
The International Legal Consequences of the Annexation of Crimea and Its Impact on the Internal and External Legal Policies of the Russian Federation

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Abstract

This article analyzed the legal consequences of aggressive acts and the forcible seizure of foreign territory by the Russian Federation. It was revealed facts of the influence of these consequences on the rigid legal policy of Russia towards dictatorship.

Keywords: occupation, annexation, sanction, laws, Crimea, international law, international legal treaties, Russia, Ukraine, international community.

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Chronology of events

At the end of November 2013, Ukrainian activists, dissatisfied with the policies of the pro-Russian president of Ukraine Viktor Yanukovich, went to the central square "Maidan" to express their dissatisfaction with total corruption in the country and for refusing to take step-by-step actions to "European integration". Soon, the wave of protesters became large and swept the whole country. Activists began to advocate for the resignation of the existing government, and the president of Ukraine Viktor Yanukovich, who was incumbent at that time (until February 21, 2014). When Ukraine was distracted by its internal problems, Russia, as an unscrupulous neighbor, contrary to the Ukrainian constitution and international law, began to prepare a plan for the "forcible seizure of foreign territory." February 23, 2014, after the rescue of the ex-president of Ukraine, Viktor Yanukovich, by fleeing to Russia, against whom criminal proceedings were initiated in Ukraine, for his illegal actions, the President of the Russian Federation, Vladimir Putin, begins the process of illegal accession of Crimea with Russia. Despite a gross violation of the principles of international law enshrined in the UN Charter, the 1994 Budapest Memorandum, the 1970 Declaration of Principles of International Law, the 1975 Helsinki Final Act of the CSCE, the 1997 Treaty of Friendship and Cooperation between the Russian Federation and Ukraine, the Treaty between Ukraine and the Russian Federation By the Federation on the Russian-Ukrainian state border of 2003, on March 16, 2014, Russia decided to hold a referendum for the annexation of Crimea and the city of Sevastopol to the Russian Federation. It is enough to name two basic principles of international law, (such as: the principle of non-use of force or threat of force (accession was with the help of the armed forces of the Russian Federation, as Vladimir Putin has repeatedly confirmed); and the principle of non-interference in matters within the internal competence of states), in order to prove the illegal accession of Crimea and the city of Sevastopol by the Russian Federation. During an unlawful accession, after holding a questionable referendum, without the participation of international observers, the Constitutional Court of the Russian Federation for the night (March 17-18, 2014) takes, first, extremely doubtful and in violation of the Federal Constitutional Law of the Russian Federation "On the Constitutional Court of 21.07 .1994

No. 1-FKL "decision, secondly, it becomes the fastest court in the world, which, without considering, studying, thorough analysis, and also not observing judicial procedures and terms, makes a decision on the case.¹

Thus, after the occupation of Crimea and the city of Sevastopol, Russia began in April of the same year (2014) a military conflict in the east of Ukraine (in Donetsk and Lugansk) to divert the attention of the world community from annexation.

International legal consequences

The Russian Federation, as the legal successor of the USSR, after the collapse of the latter, assumed the responsibility to fulfill the duties that were entrusted to the Soviet Union. In addition to duties, the Soviet Union left quite a few privileges and a worthy position in the international arena for the Russian Federation. This situation is a permanent member of the UN Security Council.² To be part of the five largest powers that follow the world order and "world peace", must, first of all, comply with international law, ensure compliance with them and not commit violations. As a member of the UN Security Council, instead of being a guarantor norm of international law, the Russian Federation not only did not act as a guarantor to ensure the fundamental principles and norms of international law, which are fixed in the UN Charter but irresponsibly violated them.

After such unprecedented gross violations of international law since after the Second World War, the European Union, the USA, Canada, their other allies and partners took a series of political and economic measures in the form of sanctions to stop Russia from its aggressive actions, to return the peninsula to Ukraine, stop the war in Donetsk and Lugansk and restore the territorial integrity of Ukraine.

¹ Лукьянова Е.А. "Конституционные риски": учебно-методическое пособие М.: Кучково поле, 2015.448с. (Lukyanova E.A. "Constitutional Risks": A Training Manual,. М.: Kuchkovo field, 2015., 448p)

² Договор о правопреемстве в отношении внешнего государственного долга и активов СССР 4 декабря 1991.

