



# What do the Crimean Tatars face in Crimea?

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*The Issue Brief concerns further developments which the Crimean Tatars may experience after the Russian annexation of Crimea. The Crimean Tatars are the second largest minority in the Crimean peninsula, and they are represented by politically active movements with far-reaching claims concerning the status of Crimean Tatars and territorial self-determination. Within less than one month these people as well as their homeland have been transferred to another country with different political and legal systems and potentially a less friendly social environment. Since the contours of the future legal and institutional framework for the accommodation of Crimean Tatars are not fully clear, one can project the major organizational setups and patterns of Russian ethno-politics onto Crimea and tentatively assess their applicability. We can conclude that in a formal sense the Russian rule does not promise the Crimean Tatars much more than they already had in Ukraine, but puts them at risk of a strict police control and pressure. Such arrangements as territorial and non-territorial autonomy, power-sharing, 'rehabilitation' of the Crimean Tatars as victims of the past repressions may take place but they would have limited practical sense. Cultural programmes and recruitment of Crimean Tatars to the regional administration are unlikely to be legally guaranteed and will be fully dependent on the discretion of Russian and Crimean authorities.*

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## 1. INTRODUCTION

What can the Crimean Tatars<sup>1</sup> expect of the new rule established after the Russian military occupation and annexation of Crimea? There are several reasons to pay primary attention to the Crimean Tatars while analyzing ethno-politics in the Crimean peninsula. Formally, they are the second largest minority within the region's 2.5 million-strong population being outnumbered by Ukrainians (if we regard Russians as the majority). At the same time, the Crimean Tatars are a people, who had been deported from their homeland during Soviet rule and returned back only 20-25 years ago, before and after

the breakdown of the Soviet Union. This group is politically active and well organized and the organizations speaking on the Crimean Tatars' behalf pursue far-reaching goals based on the claim of their exclusive status as the only indigenous people in the peninsula. Within literally one month this people has been transferred together with their homeland to another country with a different political regime, institutional setting and social environment, at least potentially hostile to the agendas and aspirations of the Crimean Tatars leaders. What can ordinary Crimean Tatars, Crimean Tatar



activists and all other Crimeans expect from these transformations?

## 2. BACKGROUND

### 2.1. Crimea

In 1783, the Crimean peninsula, the core of the Crimean Khanate, by that time predominantly inhabited by Crimean Tatars, was annexed by the Russian Empire.<sup>2</sup> In 1921, after the Bolshevik takeover it became an autonomous republic within the Russian Soviet Federative Socialist Republic, since 1922 a part of the USSR. In 1944 up to 200,000 Crimean Tatars (who constituted approximately 19% of the Crimean population before World War II<sup>3</sup>) as well as smaller groups of Greeks, Armenians and Bulgarians were deported to Soviet Central Asia following the German minority which had been forcibly relocated in 1941.<sup>4</sup> In 1945 the peninsula lost its autonomous status, and in 1954 was transferred to the Ukrainian Soviet Socialist Republic by decision of the USSR government. In January 1991, the Crimean majority voted for the restoration of the peninsula's position as an autonomous republic within the USSR, and the Ukrainian Supreme Council (the republic's legislature) approved this decision without delay. Both the Crimean and Ukrainian authorities acknowledged that Crimea was part of Ukraine, and a slight majority of the Crimean population approved Ukraine's independence at the all-Ukrainian referendum of 1 December 1991. Then followed a long period of political turbulence and strife in the relations between Kiev and Simferopol (the capital of Crimea), but the political tensions fell short from real threats of secession, violent clashes or escalation to ethnic conflict.<sup>5</sup> The 1996 Constitution of Ukraine and the 1998 Constitution of the Autonomous Republic of Crimea (ARC) secured the position of most of the peninsula as the only autonomous territory within Ukraine. The

region's largest city and the former Soviet naval base Sevastopol was subject directly to Kiev as a metropolitan area with a special status separate from ARC.

According to the 2001 Ukrainian Census, the ARC population reached 2,024,000, while Sevastopol had 379,500 inhabitants.<sup>6</sup> The largest ethnic group in ARC were Russians (58.5 per cent) followed by Ukrainians (24.4 per cent) and Crimean Tatars (12.3 per cent).<sup>7</sup> Sevastopol is also predominantly Russian (71.6 per cent in 2001). The Russian language dominates both ARC and Sevastopol (respectively 77.0 and 90.6 per cent claimed that it was their native tongue<sup>8</sup>), and all analysts and policy-makers agree that there is no significant difference between Russians and Ukrainians in their linguistic, cultural and political preferences.<sup>9</sup> In other words, Ukrainians are strongly assimilated and organizations speaking on behalf of the Ukrainians are small and extremely weak.

### 2.2. Crimean Tatars

Crimean Tatars were deported from Crimea in May 1944 to Soviet Central Asia and subjected to a special administrative supervision in exile. The relocation and the harsh living conditions in exile took a high death toll estimated to be from 15 to 46 per cent of deportees.<sup>10</sup> Until the late 1980s the Crimean Tatars were not allowed to return to Crimea and remained scattered over Uzbekistan, Kazakhstan, Tajikistan, the Russian Federation as well as mainland Ukraine. The Crimean Tatar mass movement for return got the opportunity to act more or less freely in 1987, and since that year Crimean Tatars started to resettle to Crimea on their own, *en masse* and spontaneously.<sup>11</sup> By March 1988 the local authorities in Crimea registered 17,250 repatriates, while by January 1992 their number increased to 157,862 and approximately to 200,000 in early 1994.<sup>12</sup> 245,200<sup>13</sup> lived in the Crimean peninsula by 2001, and from 15,000 to



100,000 Crimean Tatars are estimated to stay in other former Soviet republics. There are also large diasporas in Turkey and Romania.

In the course of return to their homeland the Crimean Tatars encountered huge problems concerning housing, employment, property, schooling and social security.<sup>14</sup> No compensation or property restitution has been envisaged by Ukrainian law, and the housing programmes for the repatriates were insufficient.<sup>15</sup> This led to illegal seizure of land and squatting that in turn repeatedly provoked tensions and even violent clashes.<sup>16</sup> An important problem was also the citizenship issue. The Ukrainian legislation does not allow double citizenship, and while Uzbekistan regarded most of the repatriates as its nationals, denunciation of the Uzbek citizenship often turned out to be an insurmountable obstacle. Besides, residence registration is in fact a requirement for citizenship applications, and this also barred many people from naturalization in Ukraine. Fortunately, Uzbekistan and Ukraine managed to resolve the citizenship issue for Crimean Tatars in 1998-99 under the aegis of the OSCE High Commissioner on National Minorities and the UN High Commissioner for Refugees.<sup>17</sup> Finally, one might say that the repatriation process is basically over – most Crimean Tatars wishing to return have already done this. While in 1991 there were 42,800 thousand Crimean Tatar repatriates coming to Crimea, in 1996 their number decreased to 8,100.<sup>18</sup> The accommodation of the repatriates in terms of citizenship, housing, employment and education is basically accomplished although most Crimean Tatars still belong to the poorest and socially deprived segment of the peninsula's population.<sup>19</sup>

The Crimean Tatars mostly live in the steppe areas basically in the central and eastern parts of the peninsula outside the most

prosperous coastal recreational zones. They constitute around 12.3 and 0.5 per cent of the population in ARC and Sevastopol respectively, numbering approximately 250,000 people within the region in total. This group is scattered over the peninsula, and constitute a numerical minority lower than 30 per cent in either of its rural districts and urban settlements.

