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PART I

Territorial autonomies: case studies of the ARC and Finland

Introduction

This text is the first part of a more comprehensive study on identity-related issues which is being realised within the framework of the Crimean Policy Dialogue Project (funded by the Foreign Ministry of Finland and administered by PATRIR, Romania). The second part addresses “interethnic (majority-minority and minority-minority) relations: case studies of the ARC and Finland”, and the third concerns “indigenous peoples: Sámi in Finland and Crimean Tatars in the Autonomous Republic of Crimea/Ukraine”.

The research methodology includes face-to-face interviews with main stakeholders and public opinion leaders, focus groups in several regions of the Autonomous Republic of Crimea and Finland, a survey of expert opinion conducted with respondents from both Crimea and Finland (using specially developed questionnaires) as well as collecting data from the internet, print media and other available sources of information.

This part of the study consists of four sections. The first one describes general approaches to settling minority issues in Europe, particularly through the establishment of territorial autonomy. The second presents the case of Crimea, the third that of the Åland Islands, while the fourth summarises and discusses the findings.

Quotations are provided including excerpts from the face-to-face interviews, completed questionnaires and transcripts of focus group meetings conducted in Finland and in the Autonomous Republic of Crimea in August – November 2011. The survey of expert opinion has continued into 2012.

1. Some Theory

A. *European approaches to settling minority issues*

In Europe, there are different means and mechanisms for improving the situation of ethnic minorities¹ and harmonising interethnic (majority-minority and minority-minority) relations. The

¹ Ethnic minorities can be divided, roughly, into two categories: ‘traditional’ to a given territory they inhabit, and new ones, consisting of (usually dispersed) immigrant communities. This part of the research deals with only the first type of minorities. For more subtle classification of the types of minorities comprising the first category, see “Beyond Ethnic Politics in Central and Eastern Europe” by Stefan Wolff. *J E M I E*, Issue 4/2002. According to this author, further distinction is needed between ‘external’ minorities (the same as ‘national’ and ‘kin-minorities’), ‘transnational’ (Roma),

need to accommodate minority claims is governed not only by the development of higher standards of human and minority rights in established democracies, but also by more pragmatic considerations. In particular, the dissatisfaction of the various minorities with their situation and real and/or perceived (imagined) grievances have often led to increases in tension between home state-minority(ies) or home nation-minority(ies). These can lead to ethnic mobilisation involving a number of different groups in culturally heterogeneous societies and sometimes culminate in violent conflicts. Specific cases of such undesirable developments, as well as theoretical approaches to numerous intra- and inter-state conflicts caused by failure to resolve minority problems, have already been addressed by a number of national and international studies.²

Although minorities have no *legal right to autonomy* under international law, in practice a number of European states have already developed and implemented main institutional and legal approaches used across the continent and consisting of the following:

- Establishing territorial or regional autonomy within an otherwise unitary state or as an entity within a federated country;³
- Providing for so-called ‘national-cultural’ autonomy, sometimes referred to as ‘personal cultural autonomy’ (intended initially to accommodate the needs of dispersed minorities, i.e. those residing without a clearly defined territory, or where there are no established borders for the localities where such autonomy is to be exercised);⁴
- Legalising parallel institutions of (non-territorial) self-governance for minority groups, as is the case in Hungary;
- Promoting special rights for certain minority groups (policies within the general framework of the ‘affirmative action’ or “positive action” approach⁵) through legislation and the use of

and ‘indigenous’ – i.e., those ‘living in their ancestral homelands in only one state of which they are not the titular nation’. Crimean Tatars would certainly come under the last category.

² See: Nordquist, Kjell-Åke (1998). “Autonomy as a Conflict Solving Mechanism”. In: Markku Suksi (ed.), *Autonomy: Applications and Implications*. The Hague/London/Boston: Kluwer Law International, pp.59-77;

“Minority Rights: The Key to Conflict Prevention” by Clive Baldwin, Chris Chapman and Zoë Gray. Minority Rights Group International, 2007, and: Natalya Belitser and Serhiy Gerasymchuk (eds.), *Interethnic Relations, Minority rights, and Security Concerns: A Four-Country Perspective (Ukraine – Moldova – Romania – Hungary)*, Kyiv, 2008, 218 p., and references therein.

³ These often contradictory issues have been addressed by numerous publications and analyses; see, for example, Markku Suksi (ed.), *Autonomy: Applications and Implications* (Kluwer Law International, The Hague, London, Boston, 1998); *The Architecture of Democracy. Constitutional Design, Conflict Management and Democracy* (Oxford University Press, New York, 2002), and Marc Weller and Stefan Wolff (eds.), *Autonomy, Self-Governance and Conflict Resolution. Innovative Approaches to Institutional Design in Divided Societies* (Routledge, New York, 2005).

⁴ Although there were very few attempts of implementation, it is worth mentioning that one of them occurred in the short-lived Ukrainian People’s Republic, where on 3rd January 1918 the Central Rada granted personal autonomy to the Jewish, Polish and Russian peoples. See more in: “Choose Your Own Nationality or The Forgotten History of Cultural Autonomy” by Yves Plasseraud. *Le Monde Diplomatique*, May 2000 (translated into English by Barry Smerin, available at <http://www.panarchy.org/plasseraud/choice.html>); Ephraim Nimni, ed. (2005). *National cultural autonomy and its contemporary critics*. Routledge., pp. 260; and “Austro-Marxism's Last Laugh?: The Struggle for Recognition of National-Cultural Autonomy for Russians and Russians” by Bill Bowring. *Europe-Asia Studies*, Vol.54, Issue 2, 2002.

⁵ See: Affirmative Action. (Available at: <http://plato.stanford.edu/entries/affirmative-action/>, first published Dec 28, 2001; substantive revision Mar 4, 2005). An interesting example of a successful application of the innovative, ‘symmetric’ affirmative action programmes can be found in Northern Ireland, where it has led to the substantial improvement in terms of fair employment for members of both religious groups – Catholics as well as Protestants. The representation of individuals from under-represented religious groups in the work force has increased in managerial, supervisory, administrative, clerical and technical jobs. For more detailed information, see “Affirmative Action without Quotas in Northern Ireland” by Christopher McCrudden, Raya Muttarak, and Anthony Heath. *The Equal Rights Review*, Volume Four (2009), available at: <http://www.equalrightstrust.org/ertdocumentbank/ireland.pdf>.

resources required for the practical implementation of these rights (broadly speaking, implementing some elements of 'consociational democracy'⁶).

Various types of autonomies thus exist in today's Europe, each with its own history and specificity. Whilst territorial and national-cultural autonomy serve primarily as a means of coping with the continent's ethnic and cultural diversity, preventing violent ethno-political conflicts and alleviating majority-minority tensions, there is not a single, 'universal' rule or mechanism to resolve and accommodate minority claims, especially in the ethnically heterogeneous countries of Central and Eastern Europe (CEE). As Will Kymlicka noted, "*Whether justice requires common rules for all, or differential rules for diverse groups, is something to be assessed case by case in particular contexts, not assumed in advance.*"⁷ Emphasis is also put on specific individual circumstances determining what institutional arrangements are required by Stefan Wolff, who stresses that their success often depends on local conditions and those involved in implementing them and that "*...above all, they can contribute to preventing the kind of violent ethnic conflict that we've seen so much of over the past decade and a half across Europe*".⁸

Concerning the issue of territorial autonomy for minority groups, it is often perceived as being closely linked to the so-called 'normative concept of multiculturalism' – the latter being understood as the policy of granting political and legal recognition to distinctive collective minority identities. This leads to recognition of not only individual, but also group (collective) rights, and because of this, is often criticised by the proponents of a 'pure liberal paradigm' based on the notion of 'equal rights for equal citizens'.⁹

Usually, territorial autonomy is standard practice in cases where there is a sizeable national group living in a clearly defined national homeland or in a region that is densely populated by the minority.¹⁰ One of the widely accepted definitions of the territorial form of autonomy is "*... an arrangement aimed at granting to a group that differs from the majority of the population in the state, but that constitutes the majority in a specific region, a means by which it can express its distinct identity*".¹¹ It is often emphasised, however, that the "*right to autonomy recognises the right of minority and indigenous communities to exercise meaningful internal self-determination and control over their own affairs in a manner that is not inconsistent with the ultimate sovereignty... of the state*".¹²

Deeper insight and a proper understanding of the interrelationship between (democratic) state sovereignty and integrity, on the one hand, and internal self-determination of minorities, including

⁶ The concept of consociationalism, or consociational democracy (as an alternative to majoritarian or 'Westminster democracy') was put forward by Arend Lijphart, and further developed by him into the notion of a 'consensus democracy'. The key features of the consociational approach include four mechanisms: 'grand coalition', minority vetoes, proportional representation, and segmental autonomy. See Lijphart, Arend. 1977. *Democracy in plural societies: A comparative exploration*. New Haven: Yale University Press, and Lijphart, Arend, 1999. *Patterns of democracy*. New Haven: Yale University Press.

⁷ Kymlicka, W. (1999). "Comments on Shachar and Spinner-Halev: An Update from the Multiculturalism Wars", in Christian Joppke and Steven Lukes (eds.), *Multicultural Questions* (Oxford, Oxford University Press).

⁸ "Europe's autonomy solutions", 21.01.2005, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/4196101.stm>.

⁹ More details and arguments against and in favour are provided in a working paper, "Autonomy and international stability: A possible solution of self-determination conflicts?" by Hans-Joachim Heintze, presented at the International conference on *Regional Autonomy for Ethnic Minorities*, Uppsala, Sweden, June 12-17, 2003.

¹⁰ <http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/4196101.stm>.

¹¹ Ruth Lapidot, (1996). *Autonomy – Flexible Solutions to Ethnic Conflicts* (Washington, United States Institute of Peace Press), p.33.

¹² Hurst Hannum, (1990). *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. (Philadelphia, University of Pennsylvania Press), pp.473 – 474.

by means of territorial autonomy, on the other, are a key issue for many ethnically heterogeneous new states of the CEE, where such claims are usually met with suspicion and perceived as a sign of either irredentist or separatist intentions, aiming (in the second case) at establishing an independent state.¹³ This observation is especially relevant in view of the aspirations of the Crimean Tatars to realise their right to internal self-determination, first stipulated in the resolutions of the Second Kurultay in June 1991 and today becoming increasingly important in the political landscape of Crimea and Ukraine as a whole.

B. Difference between West and East

The legitimacy and actual meaning of both autonomy and federalism in the current post-totalitarian states of Central-Eastern Europe spark particularly heated debate because of their historical legacy. All of them once belonged to one of several multinational empires: Austro-Hungarian, Ottoman, or Russian. The collapse of these empires and the often arbitrary drawing of new state borders by the victors of the two world wars, armed conflicts and subsequent peace treaties determined the heterogeneity of populations in this part of Europe and the appearance of a number of national minorities living on their own historical lands but under changed jurisdictions and different state structures. Some of the minorities, previously under the jurisdiction of former empires and ostensibly 'federal' totalitarian states, eventually gained sovereignty and established their own national states. In many cases, people of similar ethnic origin were separated by the new borders, thus forming what are now referred to as "triads" consisting of kin-states, kin-minorities, and host-states. In this context, national minorities are, as a rule, also kin-minorities, i.e., groups in host-states that have common ethnic origins, cultural and linguistic similarities etc. with majorities in respective kin-states. Different mechanisms of ensuring their rights in host states are enshrined in both international and national law.

For the purposes of this comparative study, it is vital to note that some autochthonous minorities ('sub-state nations' according to Will Kymlicka's terminology¹⁴, or the 'indigenous minorities' of Stefan Wolff¹⁵), living in their homelands, and sometimes retaining memories of their own statehood in a historical past but no longer having any actual kin-states, are thus more disadvantaged than 'classical' kin-minorities.

In this context, it should be noted that some CEE states included the issue of protection (preferential treatment) of the kin-minorities in their constitutions. For example, according to Article 6 of the Hungarian Constitution (1989),

"The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its borders and shall promote and foster their relations with Hungary";

Article 7 of the Romanian Constitution (1991) stipulates that:

"The State shall support the strengthening of links with Romanians living abroad and shall act accordingly for the preservation, development and expression of their ethnic, cultural, linguistic, and religious identity under observance of the legislation of the State of which they are citizens."

¹³ See more in: "Minorities, states and international security: The contribution of the Bolzano/Bozen Recommendations to managing the 'minority problem'" by Petra Roter. In: *National Minorities in Inter-State Relations*. Francesco Palermo and Natalie Sabanadze (eds.), Leiden-Boston, 2011, pp. 45 – 61.

¹⁴"Multiculturalism and Minority Rights: West and East" by Will Kymlicka. J E M I E (Journal on Ethnopolitics and Minority Issues in Europe), Issue 4/2002. See also Kymlicka, W. and Opalski, M. (eds) (2001). *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*. Oxford: Oxford University Press.

¹⁵ "Beyond Ethnic Politics in Central and Eastern Europe" by Stefan Wolff. J E M I E, Issue 4/2002.