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Although the format of the G7 (formerly G8) is not based on an international treaty and is not an international organization, it is an unofficial but rather an influential forum of leaders of the G7 states, within the framework of which approaches to international problems are discussed and agreed upon. Russia was part of this format, and in 2014 was supposed to take the leaders of the G7 (G8) states as the host of this forum. After the annexation of Crimea and the city of Sevastopol, the leaders of the states of the above format refused to accept the invitation and did not consider it necessary to discuss urgent international problems with a country that is a threat to security and that very urgent problem of the international community, therefore, Russia was automatically excluded from this format.³

After preparations for the G7 (G8) summit, which was supposed to be held in Russia in Sochi, on June 4-5 of the same year (2014), were suspended, the European Union, the USA, and their other allies began to coordinate sanctions against aggressor countries. The following types of sanctions were applied against Russia:

- restricts access to Western financial markets and services for designated Russian state-owned enterprises in the banking, energy and defense sectors;
- an embargo on the export to Russia of designated high-tech equipment for oil exploration and production;
- an embargo on exports to Russia of designated military and dual-use goods.

The first US sanction package was adopted on March 6, 2014, after the seizure of power in Crimea. But executive presidential decree No. 13660 was not specifically directed to Russia. Only on March 16, sanctions were expanded by the following decree of the President of the USA No. 13661, which already clearly spoke about Russian interventions by military means, about undermining democratic

³ <https://www.telegraph.co.uk/news/worldnews/europe/russia/10720297/G8-suspends-Russia-for-annexation-of-Crimea.html>

processes and threatening the territorial integrity of Ukraine. This decree already contained personal sanctions against specific high-ranking officials of Russia. On March 20, a new presidential decree No. 13662 was issued, where for the first time called the occupation of Crimea "a possible annexation" and expanded restrictive measures, as Russia continued to undermine the democratic process in Ukraine by any means.

The first sectoral sanctions and export bans began to be approved by the government of the United States of America from July 16, 2014, and continue to this day. In the process of adopting sectoral sanctions, their actions included:

- companies of the military-industrial complex of Russia (Kalashnikov, Almaz-Antey, NPO Izhmash and Basalt, Design Instrument Design Bureau, Uralvagonzavod NPK, etc.);
- oil and gas sector companies (Rosneft, Gazprombank, Novatek, Vnesheconombank, etc.);
- Financial institutions (Russian Agricultural Bank, VTB, Sberbank, VEB, Gazprombank, etc.);
- Some joint shipbuilding corporations;
- oil production companies (Lukoil, Gazprom, Rosneft, Surgutneftegaz);
- restrictions on the export of goods and technology for Russian oil projects.

The above list is a basic but not exhaustive list of US sectoral sanctions. At the same time, in the process of adopting sectoral sanctions, sanctions were also applied to senior officials, members of parliament, the oligarchy from the environment of Vladimir Putin and other persons involved in the annexation or having any relationship.

On August 2, 2017, Russia was placed on a par with North Korea and Iran, a federal law passed by the United States of America: "Countering America's Adversaries Through Sanctions Act - CAATSA."

CAATSA provided for sanctions against organizations and individuals who were involved in cyber-attacks against the United

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States (ban on entry, freezing of property and assets), the Kremlin Report was mentioned, which compiles an annual report on the state of Russian oligarchs: incomes and assets, and also real estate and US assets by invested Russian state and semi-government agencies

On July 25, 2018, the Crimean Declaration was fully published, where the United States confirmed its loyalty to its policy and, the State Department said that the United States would never recognize the territories annexed by Russia (Crimea and Sevastopol). And they also called on Russia to stop its aggressive policy aimed at destabilizing the democratic processes in Ukraine and to complete the occupation of Crimea.

According to estimates by the US Secretary of State, European and Eurasian Affairs of Wess Mitchell, the United States has involved more than 4090 sanctions against Russia.

