to have steered clear of arguing that it has the consent of the lawful government of Ukraine.

Self-defense: Russia's most prominent justification for sending troops into Crimea is to protect Russian citizens. International law generally recognizes a "defense of nationals" concept, under which one state may enter another state without consent in order to protect its nationals against an imminent threat, at least where the territorial state is unwilling or unable to protect those nationals itself. States have invoked this justification in three general situations: where their nationals have been taken hostage (U.S. Embassy in Tehran); where their nationals are under actual attack; and where their nationals face a more generic threatening situation (U.S. in Grenada; UK in Libya in 2011). The more tangible the threat to the nationals and the lower the concern about perpetual intervention, the more likely it is that the intervening states are able to avoid condemnation.

Russia has issued Russian passports to 143,000 Ukrainians, making it much easier for Russia to point to sizeable numbers of "Russian citizens" who might come under threat.

(Note that this was the same argument that Russia used in defending its intervention in Georgia in 2008: Russia claimed it needed to defend Russian citizens living in Georgia's South Ossetia region. In that case, South Ossetian paramilitaries bombarded Georgian villages. In response, Georgia sent troops into the region. The next day, Russia invaded Georgia, claiming it needed to defend Russian citizens living in South Ossetia.)

Consent: An alternative justification for introducing troops onto another state's territory is that you have that state's consent. Russia has claimed that it has the consent of ousted and then Ukrainian President Yanukovich to introduce troops into Crimea. There was at least an argument that Yanukovich remained the head of the Ukrainian state then.

Implications: If Russia has committed an armed attack against Ukraine, what follows? Article 51 of the Charter recognizes that Ukraine has a right of self-defense. Ukraine must ask whether the use of force against Russia (if that were something it wanted to undertake) is *necessary*—that is, whether there are no other reasonable ways to resolve the crisis. Jus ad bellum *proportionality* also would apply: Ukraine also must employ only that amount of force that is necessary to put forth an effective defense.

1.8. Steps taken by the United Nations

UN Security Council action on Crimea referendum blocked

Owing to the negative vote of one of its permanent members, the United Nations Security Council today failed to adopt a draft resolution which urged countries not to recognize the results of this weekend's referendum in Crimea.

Thirteen of the Council's 15 members voted in favour of the draft text, Russia voted against, and China abstained. A veto by any of the Council's five permanent members – means a resolution cannot be adopted. The resolution would have reaffirmed Ukraine's “sovereignty, independence, unity and territorial integrity” and declared that Sunday's referendum which could lead to Crimea's break with Ukraine and union with Russia, “can have no validity”.



General Assembly Adopts Resolution Calling upon States Not to Recognize Changes in Status of Crimea Region

The General Assembly today affirmed its commitment to Ukraine's sovereignty, political independence, unity and territorial integrity within its internationally recognized borders, underscoring the invalidity of the 16 March referendum held in autonomous Crimea.

By a recorded vote of 100 in favour to 11 against, with 58 abstentions, the Assembly adopted a resolution titled “Territorial integrity of Ukraine”, calling on States, international organizations and specialized agencies not to recognize any change in the status of Crimea or the Black Sea port city of Sevastopol, and to refrain from actions or dealings that might be interpreted as such. The Assembly called on States to “desist and refrain” from actions aimed at disrupting Ukraine's national unity and territorial integrity, including by modifying its borders through the threat or use of force. It urged all parties immediately to pursue a peaceful resolution of the situation through direct political dialogue, to exercise restraint, and to refrain from unilateral actions and inflammatory rhetoric that could raise tensions.

1.9. International Reactions

United Kingdom: Prime Minister David Cameron, 18 March 2014

“The steps taken by President Putin today to attempt to annex Crimea to Russia are in flagrant breach of international law and send a chilling message across the continent of Europe. It is completely unacceptable for Russia to use force to change borders, on the basis of a sham referendum held at the barrel of a Russian gun.