The Crimean Tatar movement for repatriation (in 1989 institutionalized as the Organization of the Crimean Tatar National Movement) in 1991 established the Crimean Tatar representative bodies and non-territorial self-government. The core of this system is the Congress (*Qurultay*, as spelled in the Crimean Tatar language) elected in theory by all Crimean Tatars and their family members either resident in Ukraine or being citizens of Ukraine. The *Qurultay* is composed of 250 members elected since 2013 by a direct vote upon a mixed majoritarian - proportional scheme and before 2013 in two stages first by the Crimean Tatar voters and then by electors' conferences. The *Qurultay* is to convene at least once in 2.5 years; it is considered the highest representative organ and can consider and make decision on all issues concerning Crimean Tatars. The *Qurultay* in turn elects the permanent body, the *Mejlis* (the original spelling is *Meclis*) composed of 33 *Qurultay* delegates; it is subject to the *Qurultay* and functions between the *Qurultay*'s sessions. The *Qurultay* and *Mejlis* in combination of 23 regional and more than 200 local *Qurultays* and *Mejlises* serve as a system of political representation and self-governance<sup>20</sup>. While the *Qurultay* and *Mejlis* claim their all-national representative status they remain just one, but the most influential movement of the Crimean Tatars.<sup>21</sup> There are also other, less weighty Crimean Tatar political organizations (the total number of Crimean Tatar NGOs by 2010 was



close to 100)<sup>22</sup> and even radical Islamic groups acting underground.

Since its establishment in 1991, the *Qurultay* claims, first, that Crimean Tatars as the only indigenous people in the peninsula (taken together with tiny ‘indigenous’ ethnicities of *Karaims* and *Krymchaks*) must have the exclusive right of self-determination and thus be entitled to define the political status of Crimea notwithstanding their minority position.<sup>23</sup> In making this claim, the *Qurultay* refers to international law and the instruments concerning indigenous peoples and their collective rights. Among the short-range demands of the Crimean Tatar leaders have been quotas for Crimean Tatar recruitment into the Crimea’s representative and administrative organs on all levels ranging from 33 to 50 per cent of all positions.<sup>24</sup> Since the *Qurultay* and its leaders evade any clear explanations of what form the Crimean Tatars rule over the population consisting of other ethnicities might take and by what means it can be established,<sup>25</sup> this feeds suspicion and distrust among the local policy-makers and the population at large. Moreover, the claim of the Crimean Tatars to exclusive indigenous status precludes durable coalitions between the Tatars and other formerly deported groups in Crimea. Another key claim of the *Qurultay* is that it shall be regarded to be the only one legitimate representative organ of Crimean Tatars with a special public status and entitlements. For this reason, the *Qurultay* and *Mejlis* have always rejected official incorporation as non-governmental organizations. The authorities of Ukraine never accepted both claims until the full loss of the control over Crimea, but have in fact cooperated with the Crimean Tatar movement since early 1990s.<sup>26</sup> The latter was the only really pro-Ukrainian mass political movement in Crimea.

In fact, the Ukrainian government has striven to use the Crimean Tatar movement, but has done very little to convince the Crimean Tatars that strategically they had substantive reasons to be loyal to the Ukrainian state. The social and educational programmes launched by the Ukrainian government for the repatriates have been widely criticized as insufficient.<sup>27</sup> This can be to a large extent explained by the country’s economic troubles. The ARC authorities have also engaged in the accommodation of repatriates, and their contribution has been comparable with what has been done by the Kiev government.

The Ukrainian Law on the rehabilitation of the repressed people has been adopted too late - on 17 April 2014 - while the 1991 national Law on individual victims of political repressions has offered only symbolic benefits and compensations. Until April 2014 there were no positive official reactions to the *Mejlis*’s demands of a special law on Crimean Tatars or indigenous peoples of Ukraine in general. The Ukrainian government has been also hesitant to recognize the *Qurultay* and the *Mejlis* as public bodies. However, in 1999 the *Mejlis* was granted indirect recognition as a consultative Council on the Crimean Tatar issue under the Ukrainian President. The Council was not functional after 2005, and in 2010 was replaced by another body composed of people representatives of different currents among the Crimean Tatars.<sup>28</sup> On top of this, the government of Ukraine has done nothing to elaborate a workable and durable formula of power-sharing that would mitigate the potential conflict around the Crimean Tatars claims to property restitution and territorial self-determination.

### **2.3. Crimea as an autonomous region within Ukraine**

Since 1990 the political and administrative elites of Crimea urged territorial autonomy within first



the USSR and then Ukraine. The Kiev government ultimately rescinded the 1992 and 1996 Constitutions of Crimea, which envisaged in fact a federative arrangement.<sup>29</sup> In 1998, the Autonomous Republic of Crimea was endowed with a new Constitution and limited administrative and budgetary but not legislative competences. The ARC was allowed to manage such issues as agriculture, environment, urban planning, support to local businesses and limited social programmes.<sup>30</sup> The key law enforcement officials and judges were appointed from Kiev. Ukrainian remained the sole state language throughout the country's territory while Russian, the Crimean Tatar and other languages were guaranteed 'functioning, use and protection' on par with Ukrainian. Russian was the language of official communication and paperwork, while the Crimean Tatar language was the language of instruction in 15 schools, also taught in 40 bilingual schools and used by several media outlets.<sup>31</sup>

Although the ARC had a weak administrative autonomy with limited and unclearly defined competences, the political and economic elites of Crimea were generally satisfied with the situation. This was the reason why in 1992 and 1994 the Crimean elites for the most part did not support the local populist movements for a wider autonomy and closer ties with Russia.<sup>32</sup> Over years Kiev did not interfere in the local affairs, and maintained some informal balance in power-sharing between the centre and the periphery. This order changed under the rule of Victor Yanukovich's Regions Party. While prior to 2010 the key political figure in ARC was the chair of its Supreme Council who in fact controlled the major appointments and administrative decisions, later on the actual power shifted to the Council of Ministers whose chair, approved by Kiev and thus dependent on the Ukrainian presidency,

kept control over the parliament through the Regions Party machinery.<sup>33</sup> This strategy, similar to the policy pursued in other regions of Ukraine, led to alienation of the Crimean elites from the centre.

Alienation from Ukraine also concerned the Crimean population at large. Ukraine had no strategy for the development of Crimea, and too many people perceived the Ukrainian rule as a period of economic stagnation. Moreover, too often the governments in Kiev and prominent policy-makers signaled that they regarded the Crimean autonomy a threat to Ukraine's integrity and security and a temporary status which was to be abolished eventually.<sup>34</sup>

Crimean Tatars as well as many other large segments of the Crimean population might have had numerous reasons to be dissatisfied with the autonomy and the weak and poor Ukrainian statehood at large; nevertheless, they lived in a democratic country with free elections and multi-party system and could benefit from it. Crimean Tatars actively participated in Crimean and Ukrainian politics. Representatives of the *Mejlis* were deputies of the Ukrainian Parliament (one from 2007 on), of the Supreme Council of ARC (six since 2010) and of local representative organs. In 2010, the number of Crimean Tatar deputies at all levels in Crimea and in the Ukrainian parliament reached 992, or 14 per cent of the total number of elected public figures in and from Crimea.<sup>35</sup> The Crimean authorities (although their relations with the *Mejlis* were generally complex and often tense) were in principle not hostile to power-sharing, and its elements were introduced informally. In 1993-98, the Crimean Tatars were granted 14 reserved seats at the ARC Supreme Council.<sup>36</sup> The Republican Committee on the Nationalities and Deportees Affairs since its inception and until 2011 was reserved for Crimean Tatar representatives, and Crimean



Tatars were often recruited to the positions up to vice-premier in the ARC Council of Ministers. Crimea's annexation puts an end to all these opportunities. What comes instead?

### 3. EXPECTATIONS FOLLOWING THE ANNEXATION

The occupation and annexation took a short period of time between 26 February when unidentified armed men captured the ARC Supreme Council and 21 March 2014 when Russia approved its enlargement. Too few people in Crimea (among them was a large share of Crimean Tatars) protested the occupation, and were unable to stop the process. Since March 2014, the Crimean peninsula is administratively divided into two *de facto* units of the Russian Federation – the Republic of Crimea and the city of Sevastopol. The new so-called constitution of the Republic of Crimea was adopted on 11 April 2014, and the old representative assemblies of ARC and Sevastopol serve as these two regions' legislatures until their re-election scheduled for September 2014. All inhabitants of Crimea who have not declared a desire to retain their Ukrainian citizenship before 18 April 2014 have been deemed Russian citizens;<sup>37</sup> since the procedure was not clearly defined and the time span for making the choice was too small,<sup>38</sup> in fact this means a compulsory imposition of the Russian nationality.