European sanctions were imposed simultaneously with the American ones. The sanctions adopted at the initial stage were similar and content with the American ones. The "alleged annexation", the conviction of Russia for its illegal actions and the list - the "list of persons" who were denied entry and whose accounts were frozen due to direct or indirect participation in the annexation, were the first European sanctions measures adopted by the Council of the EU No. 145, at the initial stage.

In the future, sectoral sanctions have already begun to be adopted, and this has affected almost all sectors of the Russian economy.

The following sanctions measures have been taken by the European Union:

- restrict access to the main and secondary EU markets for some Russian banks and companies, in particular, the banks Sberbank, VTB Bank, Gazprombank, Vnesheconombank, and Rosselkhozbank;

- impose a ban on the export and import of weapons;

- establish a ban on the export of dual-use goods, that is, those that could be used for military purposes in Russia;

- limit Russia's access to certain sensitive technologies and services that can be used for oil production and exploration.

The international legal consequences in the form of sanctions by the European Union and the United States have greatly affected the Russian economy. The stagnation and recession of GDP, the collapse of the Russian currency (ruble), the loss of billions of dollars by companies and the most important drop in oil prices, on which the part of the Russian economy depends, accompanied Russia after the annexation of Crimea and the city of Sevastopol, and for military operations in Donetsk and Lugansk.

However, it is unlikely that anyone can accurately name the gigantic-scale losses in the process of sanctions feud. Even Russian sources cannot name the approximate amount of losses. Different sources have different information. For example Assistant to the President of the Russian Federation Sergey Glazyev, said that the amount of losses as of 2016 is \$ 250 billion. The Ministry of Economic Development of the Russian Federation believes that Russia has lost \$ 25 billion due to sanctions, and the European Union forecasts \$ 100 billion. According to NATO,⁴ Russia entered a recession with a growth of -2.2% in the first quarter of 2015 compared with the first quarter of 2014. Even though there are no specific statistics from sanctions, there is no denying the fact that the Russian economy has suffered very serious losses during the process of sanctions.

The external legal policy of Russia

After lengthy and tiring sanctions against Russia by the European Union, the United States and its allies, which worsened Russia's economic situation in many sectors, Russia decided to take similar measures against the European Union, the United States and those countries that have adopted sanctions against Russia. If the adopted sanctions against Russia were justified for its aggressive actions in the east of Ukraine and the occupation of the Crimean

⁴ <https://www.nato.int/docu/review/articles/2015/07/13/sanctions-after-crimea-have-they-worked/index.html>

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peninsula, the Russian sanctions were most likely aimed at muddying the water and confusing people.

After March 16, 2014, when the United States introduced the first sanctions specifically against Russia, retaliatory sanctions were not long in coming, and on March 17 of the same year, such retaliatory measures were already taken by the Russian Federation. The first response list of sanctions was published by the Russian Ministry of Foreign Affairs against officials and members of the US Congress.⁵ On the sanctions list, Russia included nine people, including US Deputy Assistant President for National Security Caroline Atkinson and Senator John McCain. In the future, Russia expanded its sanctions lists, which already included European, American and Ukrainian politicians.

In the process of adopting sanctions by the European Union, the United States and its allies, and as these sanctions tightened on their part, Russia, from August 2014, began to introduce its phased food embargo against those countries that have adopted sanctions against Russia. Bans were introduced on the import of certain types of products and raw materials. This embargo was carried out in three stages:

- 2014 concerning the countries of the European Union, the USA, Australia, Canada, and Norway;
- 2015 with Iceland, Liechtenstein, Albania, and Montenegro;
- 2016 with Ukraine.

Following the adoption by the United States of America of the "Countering America's Adversaries Through Sanctions Act (CAATSA), a diplomatic scandal erupted as a result of the sanctions war in the summer of 2017. Russia reacted sharply to the Countering America's Adversaries Through Sanctions Act (CAATSA), adopted on August 2 of the same year, as CAATSA viewed Russia in the same position as North Korea and Iran. The Prime Minister of the Russian Federation Dmitry Medvedev said that this act's (CAATSA) insignificance is tantamount to a "full-scale trade war."

