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## Crimea

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# DIPLOMATIC CONFRONTATION IN THE OSCE ON RUSSIA'S OCCUPATION AND MILITARISATION OF CRIMEA

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*The OSCE is the only international organisation that has been directly involved in resolving the ongoing Russia-Ukraine conflict. The Russian aggression against Ukraine, illegal occupation of Crimea, and militarisation of the peninsula have been intensively discussed in the OSCE forums. The Crimean and Black Sea security issues have been in focus since the spring of 2018, when the illegal construction of the Kerch bridge had been completed, as a result blocking free passage of Ukrainian vessels from the Black Sea to the Sea of Azov and significantly affecting the security of the entire region. The article highlights the role of the OSCE in the de-occupation and demilitarisation of Crimea, discussions of these issues in the OSCE Permanent Council and Forum for Security Cooperation, negotiation tactics of Ukraine, and reaction of Russia and Ukraine's partner countries.*

## **OSCE As a Comprehensive Diplomatic Platform for Russia-Ukraine Conflict Resolution**

The Russian-Ukrainian war, caused by the Russian aggression against Ukraine, and the occupation of Crimea and parts of Donbas have been ongoing for seven years. The Russian Federation illegally occupies 7.2% of Ukrainian territory. All these years, the Armed Forces of Ukraine on the front line and Ukrainian diplomats on international platforms, primarily the UN system in New York and the OSCE in Vienna, have been resisting and confronting Russian actions.

One of the most important and powerful components of ensuring security, sovereignty, and territorial integrity of Ukraine in counteraction of Russian aggression is the continued active

involvement of the comprehensive regional security organisation, the OSCE. Ukraine needs to continue making maximum use of the OSCE tools to politically and diplomatically ensure effective protection of its sovereignty and territorial integrity in the framework of the internationally recognised borders, including the Autonomous Republic of Crimea and the city of Sevastopol, and to prevent this issue from being replaced by attempts of individual countries to establish a dialogue with Russia on a business-as-usual basis, while leaving its flagrant violations of the international norms and principles unpunished.

In this article, we examine issues on the international agenda that have been put forward in the OSCE, specifically the Russian occupation and attempted annexation of the Autonomous Republic of Crimea and the

city of Sevastopol, as well as more active and prevalent attempts to block a large area of the Black Sea and the Sea of Azov. The latter can be seen as an attempt to annex these sovereign territories of Ukraine and territories in international waters, which cannot be claimed by any state as governed by the internationally recognised Law of the Sea. Such actions could be seen as the “third front” of Russia’s aggression against Ukraine alongside the occupation of Crimea (first front) and parts of Donetsk and Luhansk regions (second front).



***From the very first days of Russia’s aggression against Ukraine in February 2014 to this day, the OSCE might have been the only international organisation that, on a daily basis, is actively involved in the resolution process of the Russian-Ukrainian conflict***

The abovementioned discussions in the OSCE framework are characterised by Ukraine’s active presentation of relevant and factual information (texts, videos, and photos), data of other international organisations, and Ukraine’s military intelligence and security agencies, which confirm Russia’s disregard and infringement of international norms and principles, its obligations as a member of the UN and the OSCE, as well as numerous bilateral and multilateral agreements between Russia and Ukraine.

An analysis of Ukraine’s current efforts to counter Russian aggression on a wide range

of diplomatic platforms and tracks allows us to make proposals on how to optimise and coordinate the necessary actions of our state to ensure security and sovereignty and restore territorial integrity within its internationally recognised borders. In the current geopolitical conditions, Ukrainian diplomacy needs to focus on the complex task of joint implementation of different components of its priority political and security efforts<sup>1</sup>.

From the very first days of Russia’s aggression against Ukraine in February 2014 to this day, the OSCE might have been the only international organisation that, on a daily basis, is actively involved in the resolution process of the Russian-Ukrainian conflict. The most prompt and effective reaction of the world community to the beginning of the Russian aggression was the launch of a special field presence of the OSCE in Ukraine. As early as March 2014, the OSCE Special Monitoring Mission to Ukraine (SMM) was established to promote peace, stability, and security, and to monitor and support the implementation of OSCE principles and commitments<sup>2</sup> throughout the occupied territory, including Crimea, as well as monitor the implementation of the Minsk agreements.

