The Crimea Conundrum: The Tug of War Between Russia and Ukraine on the Questions of Autonomy and Self-Determination

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Since Ukraine became a sovereign State in 1991 it has had to fight serious economic, social and legal problems. The ‘borderland’ Ukraine had to find its way out of the shadow of ‘big brother’ Russia and develop its own national identity. But also for Russia it was hard to accept an independent Ukrainian State. The peninsula of Crimea stands as a symbol for the difficult situation Ukraine faces between the ‘East’ and the ‘West’, for the economic troubles, for the difficulties of transformation and for a variety of homemade problems, such as corruption and the acceptance of its own statehood. But it is also a symbol for the conflicts between different ethnic groups and their quest for self-determination.

Since 1991 the history of Crimea has been that of a fight by the Russian population of the peninsula for self-determination. It was also a fight of the Crimean Tatars to return to the land they see as their homeland, which they were forced to leave in 1944.

The first part of this article will therefore start out with a summary of the Crimean history, which will give an impression of how the situation on Crimea could develop into such a deep crisis such as emerged especially between 1991–1995. It will also take a closer look into the relationship between Russia and Ukraine after the dissolution of the Soviet Union and its impact on the Crimean conflict. The second part draws upon international concepts of self-determination, including internal self-determination and autonomy and the design of Crimean autonomy in the Ukrainian constitution and legislation. This will be summed up through a critical approach towards Crimean autonomy within Ukraine.

Although the relation between Russia and Ukraine will be a main aspect of this paper, it will not go into detail of the partition of the Black Sea Fleet. It is important to note, that Russia clearly connected the question of the status of Crimea and Sevastopol to the arrangements on the fleet.¹

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1. Crimea between Russia and Ukraine

1.1. The History of Crimea until Ukrainian Independence

For the most part, the history of Crimea is not ‘Ukrainian’ history. The peninsula has always been a homeland for numerous peoples, such as the Scythians, the Greeks and the Tatars. The name krym is of Tatar origin, and means ‘rock fortress’. And it was the Tatars, who dominated the history of Crimea for centuries. During the 13th century the Golden Horde established the khanate of Crimea, which was independent until 1475. It then came under the dominance of the Ottoman Empire, but still held a lot of privileges and freedoms. But Crimea was also always of interest to the Russian Empire, because of its strategic position at the Black Sea coast. In 1775 Catherine the Great was able to conquer the Ottomans on Crimea and the contract of Kainarji was set up, securing Russia the full power over the peninsula. Two concepts began to emerge in the region: on the one hand Crimea was the homeland of the Crimean Tatars and on the other hand it became a symbol of the power of the Russian Empire.

The 20th century was characterized by changing governments and armed clashes between rivalling political and ethnic groups. In 1917 the Bolsheviks gained influence on the peninsula. They regarded the election of the Kurultaj, the Parliament of the Crimean Tatars, as a sign that the Tatars were ready to take over power on Crimea, while the Tatars refused to accept a Soviet government. When the Bolsheviks sent troops against the Rada in Kiev, armed conflicts arose. But Simferopol was not able to hold against the Red Army and as a consequence the Kurultaj was dissolved again. But the communist regime did not last for a long time. In 1918 sailors of the Black Sea Fleet began to join the white troops and in the same year the German army arrived on Crimea. The Republic of Tauria was proclaimed, as there was hope that the Germans would respect a sovereign State. But this was not the case. As in Kiev, the Germans set up a marionette government under Sulkevich. When the Germans had to leave Crimea in November 1918 a new Russian government under Solomon S. Krym came into office. But already in May 1919 a communist government was set up, this time including Crimean Tatars. Again this lasted only for a few weeks. This government had to flee from the white troops of General Denikin. Denikin then established a government that was directed against the political organizations of the Tatars, forcing them to work from underground. Because of this the Crimean Tatars started to co-operate with the communists. However, in October 1920, when the communists were successful in regaining power on Crimea, their government did not include Tatars.

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4 Sasse Gwendolyn, supra note 2, at p. 7.