⁵ <https://tass.ru/otvetnye-sankcii-rf>

Moscow decided to respond by cutting back on American diplomatic personnel in Russia. The response from the United States did not make Moscow wait long. Subsequently, Washington, responding to such actions by Moscow, decided to announce the temporary discontinuation of the issuance of non-immigrant visas, and in the future completely limit the issuance of non-immigrant visas to Russians.

Despite retaliatory sanctions from Russia, 21 out of 28 member states of the European Union not only avoided any recession but also experienced a net increase in exports in the world. Thanks to increased exports to other markets, European Union member states were able to compensate for the decline in exports to Russia.

Although Russia, as a target market, was rather limited for most European countries, although European companies were able to find new markets for their products, exports to Russia decreased significantly, by about a third.

7 out of 28 European Union member states suffered net losses. In turn, these countries are divided into two groups:

- countries that were able to reorient and enter new markets, but not sufficiently effective (Belgium, Estonia, Latvia, Finland, and Lithuania);
- countries that have suffered losses, both from the Russian market and from other markets (Sweden and Greece).

Internal legal policy

After the annexation of the Crimean peninsula, Russia felt a strong economic crisis in all sectors of social life. Although Russia was not a model and example of democracy before, before the occupation of the Crimean peninsula and the war in eastern Ukraine, some basic human and citizen rights based on international norms and agreements, social rights and partially political rights were respected at a certain level. After the events of 2014, President of the Russian Federation Vladimir Putin, realizing the seriousness of the situation around him, for which he bears personal responsibility, decided to direct the country's political course towards dictatorship. An example is the 2016 parliamentary elections, where members of "United Russia" party, the

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de facto leader of which is Vladimir Putin (de jure Dmitry Medvedev), during questionable elections became deputies of the legislature of the Russian Federation (State Duma) within the framework of the constitutional majority. So, according to article 105 of the Constitution of the Russian Federation,⁶ federal laws are adopted by a majority of the total number of deputies of the State Duma (legislature). Thus, in the State Duma (Legislature of the Russian Federation) there are only 450 deputies and, of these, 343 belong to the United Russia party. In other words, Vladimir Putin, with the right of legislative initiative, can put forward any bill restricting rights and freedoms to the Parliament, and not worry at all that the law can be adopted. So, as 250 votes of deputies from the parties of "United Russia" are enough for the law to be adopted, while there are 343 of them in the legislature of the Russian Federation (State Duma).

In addition to the political sphere of legal life, the branch of human rights and freedom has also suffered.

Thus, new restrictions were introduced through the Constitutional Court. On July 14, 2015, the Constitutional Court announced decree No. 21-P, where the following position was formed: in the case where the ruling of the European Court of Human Rights (hereinafter - the ECHR) issued against Russia is based on this interpretation of the provisions of the Convention for the Protection of Human Rights and fundamental freedoms (hereinafter referred to as the "ECHR", "Convention"), which contradicts the Constitution of the Russian Federation, such a decision of the ECHR cannot be enforced in Russia. Therefore, at the request of the government authorized agencies, deputies of the State Duma (legislature) of the Russian Federation and other persons referred to in the Decree of the Constitutional Court No. 21-P, the Constitutional Court has the right to consider such requests and raise the issue of non-enforcement of judgments of the ECHR in Russia.

⁶ The Constitution of the Russian Federation (was Adopted at National Voting on December 12, 1993)

The Constitution of the Russian Federation as the main law and having the highest legal force in the territory of the Federation, in Part 4 of Article 15 reads:

The generally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system. If other rules are established by an international treaty of the Russian Federation than those provided by law, the rules of the international treaty shall apply.

Following the above logic, Russia joined the Council of Europe on February 28, 1996, on March 30, 1998, ratified the "European Convention for the Protection of Human Rights and Fundamental Freedoms", and on May 5, 1998, a letter was ratified of the ratification by the ECHR and a number of protocols to it. On the same day, the Convention entered into force for Russia. Thus, by signing the "European Convention on Human Rights and Fundamental Freedoms", Russia not only claimed responsibility to comply with the decision of the European Court of Human Rights but also took the initiative to amend some laws that contradict the provisions of the ECHR.

Russia, joining the Council of Europe, showed its readiness and assured that it would bring its political system in line with European standards.