The Crimean Tatars as well as other minorities got mixed messages. On the one hand, several Ukrainian and Crimean Tatar activists were kidnapped or beaten up and one person was murdered under unclear circumstances; there were no opportunities to agitate against the merger with Russia, and local journalists opposing the annexation were intimidated.<sup>39</sup> On the other hand, the separatist officials and envoys of the Russian government were giving generous, but unclear promises to

Crimean Tatars. The statements concerned establishment of quotas and reserved seats for Crimean Tatars; official status and institutional guarantees to the Crimean Tatar language; rehabilitation of the Crimean Tatars as a formerly deported people, and official acknowledgement of the *Qurultay*. In addition, there was the willingness of Russian officials to communicate directly with the Crimean Tatar leaders. For instance, the President of Tatarstan Rustam Minnikhanov visited Crimea and directly addressed the March session of *Qurultay*.<sup>40</sup> The former President of Tatarstan Mintimer Shaimiev had a meeting with the first chair of the *Qurultay* (in 1991-2013), the nowadays informal leader of the Crimean Tatars and a member of the Ukrainian Parliament Mustafa Djemilev; Djemilev also had a telephone conversation with the Russian President Vladimir Putin on the latter's initiative.<sup>41</sup>

By 11 April, no legal framework for the Crimean Tatars' accommodation had been specified, save established. The treaty on the incorporation of Crimea into the Russian Federation of 18 March 2014 refers to the 'peoples of Crimea' in plural, stipulates that the Crimean Tatar language will be a state language on par with Russian and Ukrainian,<sup>42</sup> and guarantees the 'development of native languages' to all peoples of Crimea.<sup>43</sup> The Russian Federal Constitutional Law on Crimea's incorporation of 21 March 2014 refers to the the Crimean Tatar language as one of the state languages of the Republic of Crimea along with Russian and Ukrainian.<sup>44</sup> Besides, a Resolution of Crimea's Supreme Council (*de facto* parliament) of 11 March 2014 on the rights of Crimean Tatars promises the recognition of the Crimean Tatar language as a state language in the future constitution; guarantees representation of the Crimean Tatar language in all branches



and levels of government including a 20 per cent quota for the regional executive bodies; recognition of the *Qurultay* and its organs; targeted support of the Crimean Tatar educational and cultural institutions; social and economic rehabilitation of Crimean Tatars as a formerly deported people.<sup>45</sup>

It was not a big surprise that in March the Crimean Tatar leaders were hesitant about their future mode of behavior. On the one hand, they protested the annexation and called their constituency for retaining their Ukrainian citizenship. On the other hand, the *Qurultay* agreed in principle to collaborate with the new *de facto* authorities and delegated two people as the Crimean Tatar representatives in the Crimean government.<sup>46</sup> At the same time, the *Qurultay* declared its willingness to seek a 'national-territorial statehood' of Crimean Tatars in accordance with the Russian model,<sup>47</sup> but also announced the referendum to be held among Crimean Tatars on the issue of Crimea's status,<sup>48</sup> and this motion definitely contradicts Russia's legislation.

It is clear that the Crimean Tatars are confronting a complex, multi-layered and effective repressive machinery. What can the new authorities do beyond this in a positive sense, in terms of establishing a special protective regime for the Crimean Tatars and of facilitating their participation in the peninsula's public life and governance?

The question looked much clearer after 11 April 2014 when the State Council of the Republic of Crimea (the re-branded Supreme Council of ARC) adopted the so-called constitution of the Republic of Crimea. No consultations with Crimean Tatar organizations took place in the course of drafting, and the previous promises given to Crimean Tatars have not been taken into account. The only provision directly related to Crimean Tatars in the so-

called Crimean constitution concerns the official status of the Russian, Ukrainian and Crimean Tatar languages. Thus, the direction of the further development is generally clear. The tentative answer to the question asked in the previous paragraph might sound as 'not more than in any other region of Russia'. So far one cannot talk literally about a legal framework for the protection of Crimean Tatars, but can expect the application of Russia's model for diversity management in Crimea.

What can the Crimean Tatars *en masse* and the *Qurultay* in particular count on in terms of Russian legislation and the established patterns of governance? First, this is a model in many respects different from the Ukrainian one: it envisages more governmental control and interference, more restrictions but also more direct and indirect allocations for the officially authorized activities. One should keep in mind that in the Russian case all official declarations and even legislative provisions shall not be taken on their face value. As a rule, the scope of implementation is significantly reduced on the road from a law on paper to state action, and too many things are dependent on hidden bargaining and current political expediency, or, in other words, arbitrary decisions of the superior authorities. At the same time, the Russian authorities in many cases demonstrate a remarkable flexibility and readiness to go far beyond their own laws if the situation so warrants. Last but not least is that it is still unclear what strategy the *Qurultay* and its leaders will follow. Nevertheless, we can project the major organizational setups and patterns of the Russian ethno-politics onto Crimea and tentatively assess their applicability.

#### 4. FUTURE DANGERS

Crimea has been *de facto* transferred from a politically unstable and poor but democratic



state to a country with an authoritarian over-centralized government, fake multi-party system, massive state-sponsored propaganda campaigns, effective repressive machinery and no such luxuries as freedom of speech, fair and transparent elections or independent judiciary. Within the limits of an Issue Brief, I can only list the major risks an independent ethnicity-based movement with political claims contradicting the government's stances will face in Russia without going too far into the description of the practices and their formal underpinnings. The risks of pressure, intimidation and persecutions can be systematized in several different ways.

There can be legal (i.e. staying in line with the Russian secondary law in force<sup>49</sup>) or illegal (contradicting even the written law, but routinely practiced) forms of pressure. The latter range from physical assaults on civil activists by unidentified persons to interference in private life, illegal videotaping or interception of private communications with their further publication. Both activities are never properly investigated. The most often mode of illegal persecution is falsification of criminal cases, and the primary victims are businesspeople who can be accused of 'fraud' for any kind of deal; for example, if the public prosecutor finds the price 'artificially high'. Planting drugs on the detainees with a subsequent criminal accusation as well as persecution for allegedly 'counterfeit software' are also widely practiced. Therefore, activists and private sponsors of oppositional activities are in the most vulnerable position. Illegal firings of employees from public or private enterprises or expulsion of students from higher educational institutions could also be put on the list here.

The law in effect provides for numerous opportunities to put pressure on individuals and organizations on quasi-legal grounds, and the consequences may vary from moral damage to

closure of an organization and criminal persecutions.

Pressure on individuals can be first and foremost done through the so-called anti-extremist legislation. The latter includes the core federal law 'On the counteraction to extremist activities'<sup>50</sup> and several provisions of the Criminal Code and other sectoral laws. The mentioned federal law adopted in 2002 and amended many times offers an excessively broad definition of the terms 'extremism' and 'extremist activities' introduced as full synonyms. The meaning range from terrorist attacks to intolerant statements about ethnic, religious and other groups; and from violent actions against the state to the incitement of national, racial, religious and social enmity in connection with violence or threats of violence. Since July 2006, the definition of 'extremism' also includes discrimination.

This variety of (mis)deeds is subject to criminal and administrative punishment. However, the broad and blurry definition and the long list of prohibited activities mean that the choice of who is and who is not an 'extremist' has become completely discretionary, giving the authorities the opportunity to accuse of extremism every opponent and any group they dislike; the so-called struggle against extremism is a widely used ploy to intimidate and suppress unwanted groups or organizations.<sup>51</sup>

One could also mention several deeds which are also criminally persecuted in the Russian Federation and which the Russian law enforcement can easily find in the current and future activities of the Crimean Tatar or any other ethnic organizations. On top of the list is so-called 'fuelling of ethnic, racial or religious hatred' (Art. 282 of the Russian Criminal Code). In practice it is defined broadly - for example, public grievances about the state of minority languages can be also qualified as 'fuelling



hatred'.<sup>52</sup> Moreover, one could add 'public appeals to extremist activities' (Art.280; although not all of those 'extremist activities' are criminally liable); 'public appeals to the violation of the country's territorial integrity' (Art.280.1; in force from 9 May 2014); 'establishment of an extremist community' (Art.282.1); 'organization of an extremist association' (Art. 282.2; this implies participation in an organization closed down and banned because of its allegedly 'extremist' activities). One shall not also forget about Art.275 which defines 'state treason' incredibly broadly, as all kinds of collaboration with foreign or international organizations which do harm (even unwittingly) to the 'external security of the Russian Federation'.

