

The Crimean “Precedent” and Unrecognized States in the Post-Soviet Space

Written by Andrei-Bogdan Sterescu

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ANDREI-BOGDAN STERESCU, MAR 5 2018

In an article from 2011, Liam Anderson discusses possible destinations for unrecognized states in his attempt to provide a generalizable theory of what can happen to them. Anderson (2011) outlines three broad categories: recognition by the international community and transformation into a recognized state, forceful reintegration into their parent state, or peaceful reintegration into the parent state through a negotiated settlement. Whilst those three categories enjoy empirical backing, as well as being recognized as possible solutions to frozen conflicts involving unrecognized states by the international community, I would like to propose a fourth category: *the forceful or peaceful integration into an external patron/protector state*. Anderson does indeed recognize the possibility of this fourth category, but does not consider it as a plausible option due to three reasons: some unrecognized states lack a patron/protector state (Palestine, Somaliland), lack of interest from the patron/protector State to incorporate the entity in question (Abkhazia), or lack of territorial contiguity between the entity and the protector (Transnistria, Taiwan, Nagorno-Karabakh), and a lack of empirical evidence.

While I admit that lack of empirical evidence has been until recently the most obvious reason to not consider a fourth category, I would like to put into question the other two reasons provided by Anderson. As the author himself acknowledges, not all options are available for all unrecognized states. Palestine and, arguably, the SADR, lack a parent state so the forceful or voluntary integration into one is not an option per se (Anderson, 2011, p. 187). Taking this into consideration, the lack of a patron state for some unrecognized states does not invalidate this option for others. As for the second option, the lack of territorial contiguity might be solved by appeal to the precedent of exclaves. In the case of Russia, both the Kaliningrad Oblast and Crimea are exclaves. Lack of interest on the side of the patron state seems to be a false category since it is always subject to change.

This leaves us with the third reason, lack of empirical evidence. In his article, Anderson makes reference to another article by Pål Kolstø from 2006 that also briefly discusses the possibility of the inclusion of an unrecognized state into an external patron state (Kolstø, 2006). Kolstø argues that even if unification between an unrecognized state and its respective patron state is not openly voiced by the actors themselves, it does represent an optimal solution, with special relevance to the Post-Soviet space. For Transnistria, where a majority of the population desires unification with Russia according to the 2006 Transnistrian Independence Referendum, the problem of territorial contiguity could easily be overcome by pointing to the exclave status of the Kaliningrad Oblast in Russia (Kolstø, 2006, p. 735), and, more recently, Crimea. Yet, at the time of writing, Kolstø was right to point out that there were no examples of successful inclusions into an external patron state.

In this article, I would like to present the 2014 Russian annexation of Crimea as a case in which an unrecognized state was integrated into a patron state, problematic as it is to categorize Crimea as such. This event temporally succeeds both Anderson and Kolstø's articles, and, even though one example might not constitute enough evidence to determine a fourth possible destination for unrecognized states, I think the case of Crimea is a relevant precedent in the Post-Soviet space and Russia's role in the conflicts and politics of other unrecognized states in the region. The case of Crimea is also relevant for the general discussion on the subject and the difficulty of outlining a general theory of unrecognized states.

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Crimean Declaration of Independence and the 2014 Referendum

On the 11th of March 2014, the members of the parliament of the Autonomous Republic of Crimea and the Sevastopol City Council adopted the Declaration of Independence of the Republic of Crimea citing Kosovo as a precedent. The purpose of the joint resolution was to bring together the Autonomous Republic of Crimea and the City of Sevastopol into a single entity which would become part of Russia depending on the result of the March 16th referendum on the status of Crimea (Press Center of the Supreme Council of ARC, archived from the original on March 13, 2014; The Ministry of Foreign Affairs of the Russian Federation, 2014).

The March 16th referendum presented the voters with two choices (Press Center of the Supreme Council of ARC, archived from the original on March 6, 2014):

1. Are you in favor of the reunification of Crimea with Russia as a part of the Russian Federation?
2. Are you in favor of restoring the 1992 Constitution and the status of Crimea as a part of Ukraine?