NATO: NATO Secretary General, 18 March 2014

“Russia has disregarded all calls to step back into line with international law and continues down the dangerous path. Russia continues to violate Ukraine’s sovereignty and territorial integrity, and remains in blatant breach of its international commitments. There can be no justification to continue on this course of action that can only deepen Russia’s international isolation. Crimea’s annexation is illegal and illegitimate and NATO Allies will not recognise it.”

Canada: Foreign Affairs Minister John Baird, 18 March 2014

“Canada, along with its partners and allies, did not recognize and will not recognize this illegal annexation of Crimea. The treaty signed to annex Crimea is an illegitimate and deliberate violation of the Constitution of the people of Ukraine. Canada stands solely with those seeking a peaceful and prosperous Ukraine.”

European Union: President of the European Council Herman Van Rompuy

“The sovereignty, territorial integrity and independence of Ukraine must be respected. The European Union does neither recognise the illegal and illegitimate referendum in Crimea nor its

outcome. The European Union does not and will not recognise the annexation of Crimea and Sevastopol to the Russian Federation.”

Australia: Minister of Foreign Affairs Julie Bishop, 19 March 2014

“I condemn in the strongest terms Russian President Vladimir Putin’s move to annex the Ukrainian territory of Crimea. The unauthorised vote in Crimea on 16 March, carried out while Russian forces were effectively in control of the territory, cannot form the legitimate basis for any alteration of the status of Crimea.”

United States: National Security Advisor Susan Rice, 21 March 2014

“... [I]n the years since the ending of the Cold War, the United States and Europe, and indeed the international community have proceeded along a path where we’ve made clear that our interest was in more fully integrating Russia, politically and economically, into Europe and into, indeed, the fabric of the international system and the global economy. But that was predicated on an expectation that Russia would play by the rules of the road, the economic and security rules of the road, international law and the norms and principles that govern responsible international action.

France: President François Hollande, 18 March 2014

“The Russian President has today signed a treaty integrating Crimea into Russia. This act comes after the holding of a referendum in Crimea which is illegal under Ukrainian and international law.”

“I condemn this decision. France recognizes neither the results of the referendum held in Crimea on 16 March nor the incorporation of that region of Ukraine into Russia.”

India:

The country has been the only major Asian power to have defended Moscow so far, with government officials opposing Western attempts at imposing sanctions against Moscow and recently declaring that Russia had "legitimate interests" in Ukraine.

China

While Chinese officials have repeatedly urged a diplomatic solution to the crisis in Ukraine, they underscore their nation's ties to Russia and oppose sanctions against it. Foreign Minister Wang Yi said March 8 that China's relationship with Russia is “in its best period in history characterized by a high level of mutual trust” and firm support for each other. Wang called for calm and restraint in the Ukraine crisis.

Syria

Syrian President Bashar al-Assad sent a cable expressing support for Russian President Vladimir Putin, the state-run SANA news agency reported on March 6. He “reiterated Syria's support to President Putin's rational approach, which favors peace and seeks to establish a global system that supports stability and combats extremism and terrorism,” the report said.

1.10 Questions a Resolution must answer

1. Is it wrong for the Russian Federation to stake claim over a region, which has an overstanding majority of ethnic Russians, willing to join it?
2. What steps should be taken against a more powerful country like Russia by a smaller country like Ukraine in order to ensure its sovereignty?
3. How can any such future annexations by Russia over any former Soviet State be checked?
4. What is the role of the rest of the world community if any P5 country like Russia misuses its veto power to undermine the sovereignty of any other state, as in the case of Russia vetoing the resolution on nullification of Crimean referendum in Security Council?

5. What steps should be ensured to return the exiled Crimean Tatars back to their native Crimean lands with their human rights protected?