Similarly, Article. 12 of the Ukrainian Constitution (1996) reads that “*Ukraine provides for the satisfaction of national and cultural, and linguistic needs of Ukrainians residing beyond the borders of the State.*”

These constitutional provisions have been subsequently supplemented with national laws reflecting each country’s stance and the intensity with which they pursue the effective protection of their co-ethnics abroad. The most ambitious Hungarian ‘Status Law’ (adopted on 19th June 2001) has reverberated in a number of neighbouring countries and invoked particularly sharp negative responses in Slovakia and Romania. As a result, the European Commission “Democracy Through Law” (Venice Commission) undertook comprehensive research into the compatibility of the “Act on Hungarians living in neighbouring countries” with European standards, and the norms and principles of contemporary public international law, including a comparative study of recent tendencies in European legislation concerning the preferential treatment of persons belonging to national minorities and living outside the borders of their country of citizenship. Since the completion of this study this document has become the principal point of reference for the interpretation and implementation of state policies dealing with co-ethnic citizens of other states. Although one of the main conclusions of the Venice Commission is that “*Responsibility for minority protection lies primarily with the home-States*”, the legitimate right of kin-states to provide support for meeting the cultural, educational and other needs of kin-minorities has also been recognised.¹⁶

It is therefore clear that ‘sub-state nations’, which have no sources of such support, require a higher level of protection of their unique ethno-cultural identities at the national level – including through the creation of territorial autonomies. Such an approach is applicable, in principle, in the case of the Crimean Tatars. As the European Commission against Racism and Intolerance (ECRI) has recently commented, “*...in the absence of a kin-state, they do not have access to the advantages available to minorities that are able to receive the assistance of associations in their kin-state... nor can they benefit from the specific provisions in favour of undertaking teaching and cultural studies abroad... Crimean Tatars are inevitably in a less favourable position than other national/ethnic minorities...*”¹⁷

However, it should also be noted that providing territorial autonomy for a certain minority group is not simply one possible measure but, moreover, a rather rare and contested one – especially so in the CEE. For example, the Ohrid Framework Agreement for Macedonia (2001) states overtly that “*there are no territorial solutions to ethnic issues*” (Framework Agreement: Art. 1.2). Besides, as recent experience in the Balkans has clearly shown, in post-war and post-conflict situations international mediators and other influential actors have been reluctant to consider demands for territorial autonomy – perceived as those emanating from ‘nationalist forces in the region’.¹⁸

What should be kept in mind while considering the different forms of autonomy or federal units based on *ethno-cultural* grounds is that all these arrangements presuppose the existence of

¹⁶ “Report on the Preferential Treatment of National Minorities by their Kin-State” adopted by the Venice Commission at its 48th Plenary Meeting, Venice, 19 – 20 October 2001. See more in: Natalya Belitser and Serhiy Gerasymchuk (eds.), *Interethnic Relations, Minority rights, and Security Concerns: A Four-Country Perspective (Ukraine – Moldova – Romania – Hungary)*, Kyiv, 2008, pp. 143 – 157.

¹⁷ ECRI REPORT ON UKRAINE (fourth monitoring cycle). Adopted on 8th December 2011, published on 21st February 2012. Available at:

<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-CbC-IV-2012-006-ENG.pdf>

¹⁸ For more details, see “Institutionalizing Ethnicity in the Western Balkans: *Managing Change in Deeply Divided Societies*” by Florian Bieber, ECMI Working Paper # 19, February 2004.

democratic processes, the rule of law, and various liberal rights and liberties such as the right to free assembly, political organisations, free and fair multiparty elections, etc. *“Otherwise, we end up speaking about a shell with no content. And that was the exact nature of the so-called ‘autonomies’ which were allocated under’ real-existing socialism’ ”.*¹⁹

Therefore, it seems quite evident that the very history, traditions, and approaches to dealing with minority issues are entirely different in Western Europe (and ‘the West’ in general) and in the CEE space. In the latter case, majority populations of newly emerged or restored states had until recently belonged to non-dominant and often suppressed minorities within totalitarian multinational pseudo-federations such as the USSR or the former Socialist Federal Republic of Yugoslavia (SFRY). Accordingly, their state-building processes have coincided with attempts by the titular majority to reassert its identity.²⁰ In this context, it is equally important to understand the process of so-called ‘de-securitisation’ of minority issues. There is a widespread view (in the West) that whereas earlier the main approach to minorities was to regard them as a (potential) threat to national, regional or international security, after the early 1990s the focus shifted towards the protection of minorities from a human rights, legal and judicial perspective.²¹ In particular, the rights-based approach has been reflected in bilateral interstate treaties concluded between many countries (mostly, but not exclusively from the CEE).²²

However, it is interesting to point out that in some cases where reference is made in these treaties to certain documents such as the PACE Recommendation 1201(1993), Article 11 of which contains an entry on territorial autonomy, an interpretative footnote is added, stating that *“the Contracting Parties agree that Recommendation 1201 does not refer to collective rights nor does it impose upon them the obligation to grant to the concerned persons any right to a special status of territorial autonomy based on ethnic criteria”*. Moreover, in contrast to the other bilateral treaties, the same restrictive interpretation of Recommendation 1201 is included in the body of the text of the treaty between Ukraine and Romania concluded in 1997 (Art. 13(1)).²³

The implementation of these treaties is a clear illustration of how relations within the abovementioned “triads” – kin-minority/kin-state/host-state – are being regulated, and the rights of the respective minorities observed. ‘De-securitisation’ (i.e. decreasing fears of secessionist and/or irredentist threats associated with minorities) has become possible and is claimed to be a success, due not least to generous provisions for minorities in Western Europe of different kinds of territorial autonomy, or through what Will Kymlicka named *‘multination federalism’*.²⁴ However, concerns of both the majority populations and states in regard to the prospects of establishing ‘territorial autonomies’ for minorities, or accepting a federal arrangement as a means of settling interethnic disputes, acquire a quite different connotation in the CEE. The challenges faced by

¹⁹ See: “Territorial Autonomy in Eastern Europe – Legacies of the Past” by Miodrag. A. Jovanovij, JEMIE, Issue 4/2002.

²⁰ “Applying the Nationality Principle: Handle with Care” by Walter A. Kemp. J E M I E, Issue 4/2002.

²¹ See: “National Minorities in Inter-State Relations: Commentary from Country Perspective” by Kinga Gal. In: *National Minorities in Inter-State Relations*. Francesco Palermo and Natalie Sabanadze (Eds.), Leiden-Boston, 2011, pp. 207 – 213.

²² See, for example, “Bilateral Agreements in Central and Eastern Europe: A New Inter-State Framework for Minority Protection?” by Kinga Gal. ECMI Working Paper # 4, May 1999. See also: Natalya Belitser and Serhiy Gerasymchuk (eds.), *Interethnic Relations, Minority rights, and Security Concerns: A Four-Country Perspective (Ukraine – Moldova – Romania – Hungary)*, Kyiv, 2008, pp. 143 – 157.

²³ *Ibid.*, pp.151 – 152.

²⁴ “Multiculturalism and Minority Rights: West and East” by Will Kymlicka. J E M I E, Issue 4/2002. See also Kymlicka, W. and Opalski, M. (eds) (2001). *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*. Oxford: Oxford University Press.

transitional post-communist states mean that such concerns over separatist and/or irredentist trends and prospects are much more substantiated and justified.²⁵

A further reason for the reluctance to provide territorial autonomy for minorities, and the strong 'irrational' resistance among newly emerged states to the very idea of federalisation, can be found in the new rules on international recognition of new states established after the collapse of the USSR and the SFRY. Briefly, these were based on the Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union, issued by the EC Foreign Ministers meeting on 16th December 1991;²⁶ this Declaration was accompanied by a Declaration on Yugoslavia. These two documents significantly influenced international responses to the issue of the recognition of new states – fifteen former republics of the USSR and (potentially) six republics of the SFRY – and arguably transform the rules of international recognition of states.²⁷

Documented requests for recognition from the different entities of the SFRY were then passed to the 'Badinter Commission', consisting of five prominent constitutional lawyers, for a legal opinion. The Commission's Opinion 3 delivered on 22nd January 1992 stated that the principle of *uti possidetis*²⁸ has general application, thus recognising the international borders of the new states as coterminous with those of the federal units of the SFRY. Moreover, extending the practical application of this principle to all of the newly emerging states which had previously been part of now defunct federal states meant that international recognition was denied to any territorial entity with a status below that of a federal unit (i.e., autonomous republic, province, kraj, oblast etc.). Interpreting this principle, it was stated that "*It can indeed only operate where there is an internal border or administrative line... The more unitary the state, the weaker the presumption ... the more entrenched a particular administrative line may be, the stronger the presumption. In the case of federal states ... the presumptions would be at its least assailable.*"²⁹ Moreover, it was noted that the Badinter Borders Principle declassifies federal states internationally into 'second class unitary states' and that this decision is likely to "*dissuade governments in the region either from entrusting minorities with a broad measure of local autonomy or from entering into federal arrangements as a method of regulating interethnic relations. In the event of a severe crisis, in which it is judged by an outside authority that the state is in the process of dissolution, the sub-state units of government so created may be considered as vested with a right to separate statehood,*"³⁰

It should be noted that the Badinter Borders Principle, although vigorously criticised, actually helped to introduce some clear-cut basic rules for recognition, and stemmed the flow of new entities demanding their own statehood and international recognition. However, full compliance with the principle seems to have been somewhat undermined by the case of Kosovo – despite repeated assertions that this is a unique case that is not to be repeated or reproduced. In the context of autonomy issues, the usual explanation given as to why events in Kosovo culminated in a unilateral proclamation of independence which was immediately supported by a large section of the international community is that it resulted not so much from this province being granted

²⁵ These and related topics have been widely discussed (and hotly debated) in a special publication by Journal on Ethnopolitics and Minority Issues in Europe; see the references above and more of them in: JEMIE, Issue 4/2002.

²⁶ <http://ejil.oxfordjournals.org/content/4/1/36.full.pdf+html>.

²⁷ For more details, see: "Recognition of States: The Collapse of Yugoslavia and the Soviet Union" by Rich Roland. *European Journal of Law*, 1993, 4 (1). Available at <http://www.ejil.org/article.php?article=1207&issue=67>.

²⁸ *uti possidetis* – literally, as you possess (from Latin).

²⁹ Shaw, M. N. (1997). "Peoples, Territorialism and Boundaries", *European Journal of International Law*, 8 (3).

³⁰ For more details, see: "Territorial Autonomy in Eastern Europe – Legacies of the Past" by Miordag. A. Jovanovij, and quotations and references therein. JEMIE, Issue 4/ 2002.

autonomy status but, rather from the revoking of this status in 1989 and the further repressive measures perpetrated by Slobodan Milosevic's Serbian administration. It is therefore unsurprising that transitional post-communist states are reluctant to resort to measures such as the institutionalising of minority status through territorial autonomies or federal arrangements.

The case of Gagauzia in the Republic of Moldova is usually referred to as a unique example (for the CEE and former Soviet Union) of a newly established territorial autonomy for an ethnic minority group. It was established in 1994 according to the Law on the Special Legal Status of Gagauzia,³¹ followed by relevant amendments to the Constitution of Moldova. This step was highly praised by the international community as a compromise between the central authorities and a rebellious minority threatening separation. The 1994 law was considered a solid foundation for de-escalating ethnic tension and a crucial mechanism for meeting the Gagauz minority community's needs under the general framework of the Moldovan state.³² Moreover, the opinion issued by the Venice Commission on Gagauz autonomy stated that "*the extent of the powers conferred on the Gagauzian autonomous institutions is very striking*".³³

However, an in-depth analysis of the legal norms defining the autonomous status of the Gagauz-Yeri territorial unit and its competences, and the actual implementation of these norms in practice, reveals that due to its fledgling democratic institutions and weak system of the rule of law, the functioning of this particular autonomy regime is far from the model autonomy arrangement envisioned in the founding documents.³⁴

C. Examples of good practice in establishing territorial autonomies

The most frequently cited examples of territorial autonomy for sizeable national groups that have no statehood of their own are those in Great Britain and Spain. In Great Britain, Scotland and Wales have since the late 1990s acquired their own elected assemblies and governments. The Celtic languages that had been on the verge of extinction have also benefitted substantially from the United Kingdom's ratification of the European Charter for regional or minority languages.

In Spain, which after the end of the Franco dictatorship became a monarchy and, at the same time, a highly decentralised state, there are 17 autonomous territorial units, but only three of them are defined as territorial arrangements for 'pueblos' ('peoples' or 'nations') – namely, Basques, Catalans, and Valencians. The latter groups historically reside on those territories where they constitute majority populations and are *de facto* 'titular nations', providing the names of these particular autonomous units (Basque country, Catalonia, and Valencia, respectively). They also enjoy a high degree of self-government.

³¹ Law No 344-XIII of 23rd December 1994, "On the Special Legal Status of Gagauzia", *Monitorul Oficial al Republicii Moldova* (14th February 1995).

³² See, for example, "The Gagauz in Moldova and their Road to Autonomy" by Paula Thompson, In: Magda Opalski (ed.), *Managing Diversity in Plural Societies: Minorities, Migration and Nation-Building in Post-Communist Europe* (Forum Eastern Europe, Ottawa, 1998), p. 275–322, and "Gagauzia and Moldova: Experiences in Power-Sharing" by Pritt Järve. In: Marc Weller and Barbara Metzger (eds.), *Settling Self-determination Disputes: Complex Power-sharing in Theory and Practice* (Brill, Leiden, 2008), pp. pp 307-344

³³ Venice Commission, "Opinion on the Law on Modification and Addition in the Constitution of the Republic of Moldova in particular Concerning the Status of Gagauzia", Opinion No. 191/2001, CDLAD (2002) 20, Strasbourg, 21st August 2002.

³⁴ For more details, see: "Real and 'Virtual' Elements of Power Sharing in the Post-Soviet Space: the Case of the Gagauzian Autonomy" by Oleh Protsyk and Valentina Rigamonti, and references therein. JEMIE, Issue 1/2007, available at http://www.ecmi.de/jemie/download/1-2007_Protsyk_and_Rigamonti.pdf.

An interesting example of the eventual success of territorial autonomy is that of South Tyrol. This province of Italy, which has Austria as its kin-state, was initially established to safeguard the linguistic and cultural rights of the South Tyrolese – its ‘titular’ German-speaking majority. Co-existing with them are two other linguistic groups – one of Italians and another very small one consisting of Ladin speakers and comprising only 4% of the whole population. Having passed in the 20th century through difficult and painful periods of world wars, occupations, annexations, and aggressive separatism combined at one stage with acts of terrorism,³⁵ today it enjoys a high level of self-governance, has its own parliament, government, and president, and is recognised as a ‘success story’ that could serve as a model for settling interethnic disputes and protecting linguistic minorities.³⁶

Turning briefly to the process by which the conflict was settled, it should be noted that it is based on the 1946 Gruber-DeGasperri Agreement establishing the principle of self-government for South Tyrol. This bilateral agreement was appended to the peace treaty between the Allies and Italy at the end of Second World War. After a period of initial dissatisfaction with its implementation, the 1972 Autonomy Statute for the province issued by Italy represented the actual fulfilment of Italy’s obligations under the above-mentioned agreement. The dispute between Austria and Italy over South Tyrol can be considered to have been finally resolved in 1992, when Austria issued its Declaration of Conflict Settlement. The South Tyrol case also provides an interesting example of a well-functioning mechanism of power-sharing. It clearly defines exclusive state competencies and those shared between state and region (so-called concurrent or joint competencies). All other policy areas that are not specifically reserved for the centre automatically come under the authority of the regional legislature. Moreover, approval by Rome is no longer needed for adopting provincial legislation, and this has led to even greater political responsibility for South Tyrol law-makers.