Individuals, particularly businesspeople, can be intimidated in many other ways, and this is what regularly happens to those who demonstrate their disloyalty to the authorities. The main threat for the entrepreneurs is checks done by numerous inspectorates (the taxation service, fire departments, public health services and so forth). Each check can paralyze the business for a long time even if it does not entail direct fines.

According to the 'anti-extremist' legislation, mass media outlets and civil society organizations can be suspended or closed down under a simplified procedure,<sup>53</sup> while internet websites can be blocked without any court decision. According to the amendments to the Law on information and information technologies made on 23 April 2014, all web-resources which have more 3,000 visits per day will be registered as periodicals and thus subject to the respective legislation which envisaged state control and sanctions. Each civil society organization which somehow affects public opinion and gets funding from abroad, is obliged to register as a 'foreign agent', that entails

regular checks and burdensome reporting procedures; a refusal to register leads to criminal persecution of the organization's staff.<sup>54</sup> Even if a certain organization is not fined or suspended, official checks as such can be devastating. An official suspicion of 'extremist activities' is often used as a pretext to confiscate the entire circulations of newspapers, brochures or leaflets for the 'pre-investigation checks'. Finally, public protests such as rallies and picketing are in fact banned and are to be criminally liable soon.

Besides, the new authorities can make pressure on wide segments of the population, particularly, on the *Qurultay* constituency, in order to make the Crimean Tatar leaders more pliable. Some people may be denied citizenship on the pretext that they have no residence registration in Crimea. Although the Russian Federal Migration Service stated that the recognition of Russian citizenship will be done upon actual permanent residence and not necessarily administrative registration,<sup>55</sup> these promises may mean nothing while residence registration has always been a condition for the acknowledgment of citizenship in Russia. At best, people may be sent to a court to prove the fact of their residence. At worst, the authorities can contest the legality of certain people's citizenship afterwards on the pretext that the papers were processed improperly; and this is what happened to tens of thousands of people in Russia in early 2000s.<sup>56</sup> People may also be subject to mass and regular checks of their identity papers and residence registration and subsequent fines if any disorder is disclosed. This is the way that the Meskhetian Turks were forced out of the Krasnodar region in the 1990s-2000s.<sup>57</sup> Some can be fined for 'illegal construction' or evicted if the new authorities do not recognize their ownership rights of their real estate. Last but not least, holders of Ukrainian or other (Uzbek, Tadjik) passports may be denied



residence permits or the right to enter Crimea, given that the procedure for the issuance of residence permits for these people already living in the region has not been defined so far. A clear signal was sent on 19 April when the border authorities in Crimea banned the Ukrainian MP and an informal leader of the Crimean Tatars Mustafa Djemilev to enter the Russian territory until April 2019.<sup>58</sup> Re-registration of businesses and NGOs may also pose a problem for all, and particularly for those who are deemed disloyal to the new rule.

Three circumstances are to be mentioned as well. First, there are no reasons to rely on the judiciary - the courts as a rule when the case concerns a conflict between the state and a private person or a non-governmental organization, defend the state and pay little attention to the law. Second, there is no clear boundary between official and unofficial pressure and intimidation.<sup>59</sup> Third, pressure and intimidation are not necessarily exercised upon direct and clear orders coming from the administrative top – many things derive from local initiatives.

## 5. POSITIVE EXPECTATIONS?

### 5.1. Territorial Autonomy

The Republic of Crimea and Sevastopol are *de facto* two constituent units<sup>60</sup> of the Russian Federation which are equal with the other 83 regions before the federal government. Russia's constituent regions are formally divided into six types, and many people even scholars share the stereotype that three types of these six - 21 republics, one autonomous province and four autonomous districts - shall be regarded as ethnicity-based entities.<sup>61</sup> However, the ethnic profile of these regions is not defined in the federal constitution and the federal legislation; the regional constitutions and laws also lack any

clear provisions on the status of and guarantees to their 'titular' ethnicities.

Even though some federation units take the name of their 'titular' ethnic group, neither the constitution nor the federal legislation explicitly define the republics, autonomous districts and the autonomous province as entities established on ethnic grounds. A few federal laws such as the Law on national-cultural autonomy of 1996 contain the formulation of 'citizens residing outside their national-state entities', but the latter is not clarified and entails no legal consequences; neither does the law allow for special treatment of the 'titular' groups. No references to ethnicity can be found in the major laws concerning the structure of the federation and the vertical division of powers.

At the regional level, the constitutions and charters of republics and autonomous districts often contain ambiguous expressions and internal contradictions that are open to widely different legal interpretations. There is no uniform model that describes the link between ethnicity and the territory, and in some cases the legislation omits any references to such connections.<sup>62</sup> For example, the preamble to the 1994 constitution of Tatarstan states that the constitution expresses 'the will of the multi-national people of the Republic of Tatarstan and the Tatar people', whereas according to Art. 1, part 1, 'the holder of sovereignty and the only source of political power in the Republic of Tatarstan is its multi-national people'. The constitution of the Republic of Sakha contains no references to the Yakut ethnicity; it uses the term 'national-state status' (Chapter 3), but declares that the republic's population, consisting of citizens of all nationalities, is the source of state power and that no one segment of the population can usurp the right to exercise such power (Art. 1, part 4).



According to some regional constitutions and charters, the respective governments are obliged to support the language and culture of particular groups. However, this obligation is always unspecified; besides, such provisions appear in the constitutions and charters of some constituent republics and autonomous districts, but not in others. Regional laws of the republics do not contain more specific definitions. Thus, to sum up, in the formal sense there are no clear constitutional or legal provisions in Russia establishing any tangible legal link between specific ‘titular’ groups and the administrative units to which these groups belong. The only real legal guarantee is the right of the republics to establish their own state languages on par with Russian.

It remains highly questionable that Russian federalism in fact provides an institutional framework for the collective organization, participation and social development along ethnic lines as well as for the redistribution of resources in favour of ethnic groups allegedly dominating certain federation units. Even if such privileged access to resources and to participation in public life manifests itself, it might be questioned that it is a direct outcome of the ethnicity-based territorial structure. The most important point here is also the lack of a clear correlation between the legal provisions defining the status and the institutions of the republics, the autonomous province and autonomous districts and their respective domestic policies. Just as in the legal domain there is no uniform model in political and social life. Across the federation there are multiple ways in which ethnic or linguistic differences materialize in public space; there are no uniform political or social policies aimed at ‘titular’ ethnicities. The governmental support of the ‘titular’ ethnicities in the Russian republics depends on the political preferences of their

governments and many other circumstances and varies significantly from region to region. Languages other than Russian are taught in schools and are present in mass media, but generally play a marginal role in the public space.<sup>63</sup> There is no reason to expect that the Republic of Crimea will be functioning differently.

## 5.2. Non-territorial Autonomy

In some way, the *Qurultay* and *Mejlis* can be regarded as bottom-up territorial arrangement. Can they be incorporated into the Russian legal system? The Crimean Tatar leaders rejected the idea of registering their representative organs as NGOs with the Ukrainian authorities, and there are no reasons so far to expect that they will change their position under the Russian rule. Ethnic and regional political parties on ethnic grounds are not allowed in Russia, and non-political NGOs can barely be effective either in influencing politics or providing services to the populace.

