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Historical and Legal Precisions on the Current Situation in Crimea

JOSÉ MARÍA VIÑALS

Director of International Operations

JOSÉ LUIS IRIARTE

Of Counsel

Over the last few days there has been so much news about Ukraine in general and particularly on the Crimean peninsula, whose Parliament passed the incorporation of Russia last Thursday; a decision that will be ratified by a referendum to be held on the 16th. Prior to these events there has been an abundance of trivial and biased information, reducing the problem to the alleged imperialist ambitions of President Putin. However, things are not so simple and it is crucial to bring some historical and legal data to light in order to better comprehend the reality of the region.

Firstly it must be made clear that Crimea never had any political link with Ukraine until 1954. In fact it has been occupied ever since ancient times by a huge variety of invading and colonizing forces (the Greeks, the Romans, Slavic and Asian tribes, the Goths, Byzantines etc.). During the Middle Ages it lived through a period of splendour with the Princedom of Theodore, of Gothic origins but culturally Christian and Byzantine. Then came the Tartar Muslims, who constructed an independent Government until the Turkish Empire invaded and occupied the peninsular in 1475. The Ottomans, frequently reliant upon Tartar principles, were the owners of Crimea for three centuries. In 1783, after the Russo-Turkish war, it went on to become part of the Russian empire, whose avatars ruled until the subsequent establishment of the Soviet Union.

Only as late as 1954 the then Soviet leader Nikita Jrushchov, in a purely despotic act and without taking into account the will of the people, transferred Crimea from Russia to

Ukraine. It does not stop being significant that when the Soviet Union disappeared there were attempts to pull back the situation, as in 1992 the Supreme Soviet of the Russian Federation approved the annulment of the 1954 transfer.

Nor can the demographic reality of the peninsula be ignored: 60% of its inhabitants are Russian, 25% are Ukrainian, 12% are Tartar and the remaining 3% of other ethnicities and cultures. Various independent surveys have made it clear that the large majority of the population, close to 70%, are in favour of a union with Russia, and the Crimean Parliament's decision regarding this was very clear.

A second aspect that must be considered is that the existence of Ukraine as a unified political entity is something very recent, largely attributable to the Soviet Union. Certainly during the 10th and 11th Centuries, the Kievan Rus' was a rich, cultured and powerful kingdom. Curiously, the majority of its inhabitants were the ancestors of Russians today. But it was destroyed in the 13th Century by the Mongols and its territory was divided into different principalities, which were not always of Slavic culture. From the 14th Century a large part of modern Ukraine was occupied by Lithuania and subsequently came to fall under the Polish-Lithuanian Union, while the rest remained progressively within the Russian sphere. This situation continued until the disappearance of Poland: the territories that had previously belonged to it came to be controlled by Austria. Only after the First World War, and the political upheaval it

caused the Russian and Austro-Hungarian Empires, the Socialist Soviet Republic of Ukraine was formed within the USSR.

It is essential that these historical realities be taken into account, not only with regards to Crimea but also to the multitude of regions in the East and South of the country who, throughout several centuries, were Russian and the majority of whose inhabitants are also of Russian ethnicity.

Lastly, and in a more legal context, we must consider recent history regarding the self-determination of the peoples which the inhabitants of Crimea seeking union with Russia can call upon. Since the 1990s we have witnessed numerous and more or less unilateral declarations of independence which have been recognised by the international community, sometimes with unusual urgency. Let us recall the cases of most of the former

Soviet Republics, of the States that formed Yugoslavia, etc.

A very significant case is that of Kosovo. It was part of Serbia, but in 1991 it declared itself independent with the support of the Albanian population. After several years in a complex de facto situation, following several alleged acts of ethnic cleaning on behalf of the Serbians, which were never entirely clarified, NATO attacked various Serbian targets during the spring and summer of 1999. Finally in 2008 the Government of Kosovo unilaterally declared its independence, which was recognised by more than 100 countries, led by major Western powers. This, and other precedents, could now play an important role.

We all wish for the Crimean crisis to be peacefully resolved and to the satisfaction of all involved, but this objectively real historical and legal background cannot be ignored.

FOR MORE INFORMATION

JOSÉ MARÍA VIÑALS

Director of International Operations

jcv@lupicinio.com

+34 91 436 00 90

JOSÉ LUIS IRIARTE

Of Counsel

jli@lupicinio.com

+34 91 436 00 90