An important feature of South Tyrolean autonomy is that its status is internationally guaranteed; this is entrenched in Article 2 of the revised constitutional law. This means that South Tyrol’s autonomy cannot be diminished or brought into question unilaterally. Of particular interest (in view of Crimea’s problems) are the mechanisms ensuring guaranteed representation of all three linguistic groups in the institutions of power including Parliament, Government, and all public bodies operating in the Province (except the Ministry of Defence and the police forces). It should also be noted that every person employed in the public administration must be bilingual, and this has to be verified by language examinations leading to a certificate that is compulsory for recruits to the service and for promotion or transfer to another office/organisation. This requirement embraces all employees, from drivers to directors or heads of department, subject to the principle of ‘the higher the grade the harder the examination’.

South Tyrol is sometimes characterised as an “Autonomy for All”, meaning that in this ‘dynamic autonomy’ all three linguistic groups share in the government and administration of their land and are given priority access to employment. Their languages are maintained in a way that maximises their use in daily life. Such inclusiveness has led to a perception by members of the three groups that the autonomy is for them all, and to a growing awareness of the contribution that each can

³⁵ The terrorist acts were perpetrated by the BAS (Committee for the Liberation of South Tyrol); while first targeting only public edifices and fascist monuments, the second wave resulted in human casualties (15 members of Italian uniformed services, 2 civilians and 4 terrorists). http://en.wikipedia.org/wiki/South_Tyrol.

³⁶ For more details, see: “The South Tyrol Autonomy: A Short Introduction” by Antony Alcock. University of Ulster, Northern Ireland, County Londonderry, Bozen/Bolzano, May 2001, available at <http://www.provinz.bz.it/en/downloads/South-Tyrol-Autonomy.pdf>; and “South Tyrol: A Minority Conflict of the Twentieth Century” by Rolf Steininger. New Brunswick, New Jersey: Transaction Publishers, 2003.

make to life in the Province. Moreover, the individual rights of every citizen residing in the Province are also strongly protected.³⁷

An even more specific and to some extent unique case of territorial autonomy for a minority group is that of the Åland Islands, which will be considered in more detail below. It should be noted that in contrast to the case of South Tyrol, this particular territorial autonomy has been designed to ensure the highest level of protection not 'for all' but, rather, for the preservation of the linguistic and cultural identity of its Swedish-speaking majority population who call themselves 'Ålanders'.

It should be noted that the establishment and maintenance of territorial autonomy in 'old' (Western) Europe has not led, so far, to an increase in separatist tensions in their relations with the central authorities, or to the fuelling of local populations' quest for independence. As the Chief Executive of the Congress of Local and Regional Authorities of the Council of Europe, Ulrich Bohner, once commented, there might theoretically be a danger but on the whole, he did not think it highly likely: "*When you give certain rights, people will feel at ease in their language, in their culture and then why should they leave a country where they feel at ease?*"³⁸

However, as has already been said, although there are no 'universal' rules for granting autonomy for certain groups or regions or any norms under international law dealing with the issue, the practice of accepting territorial autonomy and/or federative arrangements is further complicated by a relatively widespread feeling that demands for territorial autonomy are simply the first step towards secession. Continued debates about the interplay between autonomies and the subjects of the right to self-determination (are they for 'peoples' only, or also for (ethnic) minority groups?) contribute to the reluctant and cautious attitudes towards territorial autonomy on the part not only of states and majority populations, but also of other minorities that do not enjoy such rights. Poorly developed and often unheeded concepts and regulations concerning 'internal self-determination' (one not compromising state sovereignty and territorial integrity) have also halted the further spread of 'good practices' relating to the establishment of autonomies for minority groups – first and foremost, in order to prevent or settle minority conflicts, especially those having secessionist or irredentist nature.

Summarising this brief overview, it should be stressed that the issue of autonomies for minorities has always been rather controversial, especially in the CEE countries. Implementing policies aimed at autonomy involves pursuing at least two major goals, namely: satisfying and accommodating minority claims for safeguarding their *ethno-cultural* identities, on the one hand, and ensuring the survival of the state in its internationally recognised borders on the other. Thus the two approaches, legal (rights-based) and security-based, are in fact intertwined, the prevailing dimension varying depending on specific circumstances such as the internal and external political situation, the timeframe, the position of powerful global stakeholders etc. Although there is a certain trend towards regarding autonomies as an effective conflict-prevention or conflict-settlement mechanism, this has not yet gained pan-European recognition and popularity.³⁹

2. The Case of Crimea

³⁷ <http://www.provinz.bz.it/en/downloads/South-Tyrol-Autonomy.pdf>.

³⁸ <http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/4196101.stm>.

³⁹ See more in: "Autonomy and international stability: A possible solution of self-determination conflicts?" by Hans-Joachim Heintze. Paper presented at the International conference on *Regional Autonomy for Ethnic Minorities*, Uppsala, Sweden, June 12-17, 2003.

A. A brief history of the Crimean autonomy

After the Crimean Khanate, which lasted for over three centuries, ceased to exist as a result of the annexation of Crimea by Russia in 1783, the new history of Crimean autonomy was closely linked to the turbulent events of the 20th century.

In 1917, after the disintegration of the Russian Empire, Crimean Tatars convened a National Congress ('*Kurultay*') and on 26th November declared the establishment of the independent Crimean People's Republic in which "*all the peoples of Crimea, constituting together a beautiful bouquet ... would have equal rights*". These words belong to Noman Çelebicihan, one of the most popular Crimean Tatar leaders in any period, who was elected the first President of the short-lived republic. In January 1918, the Red Army invaded Crimea and occupied Simferopol; among many other victims Çelebicihan was arrested, taken to Sevastopol prison and executed there on 23rd February.

In October 1921, the Crimean Autonomous Soviet Socialist Republic was established within the Russian Federated Republic. This provided *de jure* and *de facto* a wide number of autonomous rights for Crimean Tatars. At that early point in their rule the communist authorities pursued a policy of so-called 'indigenisation' (*korenizatsia*) under which the languages and cultures of non-Russian minorities of the former Russian Empire were promoted, somewhat along the lines of 'affirmative action' but not, of course, presenting any challenge to the centralised Soviet regime. In the 1930s the situation of the Crimean Tatars (along with that of many other ethnic minorities) sharply deteriorated when the Soviet authorities resorted to the "great terror", including 'the decisive battle against local nationalisms'. This led to an onslaught against the Crimean Tatars in May 1944 when the entire Crimean Tatar people (along with Armenians, Bulgarians, Germans and Greeks) were forcibly deported under the false pretext that they had collaborated with the German Nazis. Following the deportation, all personal property, houses, lands belonging to Crimean Tatars were confiscated, most of the mosques and all Muslim cemeteries demolished, books in the Crimean Tatar language burnt, towns and villages renamed in an attempt to extinguish the very memory and any material evidence of the perpetual existence of Crimean Tatars in Crimea.⁴⁰

After the end of WWII, on 30th June 1945, Crimean autonomy was abolished; in June 1946 the Supreme Soviet of the Russian Soviet Federated Socialist Republic passed a law giving the peninsula the status of an ordinary oblast of the RSFSR. In 1954 Crimea, devastated and deteriorated because of the deportation of its indigenous population, was transferred to the jurisdiction of the Ukrainian SSR. Despite the widely held view that this was simply a 'gift' to Ukraine from Nikita Khrushchev to commemorate the three hundredth anniversary of Ukraine's union with Russia⁴¹, the main reason for shifting Crimea from Russian to Ukrainian jurisdiction was the appalling failure of the economy. It was believed that the situation could be alleviated if the

⁴⁰ For more details, see: "The Deportation and Fate of the Crimean Tatars" by J. Otto Pohl, available at: <http://www.iccrimea.org/scholarly/jopohl.html>; "Beyond Memory. The Crimean Tatars' Deportation and Return" by Greta. L Uelhing. 2004, New York: Palgrave: Macmillan; "The Crimean Tatars' deportation and exile" by Aurélie Campana, June 2008, Online Encyclopedia of Mass Violence and "The deportation of the Crimean Tatars as one more genocide in the USSR" by Natalya Belitser (in Ukrainian). Presentation at the Seminar "*Holodomor 1932-1933 in Ukraine in the context of the crime of genocide in the XX-XXI centuries*", National University "Kyiv-Mohyla Academy", 28th January 2010. Available at: http://kirimtatar.com/index.php?option=com_content&task=view&id=498&Itemid=381.

⁴¹ See, for example, "Minority Rights in the Former Soviet Union" by Tim Potier, in: Law Journal, Special Issue, September 1999, p. 63.

peninsula was administered by an entity with which it had closer economic, geographical, and cultural links; such views were expressed not only by Ukrainians, but also by some Russian intellectuals and public figures.⁴² The decision was issued by the Presidium of the USSR Supreme Soviet and then approved unanimously in a law passed on 26th April 1954. It is important to stress that throughout the ensuing period and until the late 1980s, when the Crimean peninsula still had the status of an oblast of the Ukrainian SSR, this status was never questioned, either within Crimea, Ukraine, the USSR, or beyond.

During the turbulent perestroika period, Crimea proved to be a stronghold of the Communist Soviet regime for several reasons: the specific composition of its population, which consisted mainly of post-World War II settlers, principally ethnic Russians and so-called Russian-speakers (with a generous proportion made up by party, military and KGB pensioners); the strong links between the local authorities and the central USSR government and party officials; the military ambitions of the Black Sea Fleet (a problem that was more or less settled much later by the 1997 bilateral agreement between Ukraine and the Russian Federation).

At that time, there was no visible organised pro-Ukrainian movement in Crimea, and the only political and social force opposing the regime was the Crimean Tatars who had just begun a large-scale repatriation from their exile in (for most of them) Central Asia.

Political and social unrest over Crimea's status began with the first signs that Ukraine was seeking independence.⁴³ In September 1990 the Council of People's Deputies of the Crimean oblast called for the decree and law on the abolition of the Crimean ASSR to be rescinded, and demanded the restoration of the peninsula's autonomy. This claim was supported by a referendum held in Crimea on 20th January 1991, in which 93.3% of the participants voted for the restoration of the Crimean ASSR not only as an entity within the USSR, but also as 'a party to the Union Treaty,' i.e., a sovereign subject of the 'renewed' and 'reformed' USSR (proposed by the first and only Soviet President Mikhail Gorbachev). Following much heated debate and possibly bearing in mind the potential bloody and violent consequences of rejecting demands similar to those made in other parts of the ailing Soviet Union, on 12th February 1991 the Supreme Council (Parliament) of the Ukrainian SSR did indeed pass a law "On the restoration of the Crimean Autonomous Soviet Socialist Republic".

Following these developments, the first session of the Second *Kurultay* (the National Assembly of Crimean Tatars) adopted the Declaration on the National Sovereignty of the Crimean Tatar People in June 1991.⁴⁴ Although this document is still used by some politicians as a tool for anti-Crimean Tatar propaganda, it is crucial to remember that all of this occurred when the Soviet Union still

⁴² See, in particular, "Galina Starovoitova on the Crimean peninsula", 15.04.2004, available [in Ukrainian] at: http://maidan.org.ua/news/download_thread.php3?bn=maidan_krym&thread=1082030767&trs=0.

⁴³ Some aspects of the Crimean crisis and chronology of the events are covered by: "Crimea: Dynamics, Challenges, and Prospects," edited by Maria Drohobycky, American Association for the Advancement of Science, 1995, 250 pp. For an analysis of the Crimean Tatars' movements and positions during the events of the early and mid-1990s, see "Politics in and around Crimea: A Difficult Homecoming" by Andrew Wilson, in: *The Tatars of Crimea: Return to the Homeland*, Edward A. Allworth, ed., Duke University Press, 1998, pp. 281-322, and: *The Repatriation of the Crimean Tatars: A Chronicle of Events* by Julia Tystchenko & Vyacheslav Pikhovshek, (in Ukrainian), published by the UICPS, Kyiv, 1999, 343 pp..

⁴⁴ This first meeting of elected delegates was named the Second Kurultay to emphasize the continuity of the democratic tradition of the Crimean Tatar system of self-government. In 20th century, the first and only Kurultay, which proclaimed the restoration of Crimean Tatar statehood, was held in November 1917. The texts of the most important documents issued by the sessions and conferences of the Kurultay can be found in a Russian language publication by the Mejlis entitled "The Documents of the Kurultay of the Crimean Tatar People".

existed, and that since its collapse the Crimean Tatar political elite has never supported any claims that threaten the integrity of Ukraine or the inviolability of its borders, looking instead for legal ways to establish their right to internal national self-determination within Ukraine.

Following the failed August 1991 coup which precipitated the collapse of the USSR and resulted in Ukrainian independence, all the issues relating to Crimea's legal status, the mass repatriation of Crimean Tatars and other ethnic groups formerly deported from Crimea, and situation of the Russian majority in the peninsula were not just a serious problem for the fledgling Ukrainian state, but were also to a large extent a significant factor in relations between the Ukrainian and Russian states.⁴⁵

The principal cause of dispute between the different political forces has been the sovereignty of (or over) Crimea. The debate was over three main options. The first was the creation of an independent Crimean Republic, the second – fully-fledged autonomy within Ukraine (e.g., according to the Constitution of the Crimean Republic of 6th May 1992), and the third and most radical scenario promoted by pro-Russian forces was to threaten that Crimea would secede from Ukraine and become part of Russia. Whereas the separatist trend appeared to enjoy some success during the first half of the 1990s, the hesitant and weak policy implemented by the central authorities lagged behind the events and no comprehensive strategy for resolving the totality of problems in the Crimea was developed.⁴⁶

On 6th May 1992 the Crimean parliament adopted its own version of the Crimean constitution. This drew heavily on the notion of a 'Crimean people' as an entity with the right to self-determination, including the right to determine the political future of the territory it occupied. Even provisions that were presented as complying with Kyiv's requirement to bring Crimea's constitution and laws in line with those of Ukraine still defined Crimea as "a law-governed, democratic and secular state... which builds its relations with Ukraine on mutually coordinated acts and agreements".