Although the 2nd choice did present the possibility of maintaining Crimea as a part of Ukraine, it did not imply the restoration of the status quo pre-declaration of independence. The original 1992 Constitution, which granted the Republic of Crimea extensive powers including the ability to establish relations with other states under Art. 10 (The Supreme Council of Crimea, 1992), was adopted on the 5th of May along with a Declaration of Independence, remaining to be confirmed on a referendum that was to take place on the 2nd of August, 1992 (Kolstoe & Edemsky, 1995). On the 6th of May, 1992, the Crimean Parliament amended the constitution to affirm Crimea as a constituent part of Ukraine under Art. 9 of the 1992 Constitution (The Supreme Council of Crimea, 1992). It has been argued that the 1992 Declaration of Independence also had the objective of integrating Crimea into Russia (Subtelny, 2009, p. 609). Kiev rejected the Declaration of Independence, as well as the referendum. As a compromise, Crimea was declared as an “Autonomous Republic” (Subtelny, 2009, p. 609; Kolstoe & Edemsky, 1995, p. 195). It was unclear in the 2014 referendum whether or not the 1992 Constitution would be adopted in its amended or original form, and, as such, several publications have argued that both choices would have resulted in de facto separation from Ukraine (Sneider, 2014; Fox News, 2014; Murphy, 2014).

In a press conference on March 4th, 2014, Putin declared that Russia had no intention of annexing Crimea, but insisted that the residents had the right to determine the region’s status in a referendum (Sakwa, 2014, p. 104). If we assume the Russian president’s statements to be true, then we might presume that at the time the interest of Russia was not to annex Crimea, preferring instead that Crimea declare independence and be recognized by Russia without being annexed, similar to South Ossetia and Abkhazia in 2008. Following the referendum, Russia might have changed positions and opted instead to annex Crimea. Although this is a possible scenario, it is unlikely to be true since Putin had discussed the annexation of Crimea during a plan to extricate Viktor Yanukovych back in February 2014 (Agence France Presse, 2015).

In the referendum 83 percent of eligible voters (1,274,096) cast their ballot and, out of those, 96.7 percent (1,233,002) voted in favor of unification with Russia amidst public condemnation by the international community regarding its legitimacy (Sakwa, 2014, p. 104). On March 17th, 2014, Vladimir Putin signed an Executive Order on recognizing the Republic of Crimea as a sovereign and independent state to be followed by the admission of the Republic of Crimea and the city of Sevastopol as subjects of the Russian Federation under the Treaty on Accession of the Republic of Crimea to Russia which was signed on March 18th (The Kremlin, 2014).

The Republic of Crimea as an Unrecognized State

Before going forward with the analysis, the status of the Republic of Crimea as an unrecognized state needs to be settled. While I have made the statement that the case of Crimea can be considered one in which an unrecognized state is integrated into a patron state, the problem is that under Anderson’s definition of unrecognized states Crimea would not qualify as one.

“To qualify as an unrecognized state, an entity must have achieved de facto independence and sustained it for a

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period of at least two years; it must not have gained broad international recognition; and it must have demonstrated a desire for full, *de jure* independence.” (Anderson, 2011, p. 184)

Whilst the Republic of Crimea had achieved independence for a short period of time and had gained no recognition with the exception of Russia, it was not around long enough to be considered a state by Anderson. Furthermore, it wasn't clear if at any point there was a desire for *de jure* independence. The temporal aspect of Anderson's definition (the two years period) is included in the definition by other scholars as well (Caspersen, 2011; Kolstø, 2006). For the sake of my argument, I need to base my analysis on a wider definition of what constitutes an unrecognized state. Another definition employed by George Kyris seems more accepting of my hypothesis and can be built upon:

“By ‘unrecognized states’, I refer to self-declared independent states that display a certain degree of what are conventionally understood as statehood characteristics (a certain population, a territory, and a government) but they are not recognized by a significant part of the international community.” (Kyris, 2017)

Under this definition, the Republic of Crimea was a self-declared independent state starting the 11th of March, 2014. In relation to statehood characteristics, there is no doubt that Crimea had a certain population and a government and, after independence, the Supreme Council proceeded to nationalize industries in order to better control its territory (Interfax, 2014). Furthermore, it was not recognized by a significant part of the international community with the exception of Russia.