Russia has special legislation on ‘national cultural autonomy’ (NCA), and Crimean Tatar activists can establish local, regional or federal organizations with the status of ‘autonomies’ (this word is used as a noun in the Russian law). In practical terms, that makes little sense because NCAs are merely NGOs with restricted rights and very complex incorporation procedures.<sup>64</sup>

NCAs in Russia are a type of civil society organization; they are set up on behalf of an ethnic group in a position of a national minority within a respective territory; only mono-ethnic NCAs are allowed. NCAs may have three levels of territorial organization; in other words, there can be local (within a municipality), regional (within a federation unit) and all-Russian ‘autonomies’.



The procedures for the establishment of an NCA are more complex than for other types of non-governmental organizations. NCAs can be set up only on a bottom-up basis: a group of persons belonging to a certain ethnicity can establish a local NCA; several local NCAs can form a regional one; in turn several regional NCAs can establish a federal ‘autonomy’. In theory, Crimean Tatars of the Republic of Crimea and Sevastopol can first incorporate locally, and then establish two regional NCAs and then one federal NCA of their own. The only practical reason for doing this is getting a seat in a consultative body on NCA affairs with the Russian Ministry of Regional Development.

The rights of NCAs are restricted in comparison with ‘ordinary’ NGOs which can also be ethnicity-based; only one organizational form based on fixed individual membership is possible, and NCAs are allowed to carry out activities related exclusively to the issues of language, culture and education. Like ‘ordinary’ social organizations, NCAs can establish mass-media outlets, cultural and educational institutions, own property and conclude contracts. NCAs, like other ethnic non-governmental organizations in Russia receive a small-scale support from public authorities and only a few can rely on regular private sponsorship.

What might be more realistic and practically relevant for the Russian authorities in terms of durable organizational setting, would be transforming the *Qurultay* into a ‘people’s congress’. The authorities of several Russian republics including Tatarstan facilitate and fund publicly elected ‘congresses’ of their titular ethnicities and their permanent governing bodies.<sup>65</sup> Being merely NGOs under the Russian law and lacking any specific legal framework, these ‘congresses’ function, on the one hand, as agents of the state (governmental NGOs –

GONGOS, to be precise), on the other hand, as a lobbying device for the elites of the respective ethnic groups and as a channel of communication and bargaining with the authorities.

### *5.3. The status of an indigenous people*

Russia has legislation on ‘small indigenous peoples’, but it cannot apply in case of Crimean Tatars because there is a numerical threshold (not more than 50,000 people).<sup>66</sup> Besides, the law aims at protecting populaces with ‘traditional economics and lifestyle’. For a variety of reasons, one can hardly expect the adoption of either a federal or a regional law on the status of Crimean Tatars.

### *5.4. Guaranteed representation*

A sort of power-sharing was informally observed in several republics of the North Caucasus during Soviet times. The Crimean *de facto* authorities can reserve (at least informally) certain official positions for Crimean Tatars as promised in the Crimean Supreme Council’s declaration of 11 March 2014. As mentioned above, this practice is not unfamiliar to Crimea: there were reserved seats for minorities in the local parliament in 1993-98, and certain positions in the executive were routinely allocated to Crimean Tatars. Only one Russian region – Dagestan – had a system of formally institutionalized and legally guaranteed power-sharing. It included a collective Presidency – the State Council – composed of 14 people representing the major ethnicities of the Republic and a mixed electoral system where certain territorial electoral districts with ethnically mixed constituencies were designated to candidates of certain ethnicities.<sup>67</sup> The latter setting secured proportionate representation in the regional parliament and also curtailed inter-ethnic competition in politics. However, the



system was abolished in 2002-06 in the course of eliminating all institutional arrangements in Russia which made minority ethnicities salient in public space.<sup>68</sup> Legal institutionalization of power-sharing in Crimea would be in sharp contrast with this clear trend in Russian politics. Preferential recruitment of Crimean Tatars into the Crimean legislature and the administration can take place, but one might legitimately expect that it will resemble a tokenism, achieved only upon individual decisions made in a non-transparent way at the top of regional or federal executives in exchange for political loyalty.

### *5.5. Rehabilitation of a formerly deported people*

Russia has two separate laws of 1991 on the rehabilitation of ethnic groups as collective entities as well as on individual victims, which were repressed during Soviet time.<sup>69</sup> In theory, Crimean Tatars have been subject to both acts because in 1944 Crimea was a part of Russia. In practice, Crimean residents were not able to benefit from them, while even within the Russian jurisdiction both offer very little. The Law on the ‘repressed peoples’ envisages adoption of special normative acts on each of the repressed people and then special target measures for the facilitation of cultural and educational institutions. In 1990s, there were enacted either resolutions of the parliament (on Koreans, Ingrian Finns and Cossacks) or decrees of the President (on Germans, Karachais, Kalmyks, Balkars and also Cossacks) which declared the given communities under the process of rehabilitation, listed the general opportunities for the victims already enshrined in the legislation and authorized the Government to take concrete measures for the support and ‘development’ of the respective groups. The four federal programmes launched in 1990s on the basis of these framework acts turned out to be

limited in scale and inefficient.<sup>70</sup> At the moment, the Russian government follows the same strategy with regard to Crimea: the Kremlin announced President Putin’s framework decree on the rehabilitation of the Crimean formerly deported ethnicities, and this means that the next step will be a governmental programme for additional infrastructure investments in Crimea.<sup>71</sup> With regard to the law on individual victims, it offers some social benefits (such as tax exemptions and reduced travel fares) for the imprisoned or exiled people and their family members as well as pecuniary compensations which are merely symbolic and cannot exceed the amount of approximately 350 U.S. dollars per person.

### *5.6. Language policy and public support to cultural and educational institutions*

The federal and regional governments are generally expected to support minority languages and culture under the law, and they provide some funding to public and private educational and cultural institutions serving minorities. The official obligations in this area are not, however, clearly defined, are not directly enforceable and are fully dependent on the government’s discretion. In general, the principle of ‘narrowing funnel’ applies: the state’s obligations are being gradually reduced on the way from general declarations and constitutional provisions to implementation through a series of laws, executive programs and individual decisions of the executive. The only real guarantee of implementation is the good will of the executive; no action can be taken in court on the grounds of declarations, concepts and programmes on ethnic relations, and the executive branch has a wide margin of appreciation in interpreting laws and in broader decision-making.



There is another, still fully neglected issue – the script. According to Art.3, part 6 of the 1991 Russian Federation Law “On Languages in the Russian Federation” (as amended in 2002), the state languages of republics within Russia can use only Cyrillic script if the otherwise is not stipulated by a federal law. The Crimean Tatar language is written both in Cyrillic and Latin alphabets, and in 1997 the ARC Supreme Council approved Latin script for official use. The *Qurultay* and *Mejlis* as well as the Internet in the Crimean Tatar language use Latin script, while printed media in the Crimean Tatar language is partly in Cyrillic and partly in Latin. The Russian law does not regulate language use in private communications and in non-governmental organizations, but mass media and schools must be subject to language regulations concerning the scripts.

Last but not least – Russia has no anti-discrimination legislation, and the prospects for its adoption are negligible.

## 6. CONCLUSION

In a formal sense, Russian rule in Crimea does not promise the Crimean Tatars much more than they already had in Ukraine, but puts them at risk of a strict police control and pressure. The general strategy of the Russian authorities will likely be aimed at curbing and suppressing any unauthorized activities on ethnic as well as any other grounds in Crimea. For this purpose, one may anticipate attempts to sweep away or marginalize disloyal leaders and activists while at the same time to co-opt, put under control and support those who wish to collaborate with the new rulers on the imposed conditions. The latter seems feasible because few Crimean Tatar leaders would like to engage their people in a new round of troubles after almost 50-years in

exile and because some Crimean Tatars activists (leaders of the ‘Milli Firka’ party, for example<sup>72</sup>) already swore allegiance to the new authorities. Moreover, the Russian domestic legislation, which is vaguely formulated and open to interpretation, can barely be a point of reference here. Too many will be dependent on purely political decisions made in Moscow and to a lesser extent by the Crimean *de facto* government and law-makers. Keeping in mind the major patterns of Russian ethnic policies, one may predict that material and symbolic rewards will be granted in exchange for political loyalty and stability. Moreover, the Russian ethno-cultural management goes far beyond a simple combination of sticks and carrots for ethnic activists. It relies on a complex technique of incorporating ethnic activists into patron-client networks as well as institutionalizing and shaping communications and public deliberations on ethnic issues in a way that brackets out unwanted public figures and agendas. The Russian government may allocate a great deal of money for the cultural and educational programmes serving Crimean Tatars and other ethnicities or refrain from doing this, and no one will have a leverage to make the authorities fulfil their promises or secure any guarantees.