Separatist passions in Crimea reached their peak in 1993 at a time of hyperinflation and a profound economic crisis that appeared to be even harsher in Ukraine than in Russia. Manipulating this situation, the Crimean parliament adopted a number of resolutions and laws strengthening its autonomy, including the creation of a Crimean presidency, and scheduled presidential elections for January 1994. At the same time, following acts of civil disobedience organised by the Mejlis of the Crimean Tatar people, and its prolonged and complex negotiations with Crimean deputies, the Crimean Supreme Council agreed to grant Crimean Tatars a quota of 14 seats in the republican legislature. This decision also brought advantages for other groups of returnees, the formerly deported Armenians, Bulgarians, Germans and Greeks, who with practically no effort or struggle of their own also got guaranteed representation in the peninsula's legislature (one seat for each group). The main drawback of this compromise was that it was adopted for one term only as a provisional measure to support ethnic groups suffering from the consequences of deportation.

⁴⁵ See "The Constitutional Process in the Autonomous Republic of Crimea in the Context of Interethnic Relations and Conflict Settlement" by Natalya Belitser, 2000, and references within. Available at: <http://www.iccrimea.org/scholarly/nbelitser.html>.

⁴⁶ For more details, see: N. Belitser and O. Bodruk. *Conflicting Loyalties in Crimea*. In: *Conflicting Loyalties and the State in Post-Soviet Russia and Eurasia*. Michael Waller, Bruno Coppieters and Alexei Malashenko (eds). Frank Cass, London-Portland, 1998, pp. 53-79.

On 16th January 1994, presidential elections in Crimea did in fact take place. As a result of widespread dissatisfaction with Ukraine, the winner was Yuri Meshkov who had based his electoral campaign on a platform of union with Russia. One of his first actions was to issue a decree on a referendum on Crimean independence. Until the end of the year there was persistent turmoil between Kyiv and Simferopol. Both the Ukrainian parliament and President Leonid Kravchuk responded to Crimean laws and presidential decrees with counter-resolutions and statements denouncing those steps as contradicting the Ukrainian Constitution. Leonid Kuchma, President Kravchuk's successor in July 1994, did not meet the expectations of his Crimean electorate and continued to veto any Crimean laws that violated Ukrainian legislation.

There was thus a kind of legislative vicious circle. At the same time, the very indecisiveness of the national authorities and their unwillingness to take drastic measures or use military force to curb separatist passions in Crimea meant that violent clashes were avoided and the time necessary for finding more acceptable solutions was gained. The fact that both sides were engaged in numerous negotiations between the central and Crimean authorities over the status of Crimea, and the separation of powers between Kyiv and Simferopol obviously helped them both to avoid open violence and to pacify their most aggressive elements who were demanding prompt and decisive measures to end the crisis. Meanwhile, Meshkov's popularity had been rapidly declining as a result of his inability either to improve the economic situation or to persuade Russia to lend decisive support to the secessionist movement. The power struggle between the executive and legislative branches in Crimea loosened Meshkov's grip further still. Moreover, with the beginning of the Russian military operation in Chechnya in December 1994, pro-Russian sentiments among the Crimean population fell sharply along with applications for Russian citizenship which had previously been in great demand. Ordinary residents of Crimea grew much more cautious and restrained in their rhetoric, perhaps because they appreciated, for the first time, the greatest advantage of Ukrainian citizenship: not facing being sent to fight in someone else's land, with significant chance of killing or being killed.

As a result of these changes in the Crimean political environment, in March 1995 the Verkhovna Rada suddenly took unprecedented steps towards the legal incorporation of the ARC within the Ukraine. The Law of Ukraine on the Status of Crimea, adopted on 17th March 1995, abolished not only the Crimean Constitution of 1992 and all laws and decrees contradicting those of Ukraine, but also the office of the Crimean Presidency itself. The much feared mass protests in Crimea failed to occur, and the reaction from Moscow was relatively mild. The steps taken by Kyiv to draw Crimea and the City of Sevastopol closer into the Ukrainian legal space rebounded negatively on the negotiation of the Russia-Ukraine basic treaty, since some factions of the Russian State Duma refused to sign it until more concessions were made, particularly over the status of Sevastopol – often referred to as 'a city of Russian glory'.⁴⁷ But this obstacle was removed in 1997 when the treaty was ratified by both sides together with an agreement on the division of the Black Sea Fleet and its bases.

Though these events represented a rare example of the peaceful curbing of rebellious separatism in a post-Soviet state, the principal achievement of the Crimean Tatars and the other formerly deported ethnic groups – guaranteed representation in the republican legislature – was lost along with all other legal provisions not covered by Ukraine's national legislation.

⁴⁷ For more details, see "Crimea and Sevastopol" in: *Ukraine and Russia: A Fraternal Rivalry* by Anatol Lieven, United States Institute of Peace Press, 1999, pp. 105-133.

New versions of the Crimean Constitution were subsequently developed, one of which, adopted by the Crimean parliament on 21st September 1995, recognised the co-existence on the territory of the Crimean Republic of three state languages – Ukrainian, Russian, and Crimean Tatar (though only Russian was identified as an ‘official’ language to be used for official purposes). The same provisions were included in the subsequent draft of 1st November 1995. These versions of the Crimean Constitution were then widely discussed between working groups of the Verkhovna Rada of the ARC and the Verkhovna Rada of Ukraine whose purpose was to reconcile the positions of the two sides. By the end of 1997, agreement was reached over the vast majority of the articles (with only 22 articles out of a total of 136 remaining a matter of dispute). However, some key questions were still unresolved including Crimean internal citizenship and references to the ‘Crimean people’ and ‘Crimean statehood’ in several draft articles.

It should be noted that at this stage some international organisations and experts became more actively involved in the Kyiv-Simferopol negotiations and legal disputes. OSCE offices were opened both in Kyiv and Simferopol at the end of 1994, although the results of their efforts to settle the Crimean crisis were not always regarded as successful.⁴⁸ The activities of the OSCE Office of High Commissioner on National Minorities, established in 1993, turned out to be more fruitful. Its head, Max van der Stoep, has focused much personal attention on Crimean issues, particularly the problems of the repatriation and resettlement of Crimean Tatars, citizenship and some provisions of the draft Crimean Constitution.

For example, when the draft Constitution of 21st September 1995 proposing Crimean citizenship was under consideration, his recommendation was that there was no need to introduce it, in addition to Ukrainian citizenship. The High Commissioner also commented on the distribution of power between the Ukrainian national authorities and those of the Republic of Crimea, the division of property in Crimea, and special status for Sevastopol. Recommendations were also made that the resettlement of the Crimean Tatars should be decided in collaboration with their representatives appointed by Mejlis and, most importantly, *"to continue the present quota system (for Crimean Tatars) as long as the present electoral law of Crimea remains in effect... A continuation of the quota system would not be justified if an electoral system will come into being which would give them a near certainty of having a representation broadly commensurate to their percentage of the total population of Crimea"*.⁴⁹ Similar recommendations concerning, inter alia, Mejlis participation in the nomination of candidates for elected bodies and a proportional representation of Crimean Tatars in the ARC parliament, were also made in subsequent letters dated 19th March and 5th April 1996.⁵⁰

Article 133 of the new Constitution of Ukraine, adopted by the Verkhovna Rada on 28th June 1996, declares that "the administrative and territorial structure of Ukraine consists of the Autonomous Republic of Crimea, provinces (oblasts), regions, cities, settlements, and villages". The Ukrainian Constitution also states that "The Autonomous Republic of Crimea is an inseparable constituent part of Ukraine and decides on the issues within its competence within the limits of authority determined by the Constitution of Ukraine" (Article 134). Article 135 confirms that the ARC has its own Constitution, adopted by the Verkhovna Rada of the ARC and approved by the Verkhovna Rada of Ukraine by no less than one-half of its constitutional composition..

⁴⁸ See "Conflicting Loyalties in the Crimea" by Natalia Belitser & Oleg Bodruk, in: *Conflicting Loyalties and the State in Post-Soviet Russia and Eurasia*, M. Waller, B. Coppieters, A. Malashenko, eds., 1998, and "An OSCE Diplomat Bungles Diplomacy in Crimea" by Adrian Karatnytsky, Wall Street Journal Europe, 7 June 1995.

⁴⁹ OSCE REF.HC/10/95, 15th November 1995.

⁵⁰ See Ref.HC/7/96, Ref.500/R/L.

In February 1998 heated debates over the electoral system in the Crimea and the functioning of its legislature concluded with two laws being adopted by the Verkhovna Rada and signed by the President. One of them, "On the Elections to the Verkhovna Rada of the Autonomous Republic of Crimea" stipulated that the Crimean Parliament would be elected purely on the basis of a majority of votes cast, unlike the [mixed] system for the Ukrainian Parliament. The second law, "On the Verkhovna Rada of the Autonomous Republic of Crimea" stated that all 100 deputies are elected on the basis of universal, equal, and direct suffrage (with no mention of national electoral districts or quotas for Crimean Tatars, other groups of former deportees or national minorities). Since the Crimean Tatars constituted a minority, though sometimes a substantial one, in all of the electoral districts, this decision in practice stripped them of any chance of being represented in the Crimean legislature. Their opportunities to vote or stand for elections were also sharply reduced because at that point (29th March, 1998), approximately 90,000 Crimean Tatars had yet to acquire Ukrainian citizenship. The passing of these laws regrettably ignored the recommendations of the OSCE HCNM.⁵¹

In fact, after the abolition of a temporary quota system in place during elections to the Verkhovna Rada of the ARC for the period 1994 to 1998, no representatives of the Crimean Tatar people were elected to the highest representative body in Crimea. At the same time, the mixed electoral system used in elections to the Verkhovna Rada of Ukraine enabled the Crimean Tatar people to have two deputies – Mustafa Dzhemilev and Refat Chubarov – in the all-national legislature elected in 1998.

Following the 1998 elections, Leonid Hrach, the leader of the Crimean Communists, became Chairman of the Verkhovna Rada of the ARC. A skilful and experienced politician, Hrach accomplished what his predecessors had failed to achieve. Under his personal guidance, the fifth version of the Crimean Constitution was prepared; on 21st October 1998, the Verkhovna Rada of the ARC adopted the Constitution which was then approved by the Verkhovna Rada of Ukraine on 23rd December 1998. It was signed almost immediately by the President of Ukraine and entered into force on 12th January 1999. An amendment proposed by the deputy Ivan Zayets stated that where there is a conflict between the provisions of the Crimean and national Constitutions, the latter takes precedence.⁵²

In terms of the reaction of the Crimean population to the final version of the Crimean Constitution, it should be noted that only two ethnic communities (Russians and the Crimean Tatars) expressed a clear-cut position. The former, represented by the Russian Community of the Crimea and the regional branch of the Slavic party, protested against it on the grounds that it constituted a 'betrayal of the Russians in Crimea'. Moreover, on 23rd October 1998, the Russian State Duma also issued an angry statement "On the Affirmation by the Constitution of the ARC of the Ukrainian as the Only State Language on the Territory of the Autonomous Republic of Crimea".

The Crimean Tatars response to the adoption of the Crimean constitution by the Verkhovna Rada of the ARC was even more hostile. It was a major topic at the Third Kurultay convened on 21st November 1998. The delegates appealed to the Ukrainian Parliament and President not to consider the Draft Constitution of the ARC until special laws and regulations on Crimean Tatar issues had been adopted. In his report to the conference the Chairman Mustafa Djemilev

⁵¹ For more details, see *The Constitutional Process in the Autonomous Republic of Crimea in the Context of Interethnic Relations and Conflict Settlement* by Natalya Belitser, 2000 and references within it. It may be accessed at: <http://www.iccrimea.org/scholarly/nbelitser.html>.

⁵² A detailed description of this dramatic stage of the constitutional process is given in: "The Repatriation of the Crimean Tatars: A Chronicle of Events" by Julia Tystchenko & Vyacheslav Pikhovshek, Kyiv, 1999, pp. 238-247.

emphasised that the Constitution gave Leonid Hrach almost unrestricted powers, and was aimed at turning the Crimean Tatars' historic homeland into a Russian stronghold on Ukrainian territory. According to the Crimean Tatars' leadership, adopting this version of the Constitution would not promote interethnic tolerance and mutual understanding among the peninsula's population.⁵³

The developments following the adoption of the Crimean Constitution did in fact disturb the delicate interethnic balance in the peninsula and led to the further disillusionment of the Crimean Tatars and their growing dissatisfaction with the positions and actions of not only the local, but also the national authorities. In particular, as was commented, "*the adoption of the new Constitution seems to have sparked a new round of violence against Tatars*".⁵⁴ In addition to mounting problems in the sphere of interethnic relations, the power struggle between the peninsula's legislature and government that is so typical of the ARC continued in an even more acute form than before. Both sides were attempting to gain support from their lobbying groups in Kyiv and appealed to the President who was however reluctant to take any decisive steps that might have questioned his impartiality. The relatively high degree of economic independence gained by the ARC in return for disavowing any overt claim to political independence also resulted in an increase in disputes between the central and Crimean authorities, for example over such issues as redistribution of tax revenues collected at the territory of Crimea (the value-added tax in particular)in .

Today the Autonomous Republic of Crimea continues to function within the framework defined by its constitution of 1998; it has its own parliament, government, anthem, coat of arms and flag. In one form or another, the contentious issues that had accumulated in the ARC and its relations with the central authorities resurfaced throughout the 2000s and remained yet unresolved. However, the most important aspect of the history of Crimean autonomy is that despite passing through so many serious crises and teetering on the brink of violence and bloodshed, no critical 'point of no return' was ever crossed, and as time has passed all sides in existing and potential conflicts have developed a growing appreciation of the peaceful means of settling them such as negotiation and dialogue.

B. Current Attitudes towards Crimean Autonomy⁵⁵

We quote below some responses from interviews, survey of expert opinions and focus groups to questions relating to Crimean autonomy: "What is your attitude towards the status of the Autonomous Republic of Crimea? Should it be preserved as it is, or be somehow modernised, or transformed into some other form of autonomy – either territorial, or national, or cultural? Or would Crimea perhaps be better off becoming just one of the oblasts in Ukraine?"