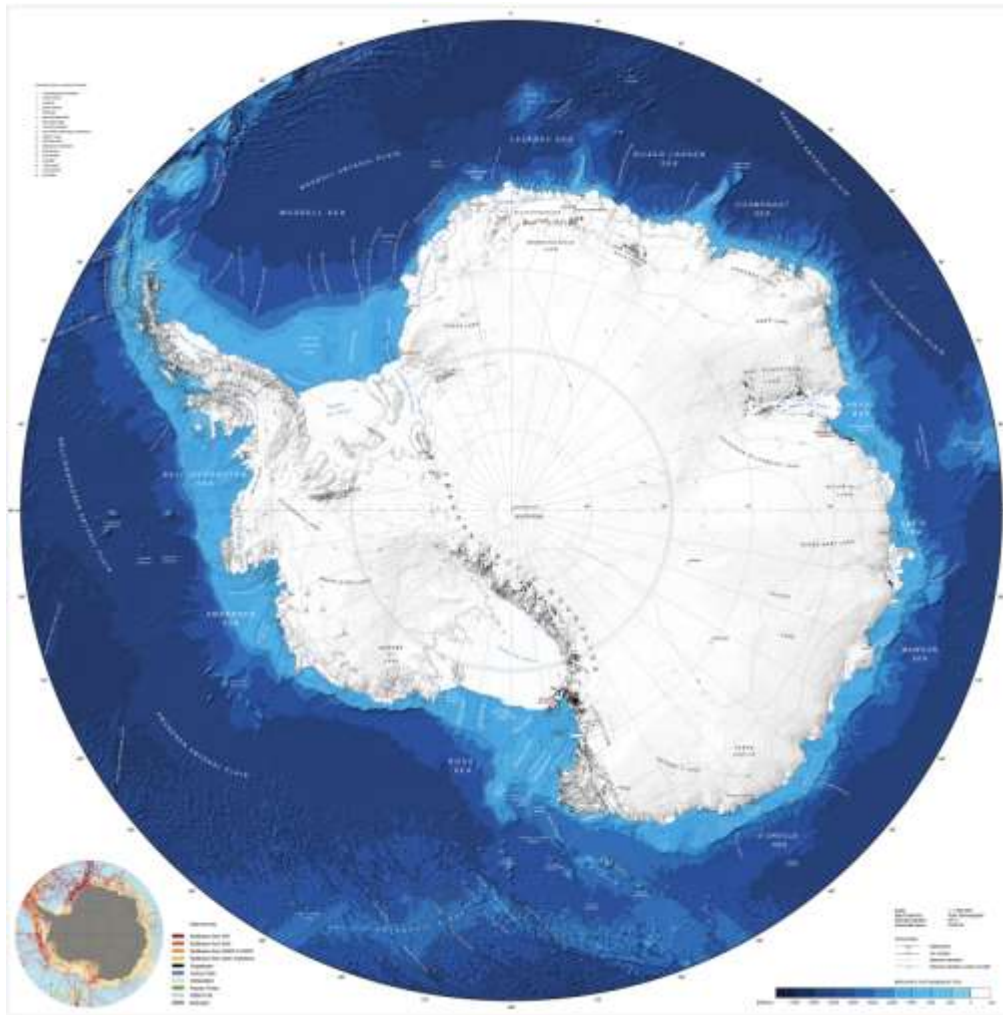
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AGENDA II: TERRITORIAL CLAIMS ON ANTARCTICA

1.1.Introduction

Antarctica is a land of extremes: it is the coldest and driest continent on Earth. Scarcely touched by humans, the frozen land boasts breathtaking scenery, broken by only a handful of scientific bases and a "permanent" population of scientists numbering only a few thousand. The Antarctic continent is a vast entity.



It embraces the South Pole with permanent ice and snow. Floating barriers of ice, stormy seas and appalling weather encircle it. Its great altitude chills the air to extremes, and its descent to sea level across a moving ice sheet generates the world's strongest winds. The cycling seasons reveal the spectacular natural forces of our planet. The surrounding seas teem with wildlife. And just 2% of this continent is free of ice, allowing a small toe-hold for hardy animals and plants.