Some Crimean Tatar leaders may pursue a flexible but independent strategy and, on the one hand, try to avoid political confrontation and official reprisals while, on the other hand, strive to defend their constituency’s rights and interests as much as possible. All potential scenarios mean a strong pressure on the Crimean Tatars, and this makes international support and solidarity vitally important. Finally, the conclusions are applicable to other ethnicities in Crimea.



## Endnotes

- <sup>1</sup> They are not to be confused with Tatars, a different people living mainly in the Russian Federation.
- <sup>2</sup> For more on the Crimean history see: Williams, B.G. (2001) *The Crimean Tatars: The Diaspora Experience and the Forging of a Nation* (Leiden, Boston, Köln: Brill); Sasse, G. (2007) *The Crimea Question: Identity, Transition, and Conflict* (Cambridge, M.A.: Harvard University Press).
- <sup>3</sup> The demographic shifts in the previous 150 years included emigration to the Ottoman Empire, Slavic colonization and depopulation because of the 1921 and 1933 famines.
- <sup>4</sup> *The Integration of Formerly Deported People in Crimea, Ukraine. Needs Assessment*. August 2013. (The Hague: OSCE High Commissioner on National Minorities, 2013), p.3.
- <sup>5</sup> On the recent history of Crimea within Ukraine see: Sasse, *op.cit.* note 2; Bowring, B. (2005) “The Crimean autonomy: innovation or anomaly?”, in: M.Weller and S.Wolff (eds.) *Autonomy, Self-governance and Conflict Resolution: Innovative approaches to institutional design in divided societies* (London: Routledge), pp.75-97; Uehling, G. L. (2004) *Beyond Memory: The Crimean Tatars' Deportation and Return* (New York: Palgrave Macmillan); Wydra, D. (2004) “The Crimea Conundrum: The Tug of War between Russia and Ukraine on the Questions of Autonomy and Self-Determination”, 10(2) *International Journal on Minority and Group Rights*, pp. 111–130.
- <sup>6</sup> *The All-Ukrainian population census of 2001. Number and composition*. At: <<http://2001.ukrcensus.gov.ua/eng/results/general/estimate/>>.
- <sup>7</sup> *The All-Ukrainian population census of 2001. Ethnic composition of the Autonomous Republic of Crimea*. At: <<http://2001.ukrcensus.gov.ua/rus/results/general/nationality/crimea/>>.
- <sup>8</sup> *The All-Ukrainian population census of 2001. Linguistic composition of the Autonomous Republic of Crimea*. At: <<http://2001.ukrcensus.gov.ua/eng/results/general/language/Crimea/>>; *Linguistic composition of Sevastopol*. At: <<http://2001.ukrcensus.gov.ua/rus/results/general/language/sevastopol/>>.
- <sup>9</sup> Malyarenko, T. and Galbreath, D. (2013) “Crimea: Competing Self-Determination Movements and the Politics at the Centre”, 65 (5) *Europe-Asia Studies*, pp. 912-928, at 917.
- <sup>10</sup> Bekirova, G. (2004) *Крымскотатарская проблема в СССР (1944-1991)* [The Crimean Tatar Problem in the USSR (1944-1991)] (Simferopol: Odjak).
- <sup>11</sup> Williams, *op.cit.* note 2.
- <sup>12</sup> Gabriel'an, O. and Petrov, V. (1997) *Крым. Депортированные граждане: возвращение, обустройство, социальная адаптация* [Crimea. Deported Citizens: Return, Accommodation, Social Adaptation] (Simferopol: Amena), pp. 22, 31.
- <sup>13</sup> *The All-Ukrainian population census of 2001. Ethnic composition of the Autonomous Republic of Crimea*. At: <<http://2001.ukrcensus.gov.ua/rus/results/general/nationality/crimea/>>; *Ethnic composition of Sevastopol*. At: <<http://2001.ukrcensus.gov.ua/rus/results/general/nationality/sevastopol/>>.
- <sup>14</sup> Kotigorenko, V.O. (2005) *Крымскотатарські репатріанти: проблема соціальної адаптації* [The Crimean Tatar Repatriates: The Problems of Social Adaptation] (Kiev: Svitogliad).
- <sup>15</sup> Shevel, O. (2001) “Crimean Tatars and the Ukrainian state: the challenge of politics, the use of law, and the meaning of rhetoric”, 1(7) *Krimski Studii*, pp. 109-129. At: <<http://www.iccrimea.org/scholarly/oshevel.html>>; *The Integration, op.cit.* note 4, pp.9-11.
- <sup>16</sup> *Ibid.*, pp.12-14. Yevtukh, V. (1995) “The Dynamics of Interethnic Relations in Crimea”, in: M. Drohobycky (ed.) *Crimea : Dynamics, Challenges and Prospects* (Lanham, MD: Rowman & Littlefield), pp. 69-85.
- <sup>17</sup> Shevel, *op.cit.* note 16; Seniushkina, T.A. (2001) “Управление местными сообществами в Крыму” [Management of local communities in Crimea], in: V.Tishkov and E.Filipova (eds.) *Местное управление многоэтническими сообществами в странах СНГ* [Local Governance of Multi-ethnic Communities in the CIS Countries] (Moscow: Aviaizdat), pp. 353-384, at 375-377.
- <sup>18</sup> Gabriel'an, Petrov, *op.cit.* note 12, p.42.
- <sup>19</sup> *The Integration, op.cit.* note 4, p.20.
- <sup>20</sup> Website of the Qurultay. Regional Mejlises. At: <<http://qtm.org/ru/региональные-меджлисы/>>.
- <sup>21</sup> *The Integration, op.cit.* note 4, p.16; Bekirova, G. (2012) “Основні події та тенденції в розвитку кримськотатарського національного руху, громадських і громадсько-політичних організацій кримських татар (серпень 2010 – жовтень 2011 року)” [The major events and tendencies in the development of the Crimean



Tatar national movement, civil and socio-political organizations of the Crimean Tatar. August 2010 – October 2011], in: Yu. Tishenko (ed.) *Політична мапа Криму: 2010-2011. Процеси і тенденції* [Political Map of Crimea. Processes and Tendencies] (Kiev – Simferopol: Agency “Ukraine”), pp.37-57.

<sup>22</sup> Ibid., p.37.

<sup>23</sup> Декларация о национальном суверенитете крымскотатарского народа [Declaration on the National Sovereignty of the Crimean Tatar People]. 28 June 1991. At: <<http://qtmm.org/%D1%81%D0%B5%D1%81%D1%81%D0%B8%D0%B8-%D0%BA%D1%83%D1%80%D1%83%D0%BB%D1%82%D0%B0%D1%8F>>.

<sup>24</sup> “Замглавы Меджлиса Джелялов: Мы устали искать свое место в отношениях между двумя странами” [Deputy Chair of the Mejlis Djeljalov: We are tired of seeking our place in relations between the two countries], *Focus-UA*. 30 March 2014. At: <<http://focus.ua/politics/301792/>>.

<sup>25</sup> The only attempt of an explanation was publication of a draft constitution of Crimea by the Mejlis in December 1991 which envisaged that the Mejlis would serve as the second chamber of the parliament and the votes on ethnic Crimean Tatars would be counted separately at referenda and presidential elections. See “Проект Конституции Крымской Республики” [Project of the Crimean Republic’s Constitution]. 29 December 1991, *Avdet*, 12 January 1992. At: <<http://kro-krim.narod.ru/LITERAT/TATARI/tatkonst.htm>>. See also Sasse, *op.cit.* note 2, p.185.