B1. Stakeholders' and expert opinions

Russians:

⁵³ For responses to the adoption of the Constitution of the ARC see "Avdet," N 21, 24th November 1998, N 22, 8th December 1998, N 1, 20th January 1999; "Today," 24th November 1998; "Voice of Ukraine," 11th December 1998; "Ukraine and the World," 15th-21st January 1999, and many other publications by the national and Crimean newspapers and magazines. See also *The Repatriation of the Crimean Tatars: A Chronicle of Events* by Julia Tystchenko & Vyacheslav Pikhovshek, Kyiv, 1999, pp. 254-267.

⁵⁴ "Ukraine: Crimean Tatars Begin Protest March" by Bruce Pannier, RFE/RL, 6th May 1999.

⁵⁵ These data were obtained during face-to-face interviews and expert opinion polls conducted in August 2011 – May 2012. The selected quotations are those of public figures, including deputies in the Crimean parliament, prominent journalists, NGOs leaders and independent experts of Crimea, from the three major ethnic groups (Russians, Ukrainians and Crimean Tatars). An additional group of experts consists of people who do not self-identify decisively as belonging to any of the three above-mentioned ethno-cultural groups. These responses are followed by those from the focus groups participants.

1. *"We accept it quite normally... We do not pursue any separatist goals; we should integrate and live within Ukrainian state... But Crimea should have some additional economic preferences; it should become a kind of "off-shore" entity, where conditions favourable for the development of businesses, of entrepreneurship, are created..."*

2. *"I believe that some contractual relations should be established with Kyiv; the scope of the authorities should be upgraded and clearly defined in the Constitution of Crimea, and endorsed by the Law of Ukraine... This might relate to the humanitarian sphere, interethnic relations – for example, introducing three official languages, also to the use of land resources and preservation of the unique Crimean nature..."*

3. *"...I'm strongly against the federalisation of Ukraine... What Ukraine needs is cultural decentralisation, where each oblast has more decision-making power in the cultural and educational spheres... Under present conditions, ARC has in fact a virtual autonomy, not much different from that of an ordinary oblast... But for me, Crimean autonomy is not a 'totem', around which some ritual dances are to be performed; the 'totem' for me is the well-being of the Crimean residents... How this might be reached – this should be an urgent topic for debate. Whereas formal status – maintaining Crimean autonomy (for what purpose?) or abolishing it (once again, what for actually?) – is not so very important..."*

4. *"We sort of got back what we once had... bearing in mind the Crimean/Russian situation. This has protected us from many [disasters], and given people a sense of self-satisfaction: you see, we do have autonomy... In fact, it means nothing... and whether it might or might not acquire some more real, substantial content depends on the politicians. Earlier, Bagrov's constitution [that of 1992] even introduced a presidency, and if he had been elected president, perhaps all that would have been more deeply rooted and impossible to destroy later on. Regrettably, he wasn't elected, and after Meshkov made a mess of everything, all this [much more real autonomy] was abolished. The new constitution has given us fewer rights... The success or failure of further policies will determine whether [Crimean autonomy] will be given more substance, although certain meaning is already evident..."*

"By the way, previous [pre-WWII] autonomy was also territorial, it was not ethnic Crimean Tatar autonomy, it was the Crimean Tatar⁵⁶ Autonomous Soviet Socialist Republic. But since it was territorial, there was no ban on Russians, for example, holding positions..."

5. *"...If Crimea were an island, then its autonomy could perhaps have been completed consistently. But since it is actually a peninsula, what we now have is semi-statehood, semi-autonomy and semi-identity... Nevertheless, Crimean autonomy is a reality we are living with, a reality influencing the political situation... But the initial idea of Crimean autonomy was distinctly irredentist in nature..."*
"...Separatism was never the purpose of Crimean autonomy, although I'd not deny that it was used as a means, a threat to be used tactically in relations with Kyiv... ...For the Crimean society that currently exists and is still being shaped, and in which very interesting integrative processes have taken place, autonomy is an underestimated value".⁵⁷

6. *"I believe that Crimean autonomy should continue... We ought to feel at least slightly protected, at least by a nominal autonomy. Because, unfortunately, our constitution is too weak, it solves nothing, it exists only formally. For a genuine transformation, a new constitution should be adopted, strengthening our autonomous position; then we'd be reckoned with..."*

⁵⁶ Here the interviewee has been mistaken: the exact wording was not 'Crimean Tatar...' but 'Crimean ASSR'.

⁵⁷ See also <http://www.blackseanews.net/read/15251>.

7. *“For Crimea, autonomy is a natural status, irrespective of what state it belongs to... The specific form of autonomy might be changed through a civilised political process and under the constitution of Ukraine, but only by the will of the Crimean residents themselves. Any attempt by the authorities to reduce the status of Crimean autonomy or transform it from the centre will eventually rebound on those initiating it. We shouldn’t forget that the current status of Crimea is one of the few (if not the only one) successful macro-political projects of the independent Ukrainian state worth being proud of...”*

8. *“...Crimea not only could be [an oblast]; it has once been one of the oblasts of Ukraine. And that was when Ukraine’s problems with Crimea began. I mean, what is important is not so much formal status; I don’t think that it should be arbitrarily upgraded or downgraded, although the current status doesn’t satisfy me personally. But before we gain the right to demand (justly) that autonomy status be upgraded (restored), specific socio-political conditions first need to be created which would allow us to make use of such a status. We are currently not even making full use of the miserable level of [autonomous] powers we do have. Ideally, more authority in the industrial-economic and cultural spheres would be desirable. As for the model of ‘national Crimean autonomy’ – up to date, nobody has explained me what that would mean”.*

9. *“The (autonomous) status of Crimea shouldn’t be touched. But it should be given real substance, and [supplemented] with rights.”*

However, some more radical (and also more marginalised) pro-Russian political forces and movements such as “Sevastopol – Crimea – Russia” (‘SCR’, not officially registered) have voiced their intention to change the status of the existing autonomy completely by abolishing the Constitution of the ARC of 1998. This is regarded as a first step towards restoring the constitution of 1992, which in fact gave Crimea much more sovereignty and established a quasi-confederative relationship between Crimea and the rest of Ukraine. The leader of the SCR Valeriy Pod’yachiy has begun a court case demanding that negotiations on the transfer of Crimea back to Russian jurisdiction be launched.⁵⁸ While the case is still under consideration, this group has continued its activities, for example, organising a picket on 6th May 2012, the 20th anniversary of the adoption of the constitution of Crimea, near the ARC parliament building. The main slogans were: “NO to the annexation of Crimea!”; “Occupants, get out of Crimea!” etc. However, this was a small-scale, marginal event that failed to attract much attention from either the public, the police or the media (except for “Novyi Region – Crimea”, see reference⁵⁹ and the picture below).

16 For more details about current debates on issues of Crimean autonomy status, see: <http://www.radiosvoboda.org/content/article/24230944.html>, 10.06.2011; <http://krymtatar.in.ua/index/article/id/132>, 20.01.2012; <http://www.radiosvoboda.org/content/article/24454778.html>, 17.01.2012; http://www.vasu.gov.ua/ua/news_vasu.html?_m=publications&_c=view&_t=rec&id=2115&s=print, 18.01.2012; <http://www.radiosvoboda.org/content/article/24472794.html>, 03.02.2012, and http://www.ng.ru/politics/2012-02-22/3_kartblansh.html, 22.02.2012.

⁵⁹ <http://nr2.ru/crimea/385694.html>, 06.05.2012.



Picket of the activists of the “Sevastopol-Crimea-Russia” near parliamentary building of the ARC, Simferopol, 6 May 2012

Ukrainians:

1. *“It is good that Crimean autonomy exists, that it has its own Verkhovna Rada which is more than the ordinary oblast councils... There is a political process here, and over the first ten years of the Autonomy it served as a stabilising place, a space where the most controversial views, opinions, and positions were debated... Today the Crimean constitution is outdated, it doesn’t work, a huge number of its provisions should be revised, but it’s good that it contains a reference ... to a tri-lingual Crimea that could be developed further...”*

“On the Crimean Tatars’ demands for the restoration of national Crimean Tatar autonomy – I’m not a specialist in this sphere, but from what I know, there are currently lively discussions on such issues in Europe and globally... I believe that there is nothing dramatic about defining this autonomy constitutionally as a National Autonomy of Crimean Tatars – it could be explained that there would be no dreadful consequences... since civic rights take priority over all others, it would not be possible to form a Crimean Tatar majority in representative and executive bodies, because of their low numbers. But such a move could be used and manipulated by ‘dirty’ or ‘clean’ political technologies. Therefore, we should recognise that Crimea is their only Motherland where they emerged as a nation... We should tell them: yes, we know this is your land, your native land, [we recognise] that you are indigenous people, we appreciate this, and we respect your historic traditions, your identity...”

2. *“Yes, autonomous status should continue, although currently, it is not a self-sufficient territory, we need subsidies, we are, in fact, spongers... For Crimean Tatars, the optimal solution would be national-cultural autonomy here in Crimea...”*

3. *“Nowadays, Crimean autonomy within an otherwise unitary Ukraine exists formally as a territorial entity but in fact it is Russian... I believe that the question should be raised of transforming it into, at least, national-cultural, autonomy of Crimean Tatars which over time could gradually become territorial autonomy with elements of Crimean Tatar statehood... this is the only possible way to keep the Crimean Tatar cultural identity alive, to ensure their very existence and development as a people, a nation... For this, the Crimean constitution and Ukrainian legislation should be amended...”*

4. *“... Autonomy might have been useful for Crimean residents if it had fully met their actual needs. To my mind, from 1991 onwards, local authorities have usually been far from successful in*

achieving this... The future of autonomy depends on the ability of the republican authorities to use it for the benefit of the people”.

5. “I believe that the Autonomy should continue, although its format and substance are worth re-considering... Currently, here, in Crimea, there is at least a sham political process, in contrast to other regions of Ukraine... But in principle a different type of autonomy should be developed. Firstly, the right of Crimean Tatars for self-determination in their Homeland should be recognised at the level of the Autonomy; this should be entrenched in national legislation but also in a revised concept of autonomy... Secondly, ...the experience of South Tyrol seems very interesting, and in my view this would be a reorganisation of the autonomy on the basis of solutions that are mutually acceptable for all of its principal subjects, an arrangement where the rights of one group are guaranteed without endangering the rights and identities of others. This will be a difficult process, but I’m glad that at least Crimean Tatars are ready for it, and to initiate it.”

One of the respondents was in favour of Crimea having the status of an oblast of Ukraine but with special, extended and guaranteed rights for Crimean Tatars:

6. “I see it [the future of the ARC] as that of an oblast of Ukraine but with upgraded rights for the indigenous Crimean Tatar people: national constituencies, quotas in the legislatures of both Ukraine and Crimea, representation in bodies of executive power, etc. “ “[Special] legislative underpinning is needed, based not on current political considerations but on historical, cultural reasons, taking into account that this ethnic group was formed on the peninsula. Mejlis should be recognised as an organ of the local self-government of the whole people...”

The most detailed and substantial vision of what Crimean autonomy is and what it should/could become was provided by a participant in the survey of expert opinion:

7. “[To answer this] would require an entire treatise. Firstly, in 1991, after elections of the Mejlis of Crimean Tatars and the formation of the Crimean government, it was necessary not to create a new autonomy but in fact to restore autonomy such as existed in 1921 – 1944: to restore the constitution of that time, the Supreme Council, government of the Crimean ASSR, of course based on the new realities and therefore with appropriate amendments. Then and only then would it have been possible to talk about implementing the results of the referendum of 20th January 1991... In fact, instead of a Crimean oblast, a new Russian national-territorial autonomy was created on the territory of Ukraine, ignoring the results of the referendum, with all the potential consequences of that. Secondly, all members of Mejlis elected by the people should have been included in that Supreme Council as a faction with right of veto, subject to the condition that both Mejlis and Kurultay would be disbanded before the next elections to the Supreme Council, and general elections conducted, also with a Crimean Tatar faction resulting from voting in a single national Crimean electoral constituency. Thus the current ARC is not adequate for the current situation and needs of Crimean society: it is, for no good reason, a Russian autonomy; the titular ethnic group, Ukrainians, is discriminated against; Crimean Tatars have not achieved statehood in the form of autonomy...

There are two options for resolving the situation. The first is to conduct large-scale preparations (at all levels, over four – five years) and adopt at national level a Law on the Autonomy of Crimean Tatars in Crimea, which would also endorse a new constitution guaranteeing all national-cultural rights for Crimean Tatars, and the rights of other peoples as well. There will be three official languages in Crimea; Crimean Tatar participation in power, a revival of culture, of toponyms and everything else [would be guaranteed]. This option is quite realistic but very complicated and is not

for today's weak and ignorant politicians... Another path consists of leaving everything as it is, but gradually and consistently ensuring a point-by-point extension of the Crimean Tatar and Ukrainian components of the autonomy until the right levels are achieved; this is possible within five years... This could be done quietly, with little fuss and would be the right thing to do. No-one in Crimea likes disturbances or revolutions... therefore, Mejlis would support this, and if in five years all of their major, national-cultural problems were resolved, the issue of Crimean Tatar integration into Ukrainian society could be regarded as accomplished, and the question of the voluntary dissolution of Kurultay and Mejlis could then be raised..."

A representative of the ultra-nationalist far right "Svoboda" party was the only interviewee who insisted vehemently that Crimean autonomy should be abolished and its status downgraded to that of an ordinary oblast of Ukraine:

8. *"...Autonomy status is only of benefit to the bureaucracy... everything would be much easier without it... if oblast status were restored, it would only benefit the residents of Crimea..."*

Crimean Tatars:

The predominant view of Crimean Tatar respondents, both those who participated in the face-to-face interviews and in the survey of expert opinion, is that the existing form of autonomy should be transformed into a national-territorial autonomy of Crimean Tatars within the Ukrainian national state, thus realising the people's right to so-called 'internal self-determination'.