The easiest way to describe the Republic of Crimea as an unrecognized state is to appeal to certain characteristics that the Republic of Crimea and other unrecognized states have in common. First, unrecognized states are characterized by the existence of state-like structures, institutions and political processes (Steinsdorff & Fruhstorfer, 2012). Second, these attributes of stateness lack international recognition and therefore the sovereignty and the independence of the polities are heavily contested (Steinsdorff & Fruhstorfer, 2012). Third, for a significant portion of its *de facto* existence, an unrecognized state must have had a population and an organized government able to enter in relations with other states. Finally, for a significant portion of its *de facto* existence, an unrecognized state must have had control over a territory in an otherwise-recognized state.

The reason I prefer a broader definition of unrecognized states, besides the obvious fact that it fits my analysis, is that some other unrecognized states that declared independence in Ukraine in 2014 such as Luhansk People's Republic and Donetsk People's Republic would have not been considered as such until recently either and there might be a possibility of them being annexed by Russia in the future as well or gaining a similar status to the breakaway republics in Georgia. The Republic of Crimea could have also ended up as a *de facto* independent polity in southern Ukraine if things had played out a different way.

Although I argue in favor of considering the Republic of Crimea as a short-lived unrecognized state in this essay, the conceptual constraints posed by a narrower definition, especially one that includes a temporal constraint and desire for *de jure* independence, are very much valid and provide a legitimate reason for why the Republic of Crimea would not generally be considered an example of an unrecognized state being incorporated into its patron state. Even if Crimea is not an unrecognized state *per se*, its situation is relevant because it shares many similarities with one. Another reason why the case of Crimea is relevant in this discussion is because the Republic of Crimea cited Kosovo as a precedent for unilaterally declaring independence from Ukraine. This action, independent of Russia's subsequent annexation of the territory, qualifies it for discussion in the context of unrecognized states since it essentially cites the case of another unrecognized state as a plea for self-determination. The reason why some countries have not recognized Kosovo is precisely to stop this kind of action with their own secessionist movements.

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Now that the status of the Republic of Crimea as a short-lived unrecognized state has been more or less settled, or at least because it qualifies as a relevant example in the discussion, the implications of its annexation by Russia for other unrecognized states in the region can be analyzed. There are six other unrecognized states in the post-soviet space, out of which five are in Russia's sphere of influence. (Transnistria, Donetsk People's Republic, Luhansk

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People’s Republic, South Ossetia, Abkhazia and Nagorno-Karabakh) Although there are no Russian troops in Nagorno-Karabakh, and there are no direct relations with Moscow, this does not mean that Russia has no influence in the conflict between Armenia and Azerbaijan. (see Danielyan & Babayan, 2016) Out of those six polities, only South Ossetia and Abkhazia are recognized by Russia, as was Crimea for a brief period before its annexation.

Figure 1: Map of Unrecognized States in the Post-Soviet space and the Republic of Crimea

The reason why the Crimean precedent is relevant is because the situation in Russia’s ‘protectorates’ is eerily similar to that of pre-annexation Republic of Crimea. In a survey for the Washington Post, Gerard Toal and John O’Loughlin found that the prospect of annexation by Russia would likely be welcomed by a plurality of residents in Transnistria (in a 2006 double referendum, around 97 percent of voters were in favor of future annexation by Russia), and the overwhelming majority of those remaining in South Ossetia. Abkhazia is a more complex case due to the population’s mixed opinions on the issue of annexation and the resistance of local elites (Toal & O’Loughlin, 2014). Those findings were also confirmed by the attitudes of the people in those areas surveyed in another study of the authors in 2017 which looked at geopolitical attitudes in southeastern Ukraine, Crimea, Abkhazia, South Ossetia, and Transnistria on whether or not people identify with the “Russian World” (O’Loughlin, et al., 2016). The authors also talk about a Crimean precedent that has eclipsed Kosovo as the most relevant and meaningful precedent for post-Soviet de facto states, stating that:

“Were the Russian government to repeat the same secessionist choreography they just used – beefed up troop presences on the ground, a sponsored flash referendum, quick recognition and acceptance of the results in Moscow, followed by formal annexation – the Crimea precedent would likely gather up three of the four post-Soviet de facto states (Nagorno-Karabkh is the exception) for absorption into the Russian Federation.” (Toal & O’Loughlin, 2014)