<sup>26</sup> Wydra, *op.cit.* note 5.

<sup>27</sup> However, in 1991-2001, Ukraine spent about 300 million U.S. dollars on Crimean Tatar repatriation programs (Shevel, *op.cit.* note 16). For more on the Ukrainian repatriation programmes see Third report submitted by Ukraine pursuant to Article 25 Paragraph 2 of the Framework Convention for the Protection of National Minorities, Strasbourg, 7 May 2009. ACFC/SR/III(2009)006.

<sup>28</sup> *The Integration*, *op.cit.* note 4, pp.17-18.

<sup>29</sup> Mal’gin, A.V. (2000) *Крымский узел* [The Crimean Knot] (Simferopol: Novy Krym), pp.64-109; Kemp, W. (2001) *Quiet Diplomacy in Action: The OCSE High Commissioner on National Minorities* (The Netherlands: Kluwer Law International), pp. 217–224.

<sup>30</sup> Temnenko, V.A. (2012) “Конституция Автономной Республики Крым: Реквием” [Constitution of the Autonomous Republic of Crimea: A Requiem], in: Вопросы развития Крыма [The Issues of Crimea’s Development]. Vol.16 (Simferopol: Sonat), pp.88-94.

<sup>31</sup> Third report submitted by Ukraine, *op.cit.* note 27, p.42, 59; Осуществление языковой политики в сфере образования. Информационные материалы Министерства образования и науки Украины об осуществлении языковой политики в образовании, обучении на языках национальных меньшинств Украины и изучении их языков [Realization of the language policy in the sphere of education. Information materials of the Ukrainian Ministry of Education and Science about the implementation of the language policy in education, instruction in minority languages and study of minority languages], in: Крымский политический диалог 2010 [Crimean Political Dialogue. 2010]. (Moscow: [no publisher] 2011), pp 157-190, at 171.

<sup>32</sup> Tolkacheva, A.V. (2004) “Советское институциональное наследие и постсоветские конфликты: случаи Крыма и Приднестровья” [Soviet institutional legacy and post-Soviet conflicts: the cases of Crimea and Transnistria], *Politicheskaya Nauka*, No.3, pp. 86-103, at 98-99.

<sup>33</sup> Александр Форманчук: «Уникальность Крыма была сильно преувеличена» [Alexander Formanchuk: “The uniqueness of Crimea was strongly exaggerated”], 24 (610) *Yezhenedelnik 2000*, 15 - 21 June 2012. At: <<http://2000.net.ua/2000/derzhava/vlast/81010>>.

<sup>34</sup> Malyarenko and Galbreath, *op.cit.* note 9, p.921; Fesenko, V. (2001) “Perspectives on a Liberal-Pluralist Approach to Ethnic Minorities in Ukraine”, in: W. Kymlicka and M. Opalski (eds.) *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford, New York: Oxford University Press), pp. 283-297, at 287.

<sup>35</sup> Ovcharenko, V.P. (2013) “Из опыта Украины по обеспечению базового ресурса государственной этнонациональной политики (1990-е – начало 2000-х гг.)” [The Ukrainian experience in securing the basic resource of the state ethno-national policy (1990 – early 2000s)], *Sovremennye gumanitranye issledovaniya*, No.1, pp.18-23, at 21; Bekirova, *op.cit.* note 21, pp.49-50

<sup>36</sup> Mal’gin, *op.cit.* note 29, p.77.



<sup>37</sup> According to Art.4, part 1 of the Russian Federal Constitutional Law “On the incorporation of the Republic of Crimea into the Russian Federation and the establishment of the new subjects within the Russian Federation – the Republic of Crimea and federal city Sevastopol” from 21 March 2014 No. 6-FKZ.

<sup>38</sup> Technically one could submit the statement on the renunciation of Russian citizenship only from 6 April on; by 21 April the number of people who officially declared the retention of their Ukrainian citizenship reached 3,000; Gannushkina, S. Заметки о Крыме [Notes about Crimea], *Novaya Gazeta*, 24 April 2014. At: <<http://www.novayagazeta.ru/comments/63343.html>>.

<sup>39</sup> *Ukraine: Amnesty International’s human rights concerns ahead of the 14 April EU Foreign Affairs Council*. 11 April 2014. AI Index: EUR 50/018/2014. At: <<http://www.amnesty.org/en/library/asset/EUR50/018/2014/en/05e4d22e-0b41-46c9-a2c0-84917494856c/eur500182014en.pdf>>.

<sup>40</sup> Президент Татарстана Рустам Минниханов: «Мы вместе с вами и все что происходит в Крыму, а также судьба крымских татар, нам не безразличны» [Tatarstan’s President Rustam Minnikhanov: we are with you, and we are not indifferent to all what happens to Crimea as well as the Crimean Tatars’ destiny]. 29 March 2014. At: <<http://qtm.org/ru/новости/4405-президент-татарстана-рустам-минниханов-мы-вместе-с-вами-и-все-что-происходит-в-крыму-а-также-судьба-крымских-татар-нам-не-безразличны>>.

<sup>41</sup> “Лидер крымскотатарского народа Мустафа Джемилев пообщался с Путиным” [The leader of the Crimean Tatar people Mustafe Djemilev talked to Putin]. 30 March 2014. At: <<http://www.crimeatatars.org/article/lider-krymskotatarskogo-naroda-mustafa-dzhemilev-poobschalsja-s-putiny>>.

<sup>42</sup> One should recall that Crimea also had three state languages – Russian, Ukrainian and Crimean Tatar – according to its 1992 and 1996 Constitutions.

<sup>43</sup> Договор между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов [The Treaty between the Russian Federation and the Republic of Crimea on the accession of the Republic of Crimea to the Russian Federation and the formation of new subjects of the Russian Federation], 18 March 2014. At: <<http://www.kremlin.ru/news/20605>>.

<sup>44</sup> Федеральный Конституционный Закон “О принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов – Республики Крым и города федерального значения Севастополя”. 21 марта 2014 года N 6-ФКЗ [Federal Constitutional Law “On the incorporation of the Republic of Crimea into the Russian Federation and the establishment of the new subjects within the Russian Federation – the Republic of Crimea and federal city Sevastopol” from 21 March 2014, No. 6-FKZ].

<sup>45</sup> Постановление ВР АРК «О гарантиях восстановления прав крымскотатарского народа и его интеграции в крымское сообщество» 11 марта 2014 года, № 1728-6/14 [Resolution of the ARC Supreme Council “On the guarantees for the restoration of the Crimean Tatar people’s rights and its integration into the Crimean society, 11 March 2014, No. 1728-6/14], at: <<http://www.rada.crimea.ua/act/11727>>.

<sup>46</sup> “Курултай крымскотатарского народа делегировал Меджлису право определить кандидатов для работы в республиканских органах власти: [The Qurultay of the Crimean Tatar people delegated to the Mejlis the right to appoint candidates for positions in the republican organs of power] . 29 March 2014. At: <<http://qtm.org/ru/новости/4406-курултай-крымскотатарского-народа-делегировал-меджлису-право-определить-кандидатов-для-работы-в-республиканских-органах-власти>>.

<sup>47</sup> Deputy Chair of the Mejlis Djelialov, *op.cit.* note 23.

<sup>48</sup> Постановление VI Курултая крымскотатарского народа «О реализации крымскотатарским народом права на самоопределение на своей исторической территории – в Крыму» [Resolution of the VI Qurultay of the Crimean Tatar people “On the realization by the Crimean Tatar people of its right to self-determination on its historic territory – in Crimea]. 29 March 2014. At: <<http://qtm.org/ru/новости/4407-постановление-vi-курултая-крымскотатарского-народа-о-реализации-крымскотатарским-народом-права-на-самоопределение-на-своей-исторической-территории-в-крыму>>; Глава Меджлиса: В том случае, когда мы увидим, что потребуются демонстрация четкой, ясной воли крымскотатарского народа, мы будем проводить референдум [The Mejlis head: when we see that a demonstration of a clear will of the Crimean Tatar people is required, we will arrange the referendum]. 30 March 2014. At: <<http://qtm.org/ru/новости/4403-глава-меджлиса-в-том-случае-когда-мы-увидим-что-потребуется-демонстрация-четкой-ясной-воли-крымскотатарского-народа-мы-будем-проводить-референдум>>.