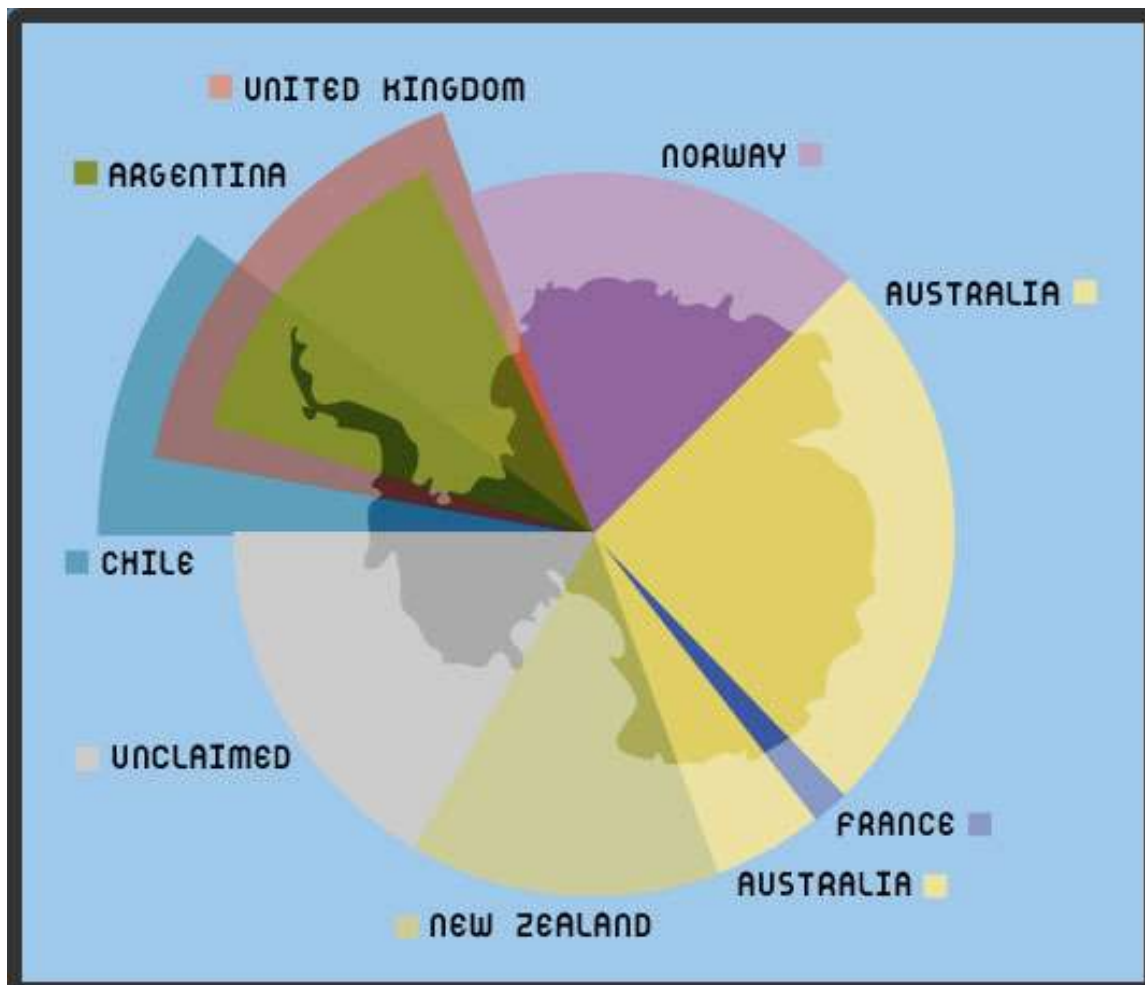
The whole of Antarctica is designated as a natural reserve devoted to peace and science by the Antarctic Treaty's Protocol on Environmental Protection. However, certain parts of the continent are so important that they are given even greater protection by the Protocol's system of protected and managed areas.

Although several countries have laid claim to various portions of Antarctica, it is governed by the 1959 Antarctic Treaty, which mainly establishes itself as a cooperative international research zone. It has just some two dozen research stations with a total population ranging from 1000-4000 depending on the time of year. These are maintained for scientific purposes only.