1. *"The restoration of the rights of the Crimean Tatar people is the most important problem for us, and restoring our national statehood in the form of national autonomy within Ukraine is crucial for this... Preserving our identity, language, culture, mentality and everything that is formed and cemented around the notion of "nation" is impossible without a revival of our national autonomy...[you should understand that] we are the people who belong to this land, Crimea, we are its children, we are united by a long shared history and destiny, this is our Motherland... which was taken away from us, and hasn't yet been returned..."*

Besides, we were always proud of our history of having our own state, the Crimean Khanate, that existed for almost four centuries; among the peoples of the former Soviet republics, not to mention the autonomous republics, this was rarely the case..." "I'm convinced that national autonomy is the only guarantee for my people to have a future, and I believe that this view is shared by 99% of our people... Therefore, my opinion is firm and unambiguous: Crimea must become a national-territorial autonomy..."

2. *"...The most appropriate action would be for us to recover our national autonomy; this would resolve, for sure, many problems... In my opinion, what was unjustly seized, taken away, should be returned... As realists, we understand that in a practical sense, this is hardly possible in the short-term because there is no political will. But working to change other people's minds and public opinion would settle the problem if this had been Ukrainian state policy. If the central authorities, who declare that they are now as strong as they have ever been, if the late Dzharty had once said: well, guys, in three years we'll be a national autonomy, but with full protection of the rights of all other people, as in Tatarstan or, let's say, in Finland's Sámi Homeland, then everything would have been as it was with the Cathedral Mosque... remember, they, those deputies, did not want to provide it [for many years], but Dzharty told them to, and it was done, and is already forgotten, and everything is all right... But the political will is lacking..."*

"The existing form of Crimean autonomy is nonsense; it should be given a national content... Let it even keep the name "Autonomous Republic of Crimea", but a national sense should be

introduced... What is the principle on which our current autonomy is built? The territorial principle, or because it is a peninsula? However, its current status should be preserved, because losing this autonomy would mean that those who wish to have national autonomy would lose this opportunity... constructing national autonomy out of an ordinary oblast would be practically impossible, it would mean going through two stages [instead of one] once again...

"...Justice should be restored, because Crimea is the Homeland of the indigenous Crimean Tatar people..."

3. *"In general, it is very difficult for me to talk about Crimea and its problems, the issue is so ambiguous... and it's difficult to provide a clear-cut answer as to the future of [Crimean autonomy]... I'm afraid that the society that has formed here would object to our national autonomy, it would be wrong to think it would be accepted and tolerated... Also, a certain country and the people who identify themselves with it would place obstacles in the way, would fiercely resist [the creation of national autonomy]. Although in general, Crimean Tatars are not satisfied with the existing form of autonomy because it does not give them the right to self-determination, as for today, the potential [negative] consequences of such discussions mean that I do not see them as burning issues... Also, I'm not sure that the most crucial problem – that of the destruction of the Crimean Tatar identity, their assimilation – could be fully resolved even if national autonomy were established... Because even peoples who have fully-fledged statehood are now losing their identity because of the globalisation processes in the modern world ..."*

4. *"My attitude towards Crimean autonomy is a negative one. It was established in defiance of the demands of Crimean Tatars. Its status is artificial; no such form of autonomy exists anywhere else in the world. This autonomy is, in fact, autonomy of the Russian-speaking population and thus consolidates its dominant position. The current status of 'territorial autonomy' should be replaced by that of national-territorial autonomy of Crimean Tatars, in which, according to the norms of international law, human and citizen's rights would be guaranteed irrespective of ethnicity." "...I understand the right to self-determination of the Crimean Tatars as the right to exercise the right to restore the autonomy of Crimean Tatars, in which the preservation and development of their culture and language would be safeguarded, where Crimean Tatars would be able to affect, in a real way, the developments in their own Motherland".*

5. *"To formulate it briefly (because I have already expressed my views many times), of course Crimean autonomy should be re-formatted. Crimea should have a special status within the Ukrainian state, and when I say 're-formatted' I mean, first of all, the Constitution of the ARC and the whole set of Ukrainian legislation dealing with Crimea, and the interaction between the central and republican authorities. It should be done in a way that enables the right of Crimean Tatar people to self-determination to be realised through legislation, and all other residents of Crimea could also be enabled to realise the full scope of their rights and therefore be satisfied with such status. Also, special electoral laws should ensure that the principles on which the new constitution is based are implemented. Thus, Crimean autonomy will be a form of self-determination of the Crimean Tatar people, while Crimea acquires the status of a national-territorial autonomy within Ukraine".*

This complements responses previously published, for example:

"The problems of Crimean autonomy could be resolved by a new constitution with three main objectives:

- providing guarantees that Crimea is preserved as an inalienable part of Ukraine;*
- providing an opportunity for Crimean Tatar people to realise their right to self-determination;*

- ensure equal rights to political representation and participation in public affairs for all ethnic groups in Crimea”⁶⁰

It is also important to recall that Crimean Tatars boycotted the referendum on re-establishing Crimean autonomy held in 1991. As one of the CPD project participants explained, the reasons for this were as follows:

- it would have been a Communist, Soviet autonomy, established by the Communist regime for its own purposes;
- it would have been autonomy for the Russian majority, which former deportees mistrusted and were suspicious of at the time;
- it would have been territorial autonomy and not the national autonomy of which Crimean Tatars have always dreamt;
- the main argument against it is that it would once again be a case where the destiny of the Crimean Tatar people (many of whom had not yet returned to their Motherland) is decided for them without them⁶¹

Respondents to the survey of expert opinion who do not identify themselves with a specific ethno-cultural group (but emphasise instead their ‘civic identity’⁶²), also provided a relatively wide range of opinions. For example:

1. “The question of Crimean autonomy is quite a difficult one. This status didn’t actually provide for the peninsula to be politically or economically self-sufficient. To make savings in government budgets, Crimea should become just another Ukrainian oblast. But we must add many caveats: the existing historical experience of autonomy; [the danger of] territorial isolation leading to the formation of a certain sense of exclusiveness among residents of the peninsula; the striving of local political elites for independence that would be expressed in the right to pass regional republican bills and adopting a one-channelled republican budget, etc... I’m personally in favour of Crimea being one of the oblasts in Ukraine. Given Ukraine’s multicultural diversity, one realistic scenario that would allow the interests of the various ethnic groups to be guaranteed would be to set up [a number of] national-cultural autonomies.”

2. “I personally would like Crimean autonomy [to be] more practical and financially self-sufficient to enable the existing status to be implemented fully... I don’t think that Crimea can just be an oblast of Ukraine; I think that would make it even more difficult for Crimeans to resolve issues specific to Crimea. In principle, I would prefer decentralisation and greater power over regional decision-making to be given to all oblasts in Ukraine.”

One of the experts was in favour of the federalisation of Ukraine:

3. “I support a federal arrangement for Ukraine. Each region could then become autonomous to some extent, that is have cultural, linguistic etc. differences enshrined in legislation... Crimea is very suitable for the implementation of this sort of model, i.e. legitimise specific intra-Crimean features, monitor and analyse [how it functions]... This could then be an example for other regions to follow, taking into account their specific features. To my mind, this would strengthen the unity of the state

⁶⁰ <http://krymtatar.in.ua/index/article/id/132> and <http://krymtatar.in.ua/index/artstr/id/71>

⁶¹ <http://www.blackseanews.net/read/15251>

⁶² These respondents consider themselves as belonging to the ‘Ukrainian political nation’.

in the same way as in the US, Germany, Switzerland and other federal countries – and, incidentally, in Russia too.

And last but not least, the briefest answer was:

4. *“I see it [the future of Crimea] as a Crimean Tatar Cultural Autonomy. Without discrimination against [other] ethnic and cultural groups... but functioning to revive Crimean Tatar culture and statehood.”*

B2. Focus group results

It is clear from data collected from the two focus groups consisting mostly of **Russians and ‘Slavs’** that on the whole they are not particularly interested in issues of ‘whether or not to have autonomy’. Some participants were reluctant to formulate their attitude towards Crimean autonomy; of those who answered, the prevailing views were negative:

“We do not feel that we live in autonomy...”
(Kurortnoye, housewife, Russian, female)

“This autonomy hasn’t done us any good”
(Kurotnoye, barman, ‘Slav’, male)

“It exists only on paper, and nothing else”
(Kurortnoye, employee, Ukrainian, female)

“I believe that there should be autonomy, but in full compliance with all constitutional rights, laws... Whereas in reality – there is not even basic security for tourists and holiday-makers...”
(Kurortnoye, gamekeeper from the Karadag national reserve, Russian, male)

One of the focus group participants, self-identifying as a ‘Slav’, provided more detailed comments:

“As far as I know, the constitution [of the ARC] that was adopted in 1998 is, however, important because we are living in peace due to it... Because it clearly states that all the nations in Crimea have equal rights... to land, water and so on, that no nation has preferences or privileges... And this is a potent restraint on the expression of nationalistic attitudes and movements... It was a big step, because Yugoslavia had collapsed with bloodshed, the same in the Caucasus... Many of us simply do not realise it, but in fact, we should appreciate it [Crimean autonomy] as a guarantee of peace”.
(Kurortnoye, biologist, PhD, Karadag biological station, male)

The results of the focus group conducted in Alushta (Southern Crimea) which consisted of **young Russians**, confirmed that their attitude towards Crimean autonomous status was critical (in fact, even more critical than that of the “adult” group of ‘Slavs’ (a mixed group of ethnic Ukrainians and Russians in Kurortnoye):

“Actually, in the existing autonomy we have even fewer rights than in an ordinary oblast”.
(Alushta, student, male)

“Our living standards are lower than in the rest of Ukraine”.
(Alushta, shop assistant, female)

Whilst sharing the perception that in general the socio-economic situation in Crimea is worse than the rest of Ukraine, young participants of this particular group expressed their firm conviction that Kyiv bears full responsibility for this, since:

“According to the [Crimean] constitution of 1991, Crimea was indeed autonomous; it was only formally Ukrainian... But then the present constitution arrived because Kyiv did not want [that level of autonomy]... Actually, Crimea is a self-sufficient region – for example, we extract enough gas to provide for all Crimea’s needs, but it is sold abroad because that is more profitable, and Russian gas is pumped in instead...”

(Alushta, entrepreneur, male)

“If compare the subsidies we receive from Kyiv with what is taken away from us, we are giving away much more than they pay back...Currently, Kyiv leaves us with just 20% of our budget and takes away 80% of what we earn...”

(Alushta, engineer, male)

“Crimea is a milch cow [for Ukraine].

(Alushta, student, female)

Young Russians’ understanding of the notion of ‘autonomy’ and the term itself is also worth noting:

“Nowadays, Crimea is autonomous only on paper. Whereas the very term ‘autonomous’ means separate, independent from something – such as an, ‘autonomous [i.e. not ‘central’] heating system’...that is, the very meaning of autonomy is that it is something separate, with its own rules, laws, currency etc.,.”

(Alushta, entrepreneur, male)

“Just look at the European Union: they have their own common currency, but each state is autonomous. So Ukraine and Crimea could also have a common currency, but nevertheless, Crimea could be autonomous [from Ukraine].”

(Alushta, student, male)

“Yes, and this means that there is no such thing as autonomous Crimea.”

(Alushta, unemployed, female)

The chance that the ARC could be transformed into a Crimean Tatar autonomy was mentioned only once, briefly, and as a self-evident threat:

“But imagine for a moment that [future] Crimean autonomy would be an autonomy of Crimean Tatars...”

(Alushta, shop assistant, female)

When asked what their attitude was to the prospect of Crimea becoming part of Russia, one participant was in favour of such a scenario and others did not see it as either realistic or desirable:

“To my mind, this would only complicate our life, because in territorial terms we are now so far from Russia that Crimea’s joining Russia is simply not reasonable...”

(Alushta, student, female)

“...I strongly object to joining Russia as it currently exists... There are too many negative things there, even in the economic sphere... Despite the fact that many social standards are higher there than here, in Ukraine”

(Alushta, entrepreneur, male)

“There was a period when people here felt closer to Russia; that was the case, for example, in the murky era of Meshkov. But nowadays, Ukraine is more like the Russian state than Russia itself... Although there are cases where the land for the Tatars is not always allocated fairly, nevertheless... Here [in Ukraine] everyone is equal, and we, Russians, are for equality, for everything to be fair and in accordance with the law... Whilst in Russia the Russians are more oppressed, they have fewer rights than other peoples... Nowadays, Russians live more comfortably in Ukraine than in Russia.”

(Alushta, engineer, male)

Opinions of the **young Ukrainians** who made up the focus group in Sevastopol were almost equally divided, with those in favour of abolishing Crimean autonomy stating briefly:

“I don’t understand what this autonomy is needed for; it could perfectly well be an ordinary oblast...”

(Sevastopol, white-collar worker, male)

“I’m also in favour of abolishing this autonomy; Crimea could become an oblast with Sevastopol as its capital...”

(Sevastopol, student, female)

Those against abolition provided more extended arguments:

“No, the best thing for the future is to continue being a [Crimean] autonomy, because otherwise, a number of interethnic and interstate conflicts would follow, and a number of other negative consequences... The structure is already formed and it functions, I mean the Autonomous Republic of Crimea”.

(Sevastopol, teacher, female)

“I support this view. I am also against abolishing Crimean autonomy, because from the very beginning it was a way out of the [very difficult] situation which Ukraine faced in the early 1990s... Otherwise, we might have had something like Abkhazia, or Karabakh, or the other unrecognised republics... But here, it was settled by establishing the Crimean Autonomous Republic. And what’s most important is not what real powers it has, but its symbolical significance... Most people have calmed down and have got used to the idea that some of their demands and claims have been met... and nowadays, there are no separatist reprisals... Therefore, Crimea should keep its current unqualified territorial autonomy that provides a space for ambitious debates over transforming it into national autonomy, either Russian or Tatar... Maybe, in future, some better solution could be proposed, but for today, the worst scenario would be to attempt to abolish the existing autonomy...”