An important area of Ukraine’s active diplomatic work to de-occupy Crimea is a proper full implementation of the provisions of the Budapest Memorandum, according to which the five nuclear states – permanent members of the UN Security Council (USA, UK, France, Russia, and China) – assured/reaffirmed their obligation to refrain from the threat or use of force against the territorial integrity or

1 I. Lossovskiy, *Дипломатичні пріоритети України у протистоянні російській агресії (Diplomatic Priorities of Ukraine in Confrontation of Russian Aggression)*, «Стратегічна панорама», № 1-2, 2019, с.5-19.

2 I. Lossovskiy, *Частина I. 45-та річниця Гельсінкського Заключного акта та його роль у міжнародних гарантіях територіальної цілісності й безпеки України (45th Anniversary of the Helsinki Final Act and Its Role in the International Guaranties for the Territorial Integrity and Security of Ukraine)*, «Зовнішні справи – UA Foreign Affairs», № 7-8, 2020, с.27-34.

political independence of Ukraine, taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory, the world's third largest nuclear arsenal. The memorandum in fact confirmed guarantees provided earlier in the 1975 OSCE Helsinki Final Act<sup>3</sup>. The importance and necessity of Ukraine's involvement of the OSCE mechanisms is determined by those guarantees set out in the 1975: respect the territorial integrity of each of the participating states; respect independence, sovereignty, and existing borders; refrain from the threat or use of force against the territorial integrity and political independence of the participating states; guarantee that no weapons will ever be used against another state except in cases of self-defence; refrain from economic coercion.

The continued armed aggression of the Russian Federation against Ukraine is designed to undercut the current world order, which is based on the respect of and commitment to the European democratic values. The only effective response from the international democratic community to Russia's aggressive actions is to maintain support and solidarity toward Ukraine and strengthen the political, diplomatic, and economic pressure until all Minsk agreements are fulfilled and Ukraine's rightful territorial integrity is restored to its internationally recognised borders, including Crimea.

Russia's aggressive actions are based on outdated geopolitical fears and views about Russia's historical insecurity, which have been exacerbated by the Kremlin regime. This has led to Russia challenging and undermining the world order that is based on core democratic values.

The worry in Ukraine is compounded by the critical situation regarding human rights on the territory of the temporarily occupied Crimea, which continues to worsen. The peninsula has become a place of fear and repression against people with opposing views – first and foremost, Ukrainian human rights activists and ethnic Crimean Tatars. There is plentiful evidence showing mass infringements on human rights and basic freedoms in Crimea<sup>4</sup>. This is happening alongside the militarisation of Crimea while closing Crimea to any international observation and methods of international control.

With Russia's aggression, Ukraine expects support and solidarity from the international democratic community and further strengthening of the political, diplomatic, and economic pressure by placing more sanctions on the aggressor with the goal of forcing the Kremlin into a peaceful resolution.

### **The Most Promising OSCE Forums and Instruments for Crimea's De-occupation**

The main OSCE forums that focus on the situation around the occupation and militarisation of Crimea as well as on Russia's attempts to block and virtually annex large swaths of the Black Sea and the Sea of Azov, including the Kerch Strait, are the Permanent Council of the OSCE, its committees, the Forum for Security Cooperation (FSC), and numerous events conducted by the OSCE's independent institutions. The Permanent Council of the OSCE meets on a weekly basis, while the others meet on a regular basis, in the organisation's headquarters in Vienna. Also, there are annual meetings with the six

3 *Helsinki Final Act*, 1 August 1975 [<https://www.osce.org/helsinki-final-act>].

4 G. Steinhauser, Human Rights Worsen in Crimea, Report Says, "Wall Street Journal", 27 October 2014 [<https://www.wsj.com/articles/human-rights-worsen-in-crimea-report-says-1414416579>].

littoral states (Bulgaria, Georgia, Romania, Russia, Turkey, and Ukraine) regarding the implementation of the *Confidence- and Security-Building Measures* document relating to the naval and military situation in the Black Sea, which was signed as part of the OSCE in 2002<sup>5</sup>.