Seven states maintain a territorial claim on eight territories in Antarctica. These countries have tended to site their scientific observation and study facilities in Antarctica within their claimed territory.

It is said that the Antarctic Treaty defers or suspends these claims. However, an article states, "No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty shall be asserted while the present Treaty is in force", hence neither deferring nor suspending existing claims.

Territorial claims:



1.2. Background

It has hardly been a century since humans first occupied the continent of Antarctica, and a mere approx. 200 years since seafarers first saw the islands of Antarctic Peninsula. By the late 1940s Antarctic exploration had entered a new phase, and not just due to increased government involvement. The weather and isolation dominate all who visit. The continent's remoteness and its extraordinarily inhospitable environment shaped the discovery and exploration of Antarctica. These factors combined for centuries to keep humans away from all but the sub-Antarctic islands and parts of the Southern Ocean where whaling and sealing took place. In human historic terms, the land exploration of Antarctica is recent, most of it being accomplished during the twentieth century.

The improved technology and knowledge of the last 100 years allowed greater access to the continent, encouraging detailed surveying and research, and the gradual occupation of Antarctica by scientific stations for the first time in history, permanent bases were established. The British had been the first when they erected their bases. Once there was known, however, the scramble to occupy the continent was on. On January 29, 1947 Argentina established a base at Gable isle. A week later, a Chilean expedition set up a base on Greenwich Island. After that, base building escalated for the three nations laying claim to the Antarctic Peninsula. By the end of 1955, Argentina, Chile, and Britain had created 21 stations in the Peninsula region.

In addition to give legitimacy to territorial claims by establishing occupancy, some of the base construction was in anticipation of the upcoming International Geophysical Year (IGY). The IGY was recognized as pivotal to the scientific understanding of Antarctica. The twelve nations active in Antarctica, nine of which made territorial claims or reserved the right to do so, agreed that their political and legal differences should not interfere with the research program. The outstanding success of the IGY led these nations to agree that peaceful scientific cooperation in the Antarctic should continue indefinitely. Negotiation of such an agreement, the Antarctic Treaty, commenced immediately after the IGY.

By December of 1955, preparations for the IGY were well underway. As winter 1956 closed in, there were 29 separate parties in Antarctica from 7 countries : Britain , Chile , Argentina , French, America, Australia, USSR.

By this time the IGY was well underway. In 1957-58 there were 44 continental bases, 21 island bases, and 5632 people involved in the largest multinational scientific research effort in history. The success of the effort, and the need to defuse competing territorial claims also led to the signing of the Antarctic treaty in 1959. In essence, this treaty set the continent aside for peaceful, scientific purposes and placed all territorial claims on hold.

Over seventy Antarctic Specially Protected Areas (ASPAs), Antarctic Specially Managed Areas (ASMAs) and 85 Historic Sites and Monuments (HSMs) have so far been designated.

ASPAs are areas of outstanding wilderness, scientific or environmental value. A permit is required to enter an ASPA, and any activity within it must be conducted according to a management plan. In 2007 the UK proposed Marion Nunataks on Charcot Island to be designated as an ASPA. ASMAs are areas where human activities need to be coordinated to avoid mutual interference, for example in areas occupied by two or more Antarctic research

stations. Even though a permit is not required to enter an ASMA, activities within these areas are governed by management plans.

In 2005, together with Argentina, Chile, Norway, Spain and the US, the UK succeeded in designating Deception Island as an ASMA.

Although ASMAs and ASPAs can be designated to protect special marine areas, there are currently only six entirely marine ASPAs. British Antarctic Survey is involved in an International project to classify Southern Ocean ecosystems that will help to identify new marine protected and managed areas.