<sup>49</sup> In fact, the Russian Constitution and the country's international obligations are totally neglected in the domestic policies and even jurisprudence.

<sup>50</sup> Federal Law "On the counteraction to extremist activities" from 25 July 2002 No. 114-FZ (with subsequent amendments).

<sup>51</sup> For details see: Kravchenko, M. (2013) Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2012. A report of the SOVA Center. 26.06.2013. At: <<http://www.sova-center.ru/en/misuse/reports-analyses/2013/06/d27382/>>.

<sup>52</sup> For example, in 2012 a district court in the Oulianovsk province found two articles in the local newspaper devoted to the extinction of the Erzia language 'extremist' publications; see Статья «Остановить геноцид» признана экстремистской [the article 'Stop genocide' is deemed extremist], *The SOVA Center newslines*. 6 September 2012. At: <<http://www.sova-center.ru/misuse/news/persecution/2012/09/d25226/>>. Similar problems occurred to some other minority NGOs and media outlets.

<sup>53</sup> *Russian Federation: Freedom under threat: The clampdown against freedoms of expression, assembly and association in Russia*. AI Index: EUR 46/011/2013. 24 April 2013. At: <<http://www.amnesty.org/en/library/asset/EUR46/011/2013/en/d9fb0335-c588-4ff9-b719-5ee1e75e8ff5/eur460112013en.pdf>>.

<sup>54</sup> *Laws of Attrition. Crackdown on Russia's Civil Society after Putin's Return to the Presidency*. April 24, 2013. At: <[http://www.hrw.org/sites/default/files/reports/russia0413\\_ForUpload\\_0.pdf](http://www.hrw.org/sites/default/files/reports/russia0413_ForUpload_0.pdf)>.

<sup>55</sup> Отсутствие штампа о регистрации по месту жительства не является основанием для отказа в выдаче паспорта гражданина РФ гражданам Крыма и Севастополя [Lack of the registration stamp is not the reason for a refusal in issuance of a passport of a RF citizen for the residents of Crimea and Sevastopol]. 28 March 2014. At: <[http://www.fms.gov.ru/press/news/news\\_detail.php?ID=84712](http://www.fms.gov.ru/press/news/news_detail.php?ID=84712)>.

<sup>56</sup> "О практике изъятия российских паспортов у бывших граждан СССР, переселившихся в Российскую Федерацию из стран СНГ. Специальный доклад Уполномоченного по правам человека в Российской Федерации" [The practice of passport withdrawals from former USSR citizens having resettled to Russia from CIS countries. A special report of the Human Rights Ombudsman in the Russian Federation], *Rossiskaya Gazeta*, 26 January 2008.

<sup>57</sup> Osipov, A. (2007) "Falling Between the Cracks: The Legal Status of the Meskhetian Turks in the Russian Federation", in: T. Trier and A. Khanzhin (eds.) *The Meskhetian Turks at a Crossroads. Integration, Repatriation or Resettlement?* / Eds Reihe: *Gesellschaftliche Transformationen/Societal Transformations* (Münster-Hamburg-Berlin-Wien-London-Zürich: LIT Verlag), pp.435-486.

<sup>58</sup> Лидеру крымскотатарского народа Мустафе Джемилеву запретили въезжать в Крым до 2019 года. [The leader of the Crimean Tatar people Mustafa Djemilev is banned to enter Crimea until 2019]. 21 April 2014. At: <<http://qtmm.org/ru/новости/4462-лидеру-крымскотатарского-народа-мустафе-джемилеву-запретили-въезжать-в-крым-до-2019-года>>.

<sup>59</sup> A good illustration is an assault on the Mejlis headquarters by unidentified men on 21 April 2014; see <<http://qtmm.org/ru/новости/4460-неизвестные-напали-на-здание-меджлиса>>.

<sup>60</sup> Literally, the two parts of Crimea are not 'autonomous' regions since in the given context this terms applies only to Russia's autonomous province and four autonomous districts.

<sup>61</sup> Bremmer, I. (1993) "Introduction. Reassessing Soviet nationalities theory", in: I. Bremmer & R. Taras (eds.) *Nations and Politics in the Soviet Successor States* (Cambridge: Cambridge University Press), pp. 3–26; Lapidus, G. and Walker, E. (1995) "Nationalism, regionalism, and federalism: Center–periphery relations in post-Communist Russia", in: G. Lapidus (ed.) *The New Russia: Troubled transformation* (Boulder, CO: Westview), pp. 218–240.

<sup>62</sup> Osipov, A. (2012) "Implementation Unwanted? Symbolic vs. Instrumental Policies in the Russian Management of Ethnic Diversity", 13(4) *Perspectives on European Politics and Society*, pp.1–18.

<sup>63</sup> See Zamyatin, K. (2014) *An Official Status for Minority Languages? A Study of State Languages in Russia's Finno-Ugric Republics* (Helsinki: University of Helsinki).

<sup>64</sup> Bowring, B. (2002) "Austro-Marxism's Last Laugh? The Struggle for Recognition of National-Cultural Autonomy for Rossians and Russians", 54(2) *Europe-Asia Studies*, pp.229-250, Torode, N. (2008) "National Cultural Autonomy in the Russian Federation: Implementation and Impact", 15(2-3) *International Journal on Minority and Group Rights*, pp.179-193.



<sup>65</sup> See Osipov, A. (2011) *The “Peoples’ Congresses” in Russia: Failure or Success? Authenticity and Efficiency of Minority Representation*. ECMI Working paper No.48. at: [http://www.ecmi.de/uploads/tx\\_ifpubdb/Working\\_Paper\\_48\\_Final.pdf](http://www.ecmi.de/uploads/tx_ifpubdb/Working_Paper_48_Final.pdf).

<sup>66</sup> Federal Law “On the Guarantees of Rights of Small Indigenous Peoples” from 30 April 1999 No.82-FZ (with subsequent amendments)

<sup>67</sup> Ware, R. B. and Kisriev, E. (2001) “Ethnic Parity and Democratic Pluralism in Dagestan: A Consociational Approach”, 53(1) *Europe-Asia Studies*, pp. 105-131; *id.* (2010). *Dagestan: Russian Hegemony and Islamic Resistance in the North Caucasus* (Armonk, N.Y. and London: M. E. Sharpe).

<sup>68</sup> Prina, F. (2011) “Homogenisation and the ‘New Russian Citizen’: A Road to Stability or Ethnic Tension?”, 10(1) *Journal on Ethnopolitics and Minority Issues in Europe*, pp.59-93.

<sup>69</sup> The RSFSR Law “On the Rehabilitation of the Repressed Peoples” from 26 April 1991 No. 1107-1 (as amended on 1 July 1993) and the RF Law “On the Rehabilitation of the Victims of Political Repressions” from 18 October 1991 No.1761-1 (with subsequent amendments).

<sup>70</sup> See: Osipov, A. (2009) “La Russie et les conséquences des deportations”, in: A. Campana, G. Dufaud et S.Tournon (Dir.) *Les Deportations En Heritage les Peuples Reprimés du Caucase et de Crimée, Hier et Aujourd’hui* (Rennes: Presses Universitaires de Rennes), pp.153-174.

<sup>71</sup> The President’s Decree “On the measures for the rehabilitation of the Armenian, Bulgarian, Greek, Crimean Tatar and German peoples and on the state support of their revival and development” from 21 April 2014 No. 268, in: *Rossiiskaya Gazeta*, 23 April 2014.

<sup>72</sup> Website of the Party Milli Firka, see <http://www.milli-firka.org/content/DBAGHAHC/title/%D0%93%D0%B0%D1%80%D0%B0%D0%BD%D1%82%D0%B8%D0%B8-%D0%B4%D0%B0%D0%BD%D0%BD%D1%8B%D0%B5/>.