Even with Russia's attempts to create a so-called "positive agenda"<sup>6</sup> for the organisation, which would shy away from asking tough questions, the OSCE keeps cognisant that the return of Ukraine's sovereignty and territorial integrity to its internationally recognised borders through Russia's compliance to the norms and principles of the OSCE, de-occupation of Crimea, and the return to the fundamental principles of international law comprise the only way to reinstate the trust in and safety of the OSCE region, and to maintain a strong and effective platform for security on the entire European continent.

Considering the consensual character of OSCE decisions, the main instrument in the hands of the international community against the infringing party, in this case Russia, is political and diplomatic pressure from a majority of countries on the aggressor state, showing and ensuring Russia's isolation from the rest of the world.

Apart from the regular plenary meetings of the OSCE forums, during which, over the past seven years, Ukraine has consistently raised the question of the Russian aggression, the illegal occupation and attempted annexation of Crimea, an important event took place during sessions of the 25th Ministerial Council meeting (Milan, December 2018) focusing on "The Issue of the Militarisation of the Autonomous Republic of Crimea and

the Parts of the Black and Azov Seas". This was organised by the ministers and deputy ministers of 12 countries and became an important forum covering the continuation of the "Friends of the De-occupation of Crimea" platform, as it became a joint event held with partnering states. This thematic discussion was the first open parallel event of such a high level to be held in the OSCE. In this way, the OSCE has been able to maintain vigilance over the issues arising from the attempted annexation and the continued militarisation of the Crimean Peninsula and the growing occupation of the waters in the Black Sea and the Sea of Azov.

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The 16th annual consultations on the implementation of the *Document on Confidence- and Security-Building Measures in the Naval Field in the Black Sea*<sup>7</sup> (December 2018, Vienna) included a detailed discussion of Russia's aggressive actions in the Black Sea and the Kerch Strait, including the attacks, shelling, and capture of three Ukrainian

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5 *Document on Confidence- and Security-Building Measures in the Naval Field in the Black Sea*, UN, 03 June 2002 [<https://digitallibrary.un.org/record/466840>].

6 I. Lossovskyi, n.2.

7 *Document*, n.5.

ships that took place on 25 November 2018, illegal obstruction and blocking by Russia of navigation in the Kerch Strait, and the ongoing militarisation of the Black Sea region and the temporarily occupied Crimean Peninsula. During the next, 17th and 18th, annual consultations (December 2019 and December 2020 respectively), Ukrainian diplomats continued to provide proof of Ukraine's position on Russia's aggressive policy and illegal actions in the Black Sea region and its blatant violation of the provisions of the document and other instruments of international law, territorial integrity and sovereignty of Ukraine, and fundamental OSCE principles and norms<sup>8</sup>. At the same time, relevant video and photo materials were shown, and the statistics of Russian violations were given.

The Chairpersonship of Ukraine at the OSCE Forum for Security Co-operation in 2020 played an important role for Ukrainian diplomacy in defending the sovereignty and territorial integrity of the state. The Ukrainian side took advantage of the opportunities provided by this Chairpersonship and initiated discussions on different political and military issues such as Russia's militarisation of the temporarily occupied Crimea, Russia's obstruction of free navigation in the Azov-Black Sea region, illicit arms trafficking through the uncontrolled section of the Ukrainian-Russian border, hybrid threats to security in the region, the phenomenon of private military companies, etc.

The 27th ministerial meeting of the OSCE (December 2020, Tirana) was used by

the Ukrainian delegation to promote issues important to the Ukrainian side, e.g., restoring sovereignty over Crimea and Donbas. Within the framework of the meetings of the OSCE Council of Ministers, a high-level information event, "International Response to the Occupation of Crimea: Next Steps", was organised by Ukraine and chaired by Minister for Foreign Affairs D. Kuleba<sup>9</sup>. The event, which was attended by more than 150 delegates, including the leadership of the foreign ministries of Turkey, Lithuania, the United States, Poland, and Georgia, became very important for promoting the de-occupation of Crimea in the international arena.