Echoes of humans' first contact with the continent, and of Britain's pioneering role in the heroic age of Antarctic exploration, are also protected by HSMs, including the cross at Cape Evans on Ross Island. Erected in January 1913 by the British Antarctic Expedition of 1910-13, the cross is a memorial to Captain Robert F. Scott's party, who perished on their return from the South Pole in 1912. There are several HSMs on the Antarctic Peninsula. These include Port Lockroy which was renovated and turned into a "living museum".

1.3.The Antarctic Treaty

Some important provisions of the Treaty:

- 1) Antarctica shall be used for peaceful purposes only .
- 2) Freedom of scientific investigation in Antarctica and cooperation toward that end ... shall continue.
- 3) Scientific observations and results from Antarctica shall be exchanged and made freely available .

Among the signatories of the Treaty were seven countries - Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom - with territorial claims , sometimes overlapping. Other countries do not recognize any claims. The US and Russia maintain a “basis of claim”. All positions are explicitly protected in Article IV, which preserves the *status quo*: No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting , supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force. To promote the objectives and ensure the observance of the provisions of the Treaty, "All areas of Antarctica, including all stations, installations and equipment within those areas ... shall be open at all times to inspection.”

The original Antarctic Treaty contains fourteen articles, eleven of which relate directly to Antarctic governance. The rest concern other aspects of the Treaty, such as the nation that will be the repository for Treaty, the procedures for ratification and accession, and the process for amending the Treaty.

The other articles establish Antarctica as an area free from military activity and encourage scientific research and the exchange of scientific information between parties, as well as cooperation and peaceful conflict resolution.

The Antarctic Treaty has been in place for fifty years with no major problems. However, the consensus-based decision making that takes place within the Antarctic Treaty System can be problematic. Consensus-based decision making does not mean that everyone must agree, but that no one can voice disagreement.

So one country, if it feels strongly about an issue, can stop a resolution from going forward. This is true for many similar international bodies. Additionally, without legal penalties for violating agreements most Parties are essentially on their honor to abide by their obligations under the Antarctic Treaty, CCAMLR, CCAS, and the Protocol. On the plus side, these Treaties have been existence for several decades and Parties seem committed to working within their frameworks.

The Antarctic Treaty Consultative Meeting (ATCM) is now held annually. During each ATCM, there is also a meeting of the Committee For Environmental Protection(CEP). The Scientific Committee on Antarctic Research (SCAR) is an Observer at ATCMs and CEPs, and provides *independent and objective* scientific advice in a variety of fields, particularly on environmental and conservation matters.

Member States of the Antarctic Treaty include:

1.4.Consultative Parties --> Date of Signature

• Argentina	-->	23 June 1961
• Australia	-->	23 June 1961
• Belgium	-->	26 July 1960
• Brazil	-->	16 May 1975
• Bulgaria	-->	11 September 1978
• Chile	-->	23 June 1961
• China	-->	8 June 1983
• Ecuador	-->	15 September 1987
• Finland	-->	15 May 1984
• France	-->	16 September 1960
• Germany	-->	5 February 1979
• Japan	-->	4 August 1960
• India	-->	19 August 1983
• Italy	-->	18 March 1981
• North Korea	-->	28 November 1986
• Norway	-->	24 August 1960
• New Zealand	-->	1 November 1960
• Holland	-->	30 March 1967
• Peru	-->	10 April 1981
• Poland	-->	8 June 1961
• United Kingdom	-->	31 May 1960
• Russia	-->	2 November 1960
• Spain	-->	31 March 1982
• South Africa	-->	21 June 1960
• Sweden	-->	24 April 1984
• U.S.A.	-->	18 August 1960
• Uruguay	-->	10 January 1980