In the end, everything turned out the other way around. Russia became the only country that signed the ECHR and refused to comply with some (in the opinion of the Constitutional Court contradictory to the Constitution of the Russian Federation) decisions of the European Court of Human Rights.

There has never been such a precedent in practice, where the state completely refused to implement the decisions of the ECHR, except the Russian Federation.

The next blow was dealt with the social sphere during the pension reform. Due to the unstable economic situation in the country, along with an increase in VAT (value-added tax), at the same time, the Russian authorities decided to raise the retirement age. On October 3, 2018, Vladimir Putin signed the Law No. 350-FL on raising the retirement age, which worsens the already difficult living situation of

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citizens of retirement age in the Russian Federation, where citizens received after 55 (for women) - 60 (for men) low retirement. This law does not provide for the indexation and age of those people who worked on the basis of the previous law, as well as those with decent work experience in their field, but raises the retirement age every year from 6 months to 1.5 years until the retirement age reaches 60 (for women) - 65 (for men) years. After the situation was aggravated due to popular indignation, Vladimir Putin addressed and urged the citizens of the Russian Federation to "treat with understanding," since the pension fund is experiencing financial problems and they are forced to take this step. Although personally Vladimir Putin himself, repeatedly, publicly stated that while he was in power, the retirement age would not increase.

After the economic situation worsened in different sectors, limiting or depriving vulnerable segments of the population of social support, raising taxes, allocating funds and various benefits from the budget for oligarchs which became victims of sanctions, falsification of elections at various levels by the dominant "United Russia" party and massive dissatisfaction of citizens led to enact laws restricting "freedom of speech." Against the background of the situation, the consistent pattern of such restrictions can be predicted without any comparative legal analysis.

As a result, on March 18, 2019, the Federal Law "On Information, Information Technologies and the Protection of Information" was amended to determine the procedure for restricting access to information, which expresses in an indecent manner "explicit disrespect for society, the state, official state symbols RF, the Constitution of the Russian Federation or agency exercising state power in the Russian Federation."

These amendments are supported by administrative punishment in the Code of Administrative Offenses, which related to amended by the Federal Law on Information, Information Technologies and the Protection of Information, and provides for fines large for Russian standards for a violation of this rule.

The above law restricts citizens in public criticism of state authorities for their incompetent actions while leaving a wide choice for

state authorities to punish citizens for the "free expression" of their position with public authorities.

Thus, the margin of "expression" in the indecent form will be determined by the state at its discretion, since such formulations have a vague concept, do not carry a specific and defining semantic load in the Russian language, which allows the public authority to take arbitrary decisions instead of objective ones.

Conclusion

After the collapse of the USSR, these two states of the post-Soviet space (Russia and Ukraine) had different types of bilateral and multilateral international agreements among themselves, such as:

- On respect for political independence and sovereignty;
- Abstinence from the threat or use of force against the territorial integrity of each other (especially Ukraine).

So, on the basis of a memorandum on security guarantees in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (Budapest Treaty of December 5, 1994), Ukraine assumed the responsibility to remove all nuclear weapons from its territory within the established time frame, provided that the participating states (memorandum) confirm all the conditions of this memorandum and undertake to fulfill them.

However, one of the parties to the 1994 Budapest Agreement, or rather the Russian Federation, violated most of the clauses of this memorandum, as well as other agreements concluded directly between Russia and Ukraine.

The question if Ukraine refused to join the 1994 Budapest Agreement and remained a country with nuclear weapons, the Russian Federation would occupy the territory of Ukraine with the use of aggression, remains open.

After the events of the Second World War, the created organization of the United Nations, and other international mechanisms to combat aggression or its prevention, after almost 70 years were ineffective.

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Despite the heavy economic damage inflicted by the countries of the West, the USA, and their allies, the regime of Vladimir Putin as of 2019 has been holding quite confidently from the inside and continues to play a strategically important role in foreign policy relations.

One way or another, the territory of Ukraine was occupied, the armed conflict in the east of Ukraine was organized, but international legal mechanisms for resolving this conflict, for example, the Minsk Agreements (2014-2015), which included, in particular, a ceasefire on the territory of Donetsk and Lugansk regions of Ukraine remain ineffective.

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