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***the OSCE Special Monitoring Mission, which has become the source of accurate and reliable information, plays the leading role among the OSCE structures and is a tool used to enforce the Minsk agreements, even with the severe restrictions on its ability to fulfil its mandate***

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Ukraine's plans to involve the OSCE in the work of the Crimean Platform became the basis for expert work at the level of the OSCE delegations in Vienna. The Crimean Platform is part of Ukraine's strategy for de-occupation. It is expected to work on several levels. The first is the highest political level, which will include heads of state and government. The second is the level of foreign and defence ministers. The third

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8 *РФ хоче удвічі наростити озброєння в окупованому Криму – Україна в ОБСЄ (Russia Wants to Double Arms in the Occupied Crimea - Ukraine in the OSCE)*, "UkrInform.ua", 15 December 2020 [https://www.ukrainform.ua/rubric-crimea/3154594-rosia-majze-udvici-planue-narostiti-ozbroenna-v-okupovanomu-krimu-ukraina-v-obse.html].

9 *Dmytro Kuleba Informs OSCE Participating States about Five Priorities of the Crimean Platform*, Ukraine's Mission to the OSCE, 03 December 2020 [https://vienna.mfa.gov.ua/en/news/dmitro-kuleba-rozpoviv-derzhavamuchasnicyam-obse-pro-pyat-prioritetiv-krimskoyi-platformi].

is the inter-parliamentary level with the participation of members of parliaments. The fourth is the level of experts and civil society.

The tools developed under international law and the corresponding OSCE structures are widely used by Ukraine to prevent Russia from attempting to legitimise the Russian occupational jurisdiction over the Autonomous Republic of Crimea and the city of Sevastopol, to prevent the misinformation regarding the hybrid armed aggression in the Donbas, and to show how Russia is evading their obligations under international law. In this regard, the OSCE Special Monitoring Mission, which has become the source of accurate and reliable information, plays the leading role among the OSCE structures and is a tool used to enforce the Minsk agreements, even with the severe restrictions on its ability to fulfil its mandate placed on them by the Russian occupation administrations. Its mandate is supposed to allow the SMM to monitor all territory within Ukraine's internationally recognised borders, which would also entail the monitoring of the Crimean Peninsula and the adjacent waters of the Black Sea and the Sea of Azov. Even with all of this, Russia still fails to recognise the SMM's legitimate right to entirely fulfil its mandate, which prevents any meaningful monitoring of the temporarily occupied territories, especially Crimea and the adjacent waters.

### **Latest Statistics on the Continuing Militarisation of the Crimea**

At the same time, Russia in the past few years has continued its deliberate policy of militarisation of the temporarily occupied Crimea, adjacent territorial waters, and the entire Black Sea basin. Further increase of combat capabilities of the occupation forces

of Russia in the peninsula is being performed by rearmament with modern weapons and military equipment.

Currently, the following military personnel and weapons are located on the temporarily occupied peninsula: 32,500 military personnel; more than 60 combat ships, including six sea-launched cruise missile carriers; seven attack submarines; up to 200 tanks; about 400 combat armoured vehicles; more than 280 artillery systems of different calibres, including MLRS; up to 120 air defence systems; ten coastal missile complexes; more than 180 aircraft and helicopters<sup>10</sup>.

The Russian Federation has significantly strengthened its air component, additionally deploying bomber, assault, fighter, and army aviation. The number of combat aircraft has increased fivefold, and striking helicopters 1.5 times during the period of occupation. In particular, the new Su-30SM and Su-30M2 multipurpose aircraft, as well as Mi-28 and Ka-52 helicopters, have been deployed on the airfields. Replacing the obsolete Su-27 and Su-24 aircraft with Su-30SM/M2 fighters and Su-34 bombers, accordingly, has been pre-planned for 2020-2021. The new aircraft have the ability to conduct combat operations more effectively in the air and also on land (or sea) targets by employing modern high-precision Russian-manufactured weapons. At the moment, the Russian Federation uses seven airfields – Belbek, Kacha, Saki, Gvardiiske, Dzhankoi, Yevpatoria, and Kirovske – out of 13 military airfields based on the territory of the temporarily occupied Crimea. The airfield infrastructure, in particular on Gvardiiske and Belbek airfields, can provide reception of long-range and strategic aviation aircraft. Common operational