1.5.Acceding States --> Date of Signature

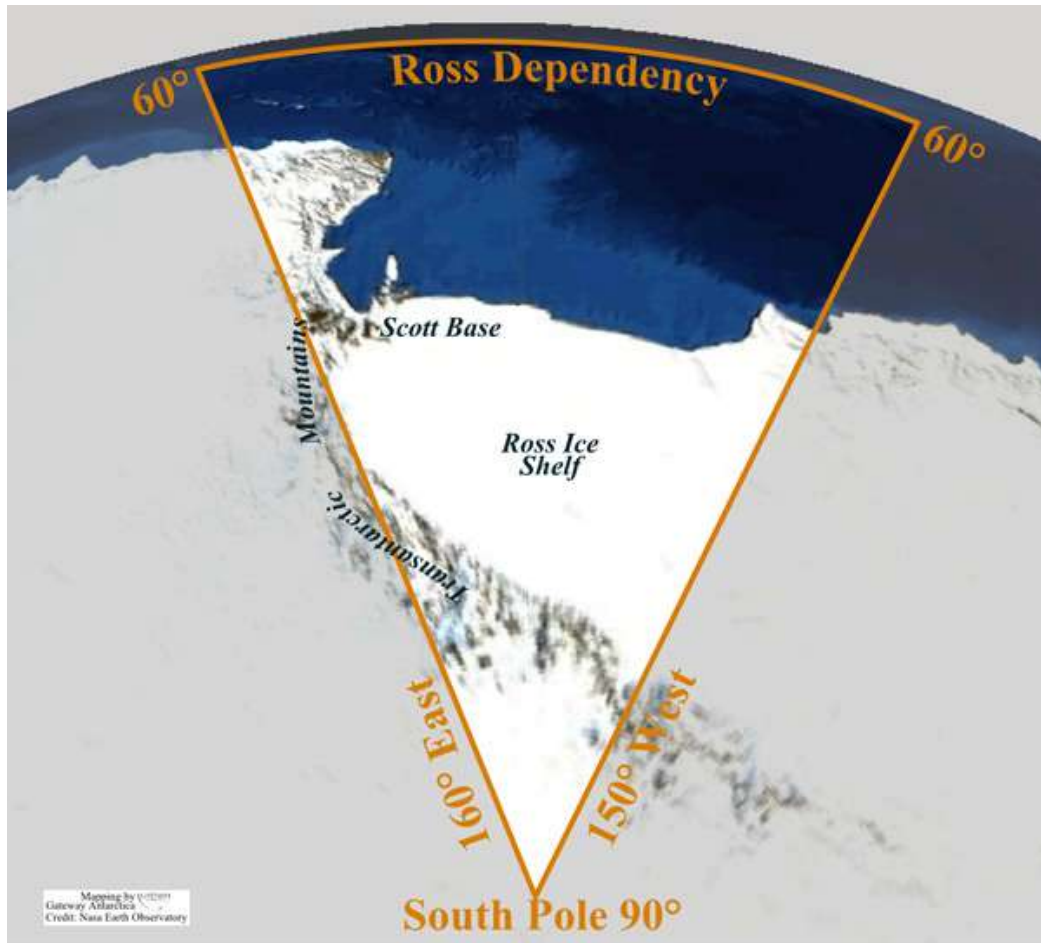
• Austria	-->	25 August 1987
• Canada	-->	4 May 1988
• Denmark	-->	23 May 1965
• Ukraine	-->	28 October 1992
• Turkey	-->	25 January 1996
• Colombia	-->	31 January 1989
• Cuba	-->	16 August 1984
• Guatemala	-->	31 July 1991
• Romania	-->	15 September 1971
• Hungary	-->	29 January 1984
• Greece	-->	8 January 1987

• Switzerland	-->	15 November 1990
• South Korea	-->	21 January 1987
• Czech Republic	-->	14 June 1962
• Estonia	-->	17 May 2001
• Slovakia	-->	14 June 1962
• New Guinea	-->	16 March 1981
• Venezuela	-->	24 May 1999

1.6.Current Issues

1.6.1 Ross Dependency

New Zealand sovereignty over the Ross Dependency was established in 1923, its boundaries defined as all the islands and territories in Antarctica between the 160th degree of east longitude and the 150th degree of west longitude and south of 60 degrees south latitude. The majority of the Ross Dependency's infrastructure is centered on the Ross Archipelago. The other islands of the dependency include Coulman Island, Franklin Island, and Scott Island. While low in population, the Ross Dependency has an English speaking majority, with Maouri and Russian-speakers having some say on the islands. The majority of the territory's economy is based on petroleum extraction and refining. This means the Ross Dependency comprises the Ross Ice Shelf, the Balleny Islands, Scott Island and adjacent islands and the landmass within these longitudes to the point of their convergence at the South Pole.