After Crimea was annexed, there were talks about whether or not a similar scenario could play out in Transnistria (Sobják, 2014; Channel 4, 2014; Rogstad, 2018), with a press article in Al Jazeera going as far as calling it “Europe’s other Crimea” (Connely, 2014). Such fears have so far remained unrealized, and for good reason. It has been argued that Russia’s main interest is the instrumentalization of unrecognized states for the purpose of influencing regional politics, rather than annexing them. Souleimanov, Abrahamyan, and Aliyev make the point that Russia uses Abkhazia and South Ossetia as means of coercive diplomacy in Georgia through the use of three mechanisms (Souleimanov, et al., 2017): military deployment, passportization of residents, and Responsibility to Protect.

A similar policy is possibly being undertaken in Donetsk and Luhansk, which, short of official recognition, have had their documents (including identity documents) officially recognized by Russia under presidential decree (The Kremlin, 2017). As for Transnistria, Russia has long maintained a military presence in the territory and committed to its protection. Adrian Rogstad also argues against the Transnistria as a “New Crimea” narrative, saying that Russia’s main interest is rather influence over the whole of Moldova, and that a move to annex Transnistria or recognize it as

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an independent state would deprive Russia of its primary bargaining chip in the struggle for influence over Moldova (Rogstad, 2018).

Most probably, the reason why the Republic of Crimea was annexed (and not other unrecognized states) is due to its greater strategic significance and because it holds a more central place in Russian nationalist discourse than the other unrecognized states in Russia's sphere of influence, as well as a Russian majority population. Going back to Anderson and why a patron state wouldn't necessarily want to integrate its “protectorate”, it might just be that such an action is too costly compared to the benefits. Russia would suffer more than it would gain from attempting to annex other unrecognized states. As long as there is no significant shift in Ukraine, Georgia, or Moldova's political orientations (such as joining NATO), it is unlikely Russia would pursue a policy of annexation towards the break-away republics since they are more useful as “frozen conflicts”. This doesn't mean that Crimea did not set a new precedent in terms of how Russia is willing to achieve its objective in the Post-Soviet space, but it is important to keep in mind that Russia's interests and priorities are not uniform across the Post-Soviet space and each case might be a particular one (Rogstad, 2018, p. 59).

Even if the annexation of Crimea might not have set a precedent in Russia's foreign policy towards its “protectorates”, it does not mean that it did not set a precedent in theorizing about unrecognized states. On March 19th, 2014, Armenian president, Serzh Sargsyan, recognized the annexation of Crimea as “yet another example of the realization of peoples' right to self-determination through a free expression of will”, because it acts as a precedent for Armenia's ambitions in Nagorno-Karabakh. Armenia has championed the principle of self-determination in its conflict with Azerbaijan over Nagorno-Karabakh, and the precedent that Crimea's unilateral declaration of independence from Ukraine and subsequent annexation by Russia has set will give a boost to the cause of Armenian control over the contested territory (The Economist, 2014). At the moment, integration into a patron state is a possibility, even if it is an unlikely one, for all unrecognized states in the Post-Soviet space, and Crimea might then be the first example of that.

Conclusion

In this article, I set out to argue that the Republic of Crimea is an example of an unrecognized state being integrated into its patron state as an addition to Anderson's three possible destinations for unrecognized states, with special significance for the Post-Soviet space. As it stands, it is unlikely that Russia will annex its other “protectorates” at the moment, but Crimea does represent a go-to precedent for this kind of action and it is relevant for all unrecognized states in the region, as illustrated in the case of Nagorno-Karabakh and the conflict between Armenia and Azerbaijan as well. It is important to keep in mind that conceptual constraints as to what qualifies as an unrecognized state very much stand in the way of my argument since one could argue that the Republic of Crimea was not an unrecognized state per se and the situation might be too particular to generalize. Even so, I have provided reasons for why this case is still relevant. If not anything else, this at least shows that theorizing about unrecognized states is a rather difficult endeavor since each case has its particularities as well, and some theories might not be transitive across different examples.

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