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<sup>10</sup> *Russia*, n.8.

capacity of the airfield net is about 450-500 aircraft of the operational-tactical aviation. By 2025, they plan to deploy the air force and air defence troops of the navy on the basis of the 27th mixed aviation division and the 31st air defence division of the 4th air force and air defence army, naval aviation regiments of the Russian Black Sea Fleet<sup>11</sup>.

In the naval component, there are plans to further increase the number of ships of the Russian Black Sea Fleet by combat ship replenishment of close maritime zones. Six submarines, three frigates, and three small missile ships have been included in the Black Sea Fleet. These vessels are the carriers of "Kalibr" type sea-launched cruise missiles (these missiles can hit land targets at a range of up to 1,500 km with normal load and up to 2,600 km with a nuclear combat part). It is expected that 84 vessels and combat boats will be included to increase the combat strength of the Black Sea Fleet, 61% of which are new. The priority are carriers of "Kalibr" type sea-launched cruise missiles. Twenty-five ships/submarines will be armed with sea-launched cruise missiles with the ultimate missile salvo of 184 missiles (at present there are 12 ships/submarines with the ultimate missile salvo of 84 missiles). The inclusion of three more combat ships and not less than two strike ships in the Black Sea Fleet is expected.

Russia continues to hold illegal military exercises on the temporarily occupied peninsula and in the adjacent territorial waters. The Ukrainian side in the OSCE and in other diplomatic platforms insists that the stationing of Russian troops in Crimea and conduct of any military activities without the consent of Ukraine are illegal. Such actions contravene international law and further aggravate regional stability and security.

Ukrainian diplomats express resolute protest over Russia's conscription of Ukrainian citizens from the temporarily occupied territory of Crimea and Sevastopol into Russian military service. In accordance with international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, it is forbidden for the occupying power to compel protected persons to serve in its armed or auxiliary forces. Neither exerts of pressure nor propaganda aiming at securing voluntary enlistment are permitted. From the very start of the illegal occupation of the peninsula, the Russian Federation has conducted 11 illegal conscription campaigns, during which approximately 25,000 persons have been illegally called up for military service into the armed forces of Russia. During the 2020 autumn campaign, more than 500 persons from Crimea were conscripted to serve in the Russian army. Ukraine has repeatedly urged Russia to cease these violations and strictly abide by the commitments of the occupying power.

## Conclusions

The response to the discussions throughout the OSCE forums of the Russia-Ukraine conflict confirms the unwavering international support for Ukrainian actions in their relentless fight to maintain and regain Ukraine's sovereignty and territorial integrity, reflecting the position of open condemnation by the majority of the participating countries of Russia's aggression, and militarisation and occupation of Crimea and Sevastopol, as well as large areas of the Black Sea and the Sea of Azov, the return of which would entail de-occupation of the peninsula and the reinstatement of the freedom of navigation in the Black Sea and the Sea of Azov and through the Kerch Strait.

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11 Ibid.

With all of these considerations, Russia continues to demonstrate its unwillingness and unpreparedness for a constructive discussion of a peaceful resolution of the conflict. Even with the plethora of statements from various countries confirming and condemning Russia's involvement in the armed conflict, including the occupation of Crimea and the adjacent waters, it continues to deny its proven and indisputable involvement in the conflict. The current situation shows a clear distrust from the majority of the OSCE participating states toward the Russian "argumentation" and creates a clear isolation of Russia as the only country supporting such an outrageous position.

The OSCE has been the only international organisation that is actively involved on a daily basis in the resolution process of the Russian-Ukrainian conflict, which started with the occupation and attempted annexation by Russia of the Autonomous Republic of Crimea and the city of Sevastopol. This gives the organisation special importance in the entire process of peaceful settlement.

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