New Zealand annually appoints Officers of the Government of the Ross Dependency to represent the executive government. The officers are senior staff at Scott Base. They are empowered, among other things, to take all steps necessary or expedient to enforce the laws and regulations in force in the Ross Dependency.

New Zealand legislation may apply in the Ross Dependency. For example, New Zealand criminal law specifically extends to criminal acts committed in the Ross Dependency (Antarctica Act 1960). Another example is the New Zealand Citizenship Act 1977. Any person born in the Ross Dependency is a New Zealand citizen. There is also specific provision in New Zealand legislation for the establishment of an Exclusive Economic Zone beyond the outer limit of the territorial sea of the Ross Dependency (Territorial Sea, Contiguous zone and Exclusive Economic Zone Act 1977).

1.6.2. Australia's problem

Australia is among seven nations that have claimed territory in Antarctica. Australian Antarctic Territory covers nearly 5.9 million square kilometers, about 42% of Antarctica and nearly 80% of the total area of Australia itself.



The Australian claim is based on a long historical association with this part of Antarctica. Australia's Douglas Mawson led a group of Australians and New Zealanders in the 1911 to 1914 Australasian Antarctic Expedition, which had bases at Commonwealth Bay, south of Tasmania, and the Shackleton Ice Shelf south of Perth. This expedition explored extensively along the coast near the bases.

Mawson also led the British, Australian and New Zealand Antarctic Research Expedition (BANZARE) of 1929 to 1931. During this expedition Mawson claimed what is now Australian Antarctic Territory as British sovereign territory. Early in 1933, Britain asserted sovereign rights over the claimed territory and placed the territory under the authority of the Commonwealth of Australia.

Sovereignty over the Territory was transferred from Britain to Australia under the *Australian Antarctic Territory Acceptance Act 1933*, which came into effect in 1936. This act stated: *That part of the Territory in the Antarctic seas which comprises all the islands and territories, other than Adelie Land, situated south of the 60th degree south latitude and lying between the 160th degree east longitude and the 45th degree east longitude, is hereby declared to be accepted by the Commonwealth as a Territory under the authority of the Commonwealth, by the name of the Australian Antarctic Territory.*

Though in today's scenario, Australia's territorial claim to Antarctica is being weakened by a decline in its scientific research. Australia claims 43% of the southernmost continent based on geographic proximity, history of exploration and discovery and activity in Antarctica. But its participation as a key consultative party under the Antarctic Treaty depends on demonstrating a

substantial scientific program – and the number of science projects has dropped from 142 in 1997 to only 62 in 2014.

“As science is currency in Antarctica, Australia's declining research impacts on the strength of Australia's claim over the Australian Antarctic territory," a survey says. It is also noted that Australia's research agenda was falling behind other countries such as China, Russia and India.

1.7. Questions a Resolution Must Answer

1. What steps can be taken to refute the claims of various nations on the land of Antarctica?
2. Can claims such as those of Australia based on historical context, and old era treaties like Australian Antarctic Territory Acceptance Act 1933 find any merit or are sufficient to claim Antarctic land?
3. Should Ross Dependency of New Zealand be allowed to continue functioning in its present form and how can such establishments be dismantled and such claims be refuted in future?
4. What steps should be taken to reduce the commercial activities near Antarctica and limit its population by refuting claims to prevent nations like Mauritius from sinking due to global warming and increased rate of glacial ice melting?

1.8. References

1. Antarctic Treaty System - <http://www.ats.aq/e/ats.htm>
2. www.scar.org/antarctic-treaty-system
3. www.antarctica.gov.au › Antarctic law & Treaty