(Sevastopol, student, male)

One of the participants links the issue of Crimean autonomy and its future to the Crimean Tatar problem:

"...The political aspect [of autonomy] consists mainly of the claims of the Crimean Tatar leaders relating to the ultimate aim of the Crimean Tatar political movement: the establishment, or restoration, in one form or another, of Crimean Tatar statehood, either as an autonomy within Ukraine, or independent (this is often not clarified); and what they always emphasise is that Crimea is their Motherland, or that Crimean Tatars are the indigenous people here and thus have the right to political self-determination on this territory... This vision is in conflict with the principles and basic norms of Ukraine's constitutional arrangements... What is even worse – there is nothing like [public] dialogue on this problem, i.e., Crimean Tatars make their statements, and those who hear them, immediately dismiss it as extremism... nobody expresses a desire to initiate any kind of discussion on this issue in order to achieve some generally acceptable compromise over Crimean Tatar autonomy, or how it might be organised..."

(Sevastopol, civic activist from the "NOMOS" analytical centre, male)

Crimean Tatar focus groups (Kurortnoye and Simferopol, the latter consisting of young Crimean Tatars), in general confirmed their desire to keep the autonomy status and rejected the transformation of Crimea into an ordinary oblast in Ukraine, but they also expressed widespread dissatisfaction with the current situation in the ARC, its level of authority and its actual purpose. Although most of the focus group participants expressed a wish to see Crimea as a national autonomy of Crimean Tatars, they were actually more cautious than their leaders, expressing reservations over the feasibility of achieving this level of autonomy in the short term. The most typical answers are given below:

"We are already an autonomy, and I like this option, I don't want it to become an oblast".

(Kurortnoye, employe, male)

"Today, our autonomy is only declaratory in nature, we do not have the powers that autonomies have in Russia or the states in the USA... Crimea should be a fully-fledged autonomy based on its geopolitical, socio-economic situation etc., but nowadays, it is more like an ordinary oblast... I am wholeheartedly in favour of national-territorial autonomy, because this would solve many problems. First of all, it would mean we were recognised as an indigenous people, something Ukraine has failed to do for 20 years – we'd get the guarantees and rights provided for in international documents, because we are not a national minority, we are the indigenous people... I mean this autonomy can be based on the 1918 model which did not infringe anyone's rights, Ukrainian or Russian whilst at the same time not violating the rights of Crimean Tatars as indigenous people."

(Kurortnoye, teacher from the Schebetovka settlement, male)

"Crimea should by no means become an oblast... But today, this status is only [formal]... I'd like it to be a real, fully-fledged autonomy... And I want it to be a national-territorial autonomy, I believe that this is a key issue and in principle, a guarantee of stability in Crimea, and is the natural option for Crimea..."

(Kurortnoye, farmer, male)

"In the existing [form of] autonomy, there are no specific opportunities for the Crimean Tatars... everything we have has been [obtained] due to our own efforts".

(Kurortnoye, unemployed, female)

“The [main] question is what we want to achieve through this autonomy. We all believe that once we have Crimean Tatar autonomy, we’ll adopt a law on the status of the language, the status of former deportees and so on, but actually, all this can be done under our current status...”
(Simferopol, student, male)

“Concerning Crimea, we certainly need some statehood, all Tatars live with [this] dream... We simply have no other way, because this is where our ancestors lived... people have died, and peoples have also left this world, and there is nothing but statehood that would prevent our nationality from being destroyed... I mean by ‘statehood’ spiritual, cultural autonomy. Where a national language, schools, theatres, etc. are being developed... This is what statehood means for us... “
(Simferopol, civic activist, male)

“I’m also in favour of autonomy... as to national autonomy – yes, but not now, it’s too early, too much has yet to be done, including in terms of self-identification...”
(Kurortnoye, farmer, male)

“There are too few of us for the moment to become a national autonomy; maybe, with time...”
(Kurortnoye, teacher, female)

“I fully agree: autonomy – definitely, but national autonomy – it’s still too early...”
(Kurortnoye, unemployed, female)

“For today, autonomy status in fact means that of an oblast – our regional parliament doesn’t substantially affect any decisions or has full autonomy... If we are talking about the prospects for national autonomy – then the time will come and this will be achieved.”
(Simferopol, student, male)

There was a wide range of opinions expressed by members of the mixed focus group, consisting of both Crimean Tatars and ‘Slavs’ and held in Kurortnoye settlement (Feodosia region, eastern Crimea) that appeared not to be dependent on ethnicity. Their views ranged from displaying complete ignorance of the issue to not recognising any difference between the ARC and oblasts of Ukraine, or simply stating that Crimean autonomy is of no benefit for its residents:

“Frankly speaking, I don’t understand what autonomy is. We are living in Nanikovo, we do not even know what’s going on in Simferopol, only from newspapers and only rarely, because the post office in our village has been closed, we have practically no information, it is only if we meet at some meeting or other that we get a few bits of information...”
(Kurortnoye, housewife, Crimean Tatar, female)

“I see no difference between autonomy and oblast status. Earlier, I was better off when we were an ordinary oblast, to judge from what my mother tells me... Nowadays, nothing is decided at local level. An issue is sent from our oblast – because I regard ARC as a “Crimean oblast” – to Ukraine, Ukraine eventually slings it back to the lower tier of government and nothing is saved...”
(Kurortnoye, pensioner, ‘Slav’, female)

“We are worse off here than in the rest of Ukraine... electricity charges are higher – in Kiev it is 36.05 but we are paying 36.48... And, you know, Crimea in general is not liked, Ukraine doesn’t like

Crimea... I feel it all the time while communicating with people [coming for vacations]... they think that we are living in clover here, rolling in gold..."

(Kurortnoye, employee in tourist business, 'Slav', female)

"Yes, I do feel myself to be a resident of the [Crimean] autonomy, but those autonomous rights are being eroded all the time... I'd like to say that it would be good if this autonomy is supported and is increased... because those who do not live in Crimea treat it in a selfish, exploitative way, develop a consumerist attitude... they introduce [their own] projects that have led to the impoverishment of Crimea, to the devastation of its resources and its natural wealth... by limiting the powers of the Crimean government..."

(Kurotnoye, entrepreneur, 'Slav', male)

The following are the views of those who presented their perceptions of what autonomy is:

"To my mind, autonomy is a state, with its own statute, with its own legislative basis, etc... Well, it might be a small state, it might be on the territory of Ukraine... but now Crimea has nothing to do with autonomy... it's not even a self-government... there are 'local barons' at all levels... No, I don't feel that I'm living in an autonomy; I don't feel I am being treated like a human being..."

(Kurortnoye, driver, Crimean Tatar, male)

"I believe that autonomy is when all nationalities come together: Jews, Tatars, Armenians, etc... Then it [the multinational entity] can be considered autonomy..."

(Kurortnoye, student, Crimean Tatar, male)

"Crimea is a territory on which 119 nationalities are living... they should all have equal rights..."

(Kurortnoye, unemployed 'Slav', female)

"Boundaries of this territory are clearly defined, it's a peninsula, and therefore, it is fully justified that it has been established as a territorial-administrative autonomy... It should be like states in the USA... Also, its specificity is that this is a recreation zone... All people, all nationalities residing here are working for the tourist season... To regulate all these matters, we need our own strong government but it should be honest, and perform their duties and obligations with clean hands..."

(Kurotnoye, small vendor, Crimean Tatar, female)

One person regards Crimean autonomy in terms of certain elements of self-government:

"We link it to certain rights to decide on local matters – like, for example, ending free access to beaches, passage through certain territories – we can appeal to officials who also live here in Crimea, and who are obliged to help us, to protect our rights, based on their official standing... so it's easier for us... It's another matter how the authorities deal with these tasks..."

(Kurortnoye, housewife, 'Slav', female)

Most participants were rather reluctant to tackle issues of autonomy based on ethnicity. However, despite widely shared declarations such as 'all nationalities of Crimea should have equal rights', it was implicitly recognised that Crimean autonomy is beneficial for Russians and Russian-speakers:

"We have so many different nationalities here... [The advantage of autonomy is that] we all can communicate in Russian here, in Crimea and our officials respond to us in Russian... This is important for us, and in this sense, we are able to achieve something... for protecting the rights of

Russians, also of Russian-speakers of other nationalities... Whereas if some official has come from Ukraine — it's curtains for us, we are forced to take the dictionary and delve into it..."
(Kurortnoye, pensioner, Russian, female)

In this particular focus group, Crimean Tatar autonomy was mentioned only once as an option:

"Autonomy means upgrading the powers of the local authorities; usually it is based on ethnic principles. The nationality with the highest population density is given autonomy, taking into account its ethnic and religious aspects... This gives that nationality the opportunity to consolidate without infringing upon others' [ethnic groups'] rights. How was Crimean autonomy created? At the beginning, when the Tatars returned here, they raised the question of establishing Crimean Tatar autonomy. To prevent this, the Crimean Autonomous Republic was established, but they [those who created it] were afraid to call it a Russian autonomy. So what was actually created is impossible to understand; it is some abstract autonomy – not Russian, not Tatar, not Jewish – as the great Lenin once promised to the people who then donated money for the revolution... So this present autonomy is simply ridiculous; besides, it is being eroded year by year"
(Kurortnoye, teacher, Crimean Tatar, male)

C. Possible significance of the data collected

The results of the study conducted in the ARC reveal certain trends and features of the situation and popular mindset in Crimea. Firstly, it is evident that of the three major ethnic groups in Crimea, it is the Crimean Tatars who have developed the most consistent and assertive vision of the future of Crimea, one of Crimean Tatar national autonomy (although with certain variations and reservations). At the same time, it was consistently emphasised that they view Crimea not as an ethnocentric entity but one in which the legitimate rights and interests of all other inhabitants and ethnic groups would be fully respected and safeguarded. Ordinary Crimean Tatars – participants of the two focus groups – were slightly more reluctant about implementing Crimean Tatar autonomy in practice than the national leaders taking part in face-to-face interviews and the survey of expert opinion. Remarkably, Crimean Tatars who participated in the focus group in the Kurortnoye settlement together with 'Slavs' did not tend to speak about Crimean Tatar autonomy. They also seemed less informed and/or less interested in issues of autonomy than those from the two 'ethnically consolidated' focus groups. A possible explanation for this might be their discomfort and reluctance to present such views before 'Slavic' participants who would certainly have strongly protested against such ideas.

With respect to the now widespread aspiration of Crimean Tatars to live under some form of statehood of their own – usually not separate from Ukraine – it is important to recall that obtaining the special status of indigenous people was formerly the primary objective on their political agenda. This was especially so after the adoption in 1996 of the new Constitution of Ukraine, several articles of which contain references to 'indigenous peoples'. Article 11 in particular declares that the State promotes the development of the ethnic, cultural, linguistic and religious identity of *all indigenous peoples* and national minorities of Ukraine. Article 92(1)(3) states that the rights of *indigenous peoples* and national minorities are determined exclusively by the laws of Ukraine. It is also stipulated that local administrations shall ensure, within their territory and in areas densely populated by *indigenous peoples* and national minorities, that programmes are implemented for their national and cultural development (Article 119(3)).

Unfortunately no additional legislation has ever been adopted to specify just who these indigenous peoples of Ukraine are and what their rights and obligations are. Furthermore the Law

on National Minorities of 1992, which remains in force and has not yet been amended, does not contain any reference to 'indigenous peoples' or any provisions addressing the specific situation of the Crimean Tatars. Remarkably, at that time there was little support for the Crimean Tatar claim to 'indigenous status', not only from the Ukrainian authorities, but also from the international community at large and the monitoring bodies. A number of European experts regarded it as unfounded and incomprehensible, and positive attitudes were rare. Recognising that their efforts in this direction had failed, and that national legislation and state practices provided insufficient guarantees for the preservation and further development of their *ethno-cultural* identity, the Crimean Tatars raised their demands in the belief that only autonomy as a form of statehood and realisation of their right to self-determination would ensure their further survival as a nation.

This is a telling illustration of how the failure to address requests and unmet needs promptly can bring about the radicalisation of a political agenda, in this case far more intractable demands (for national autonomy) that international bodies, which now (after significant delays) support the 'claim for status', are unlikely to recommend as a solution for the Crimean Tatars' problems.

The situation is further complicated by widespread rejection of these claims by the Russian and 'Slav' majority population of the peninsula. As the results of our study have shown, these negative perceptions are reflected in the opinions of a number of well-known politicians, academics, and journalists, and also appear to be widely shared by the ordinary people in the focus groups, most of whom rejected the very idea of autonomies for certain *ethno-cultural* groups, and exhibited considerable ignorance over issues of (territorial) autonomies in general. In addition, implementing a territorial form of national autonomy for the Crimean Tatars (at least in the short and medium term) is not consistent with the overall policy of granting this kind of autonomy to minority groups that constitute a *majority* of the population in specific regions.

Secondly, the study also revealed that leaders representing Crimean Russians and 'Slavs' and the ordinary people in these communities (some of whom had difficulty defining their own ethnic or *ethno-cultural* identities), differed in their views on Crimean autonomy, much more markedly than the Crimean Tatar community. Practically all of the Russian interviewees and respondents expressed their support for preserving and developing Crimean autonomy, and proposed different ways of making it stronger and 'more real'. At the same time, Russians and 'Slav' participants of the focus groups, especially those residing in the more remote, provincial eastern part of Crimea (Kurortnoye settlement of the Feodosia region), were in general much less interested in or completely indifferent to the notion of autonomy. For them, it was something rather abstract and not worth serious attention. When asked what it means to live in the Autonomous Republic of Crimea, and what the term 'autonomy' itself meant, members of these focus groups were either unable to provide any answer, or revealed a very poor understanding of the essence of an autonomy arrangement within a state. Moreover, young Russians from Alushta believed that in fact being 'autonomous' actually means being independent in practical terms ("like an 'autonomous' heating system which is separate from and not dependent on a 'central' system").

Those who approved of the existence of Crimean autonomy gave as their reasons certain features specific to Crimea such as: a) its multinational nature; b) its special geographical location; and c) its unique socio-economic situation, depending mostly on the influx of tourists and holiday-makers during a [short] holiday season that lasts just a few months. It should also be noted that whereas leaders of all three communities were well aware of the fact that Crimea needs and receives substantial subsidies from the central budget, members of focus groups, on the contrary, seemed

convinced that Ukraine is ‘robbing’ Crimea, taking away what is earned by local residents, and exploiting its resources (“Crimea is a milch cow for Ukraine”).

Thirdly, our findings show that interviewees and respondents from the Ukrainian group paid much more attention to the situation and problems of the Crimean Tatars (in terms of possible further developments in the ARC) than their Russian counterparts. Some of the latter group denied the very existence of a Crimean Tatar problem, preferring to state that “all of us are citizens of Ukraine, all are equal”. It is remarkable that most Russian leaders and ordinary focus groups participants alike did not acknowledge or consider there were any problems *faced by* Crimean Tatars, interpreting the question instead in terms of a problem *with* the Crimean Tatars, i.e., containing a potential or actual threat (to the ‘Russian World’ or Orthodox Christianity). In contrast to such views and perceptions, Ukrainians showed much more sympathy with and a deeper understanding of the Crimean Tatars’ problems, largely supporting their claims to be recognised as an indigenous people, and stressing the fact that this people has no other homeland but Crimea. Some of the Ukrainian interviewees and respondents proposed different scenarios for transforming Crimean autonomy into some form of Crimean Tatar autonomy, either territorial or cultural.

However, the young Ukrainian members of the focus-group in Sevastopol were more reserved in their views and voiced some concerns in relation to Crimean Tatars and the strengthening of the ‘Islamic factor’ in Crimea. Some of them are also disturbed by the potential negative impact on the future of the Ukrainian language in Crimea if the official status of the Crimean Tatar language is upgraded at republican level. These findings may indicate a certain lack of inter-generational discourse and continuity, although not enough information was obtained to confirm or disprove this hypothesis.

A positive trend revealed by the study was that quite a few experts and interviewees also expressed views in favour of a general decentralisation of Ukraine and granting more powers to administrative and self-government bodies at lower levels. Although they did not use the term ‘subsidiarity’, these visions of desirable changes are in fact in line with the principle of subsidiarity which is one of the basic principles within the EU, also supported and pursued by the Council of Europe.⁶³

On the issue of Crimean (pro-Russian) separatism, this already has the appearance of an historical relic.⁶⁴ Russian interviewees and respondents to the expert survey and ordinary Russians in the focus groups either hotly deny that they support (potential) secession/irredentism, or view the prospect of joining Russia as something unrealistic, improbable, and not even particularly attractive.⁶⁵ Nowadays, statements such as *“It is evident that the Crimeans already made their choice during the referendum of 1991, as is the fact that the constitution of 6th May 1992 was that of an independent sovereign state. It is obvious that the Russians of Crimea are an inalienable part*

⁶³ This principle means that decisions must always be taken at the lowest possible administrative and political level, and as close to the citizens as possible. The term ‘subsidiarity’ derives from the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level. See more at http://www.euo.dk/euo_en/spsv/all/61/ and http://www.europarl.europa.eu/factsheets/1_2_2_en.htm.

⁶⁴ Moreover, because of the UEFA EURO 2012 championship quite a few local cars decorated with Ukrainian national flags appeared in the streets of Crimea’s cities (for the first time in the entire period of Ukrainian independence). Personal observation; see also: “EURO 2012 allowed Crimeans to demonstrate openly their patriotism” (in Ukrainian) by Volodymyr Prytula, 24.06.2012, available at: <http://www.radiosvoboda.org/content/article/24617971.html>.

⁶⁵ The same trend is also revealed by some recent publications by Crimean authors that present the prospect of coming under the rule of a Russian neo-Empire in very bleak terms. See, for example, the anti-utopia ‘Enclosure’ (‘Volier’) by Ivan Ampilogov, Tavria Publishing House, Simferopol, 2011, 125 p.

of the Russian people... We need our own Motherland which is Russia” remain largely unheeded by all major stakeholders in Crimea, Ukraine, and abroad.⁶⁶

3. The Case of Åland Islands

The province of Åland, also known as the Åland Islands, has a special status in Finland as a demilitarised,⁶⁷ self-governing region. In recent decades, this case has attracted growing international, world-wide attention as a successful example of a peaceful settlement of a separatist/irredentist conflict and the highest standards in practice of protection of a specific minority. It should also be noted that this particularly impressive example of a peaceful settlement of an acute conflict has recently drawn increased attention due to new opportunities of resolving the Transnistria problem; according to the Finnish Ambassador to Romania, her country is ready to share this positive experience with all interested parties.⁶⁸ However, this particular experience is often regarded as unique for a number of reasons, and therefore, can serve as an *example* rather than a *model*.⁶⁹

A. A Brief History of the Åland Islands’ Autonomy

The Ålands and Finland were part of Sweden for 600 years, Sweden proper rather than a colony or special region, up to 1809 when the Russians took over the Ålands and the rest of Finland. Then in 1917, after the collapse of Russian Empire, Finland gained its independence and a strong movement appeared on the Ålands in favour of re-uniting with Sweden. 90% of the Ålands’ population signed a petition for re-unification in 1917 and then in 1919; responding to these developments, in 1920 the Parliament of Finland passed a law granting autonomy to Åland. After the Ålanders refused to accept it, the question of the Åland's status was submitted to the League of Nations.

The Council of the League of Nations decided in June 1921 to recognise Finnish sovereignty over the Ålands, subject, however, to guarantees of its autonomy and demilitarisation. Within a few days of this decision Finland agreed, through the Åland Islands Settlement between Finland and Sweden, to protect the language, culture and local traditions of the Ålands. The Settlement was confirmed by the Council of the League of Nations; demilitarisation has been an essential element of the settlement process. Such a solution served to increase stability not only in the Åland Islands, but also in the Baltic Sea region as a whole.

It should be noted that the Ålands’ autonomy is not only a “success story” in many respects, but also a dynamic process and an important illustration of a gradual, incremental approach to developing increasingly detailed solutions, widely discussed and thoroughly considered by stakeholders, to a number of specific issues. For example, the Act on the Autonomy of the Ålands, adopted first on 16th August 1991 (Act 1991/1144), was then amended on 31st December 1994 (Act 1994/1556), followed by the amendments of 12th July 1996 (1996/520), 28th January 2000

⁶⁶This is a quotation from Svyatoslav Kompaniyets, a founder of the ‘Sevastopol-Crimea-Russia’ unregistered movement. 9.04.2012, see more at <http://www.nr2.ru/authors/381652.html>.

⁶⁷ Demilitarisation was a result of the Treaty of Paris that ended the Crimean War in 1856. Demilitarised, neutral status was confirmed and extended in subsequent treaties, in particular the multilateral Åland Convention concluded in 1921 on the initiative of the League of Nations. See also: *The Ålands Islands. Autonomous demilitarized region* by Eriksson Susanne, Johansson Lars Ingmar & Sundback Barbro. Ålands fredsförening, Mariehamn, 1995.

⁶⁸ <http://www.nr2.ru/kishinev/327178.html>.

⁶⁹ The example of Åland: autonomy as a minority protector. By Susanne Eriksson, senior legal adviser, Åland Parliament, April 2007, available at: <http://finland.fi/Public/default.aspx?contentid=160122&nodeid=41800&culture=en-US>.

(2000/75), and 30th January 2004 (2004/68); in Swedish and also in Ålands författningssamling – 1991/71, 1995/6, 1996/59, 2000/38, and 2004/11.⁷⁰

The Autonomy Act stipulates that regional citizenship ('domicile') is a precondition for land ownership and carrying on businesses; this is reserved exclusively for persons permanently residing in the Ålands. Regional citizenship is also a prerequisite for eligibility to vote in local parliamentary elections. The province of the Åland Islands has also some influence over international agreements, although foreign policy is within the domain of the central government. For example, under the Act on the Autonomy of the Ålands, the consent of the Parliament of the Ålands is required for international agreements affecting the intrinsic powers of the province; this provision meant, in particular, that the Parliament's views had to be sought on whether to join the European Union along with Finland in 1995. The province participates also in Nordic Cooperation, which is a remarkable form of cross-border cooperation which enables the Nordic self-governing regions to participate more or less on the same terms as sovereign states.⁷¹

However, the level of self-government (autonomy) of the Åland Islands should not be overestimated. For example, the Delegation of Åland, which serves as an intermediary between the central government and that of the Ålands, supervises how provincial power is used when provincial legislation is passed. Supervisory powers are also held by the Supreme Court and, ultimately, the President of the Republic. The President of Finland may revoke a provincial act wholly or in part. This is possible if the Provincial Parliament is deemed to have exceeded its legislative powers or the act is deemed to concern the internal or external security of the nation. Certain topical questions relating to provincial legislation show that the demarcation of provincial powers is a complex issue. The Supreme Court is also the Supreme Court for the Ålands, and the President of the Republic can request a statement from the Supreme Court before taking her own decision.

B. Comments on the history of the Ålands and the current situation:

Ingrid Iremark, Consul of Sweden on Ålands: *"...the Swedes were prepared to take over – and they were even willing – to welcome the Ålanders back to the mother country, because "people should belong to where they wanted to belong"; if the Ålanders wanted to be Swedes – they should become Swedes and that was the attitude from the Swedes... However, there was then rather complicated political situation in Europe, so the decision was taken in 1921 in June – decision where nobody was really content: Swedes of course did not get Ålands; the Ålanders did not get their will, their wish to become Swedes; and Finns had to give Ålands autonomy and Ålands became demilitarised. And this is very interesting example of conflict solution where everybody got something and everybody lost something".*

Peter Lindbäck, the Governor of Åland, former Head of the Åland Government:

"...90 years ago Åland and the Ålanders wanted to be a part of Sweden. Today they are doing it – for the moment Åland is becoming more and more the part of Sweden: how is this possible – well this is possible because of the European Union..."

"...back 15-20 years... Ålanders felt frustration that Finland is not fulfilling all its obligations, especially concerning the language, then some of the Ålanders decided "let's solve the problem – let's become independent"... when I became the governor I examined what will happen with all the international agreements concerning Åland and what will happen with the economy of Åland if Åland goes independent – it will collapse. It will collapse because the whole system is built upon a

⁷⁰ Act on the Autonomy of the Ålands; unofficial translation published in October 2004.

⁷¹ <http://finland.fi/Public/default.aspx?contentid=160122&nodeid=41800&culture=en-US>.

quite strong mother country (Finland), fulfilling obligations against the Autonomy – that’s the only way for Ålanders to be able to be Ålanders...”

“...[Now, for] independence - some 5 or 6%, and I think that this will go down at the same time as the Ålanders are moving more and more towards Sweden”.

President of Finland Tarja Halonen (from a speech given at the Åland Islands Peace Institute on 1st November 2011):

“What is essential regarding calls for autonomy or independence is how the state protects the cultural identity of the population, as well as human rights, democracy and legal protection. The protection of various cultural identities reduces the pressure towards independence. These are constant topics at the international level. It is my understanding that Finland has been successful in protecting the culture and rights of the people of Åland. I am also confident that this will remain true in the future. According to the current Government Programme, the autonomy of Åland will be developed and fostered in cooperation with the Province of Åland”.

Some old and new problems

“...There are no schools, education, and media in Finnish. Actually, our policy is assimilation (even if we are not saying it openly)”. (Barbro Sundback Speaker of the Åland parliament, former Head of the Åland government, Leader of the Socialist Democratic Party, Co-Founder of the Åland Islands Peace Institute).

Brain-drain: *“...Most students of gymnasium leave to go to Sweden for higher education, and do not return. Here intellectuals are not popular, much more – business”...* (Barbro Sundback).

Tourism as a business is now declining, because: *“... Åland has become a bit too expensive, has not such a good infrastructure for tourism; this is a big topic of discussion here...”* (Ingrid Iremark, the Honorary Consul of Sweden on the Åland Islands).

‘Ålanders’ versus ‘Swedish-speaking Finns’

The populations of the Åland Islands and the Swedish-speaking Finns of mainland Finland do not consider themselves as belonging to one and the same community. However difficult it may be for an outsider to understand, the reasons for this evidently lie in the historical past, and are related to entirely different views on the future and destinies of these two groups:

“...after the World War I when the Empire of Russia fall into pieces, when the political leaders of Finland in Helsinki started to think: “should we make Finland an independent state?” then the Swedish-speaking population in Finland started to think: “if Finland becomes an independent state – how should we then secure the Swedish language in Finland? We should work for Finland to be two-languaged country to secure the Swedish language in Finland”. So the Swedish-speaking political leaders in mainland of Finland contacted political leaders in Åland asking: “should we make a common mission to secure the Swedish language?”

“...but the political leaders in Åland said: “no, you have your mission, your problem, your goal to work for – to try to secure the Swedish language if Finland becomes an independent state, but we are going back to Sweden, we are going to be reunited with Sweden..”

“... and from that day, I think, it’s easier for politicians in Åland to find understanding among the Finnish-speaking politicians in mainland than with the Swedish-speaking...”

“...in Åland, people think: how easily they give up... Those who are the Swedish-speakers in Finland look at the Ålanders and think: “oh, no, they are so militant, they are going too far... They try to find each other in different forms – Folktinget and so on, and to a certain limit it functions, but then it

collapses because there are historical or contentious reasons..." (Peter Lindbäck, the Governor of Åland)

C. Attitudes towards Åland Islands autonomy

Ålanders:

Participants of the focus groups conducted in Mariehamn, the capital of Åland Province, seemed quite satisfied with how things are going on. The pro-independent movement has become virtually superfluous with the consolidation of the European Union, the de facto disappearance of borders or any other obstacles to contact between people within the Schengen area, and the ties between Swedes and Ålanders becoming closer and increasingly unrestricted.

As regards the members of the small Finnish-speaking community of Ålanders, they are in fact not inclined to fight for their linguistic and cultural rights that are not observed or protected, explaining that this is their own choice (mostly in relation to marriages), and they are content with keeping their Finnish identity alive within their families and satisfy their need for social and cultural communication with like-minded people through their own initiatives rather than relying on a set of formal rules or institutions:

"There is a small Finnish-speaking club organised by mothers with children about 5 years ago; it was established by bilingual couples who want to support Finnish language; then there is singing club, where kids go to sing Finnish songs and this music club wanted to join with the first club, and of course in those clubs we speak Finnish, we communicate in Finnish.

...There is a little help from the Marienham, and of course we pay our small membership fee, and also there is some money coming from the Finnish church. It's usually within the church territory; they give us this separate building to use for free. And for example, in two weeks we'll have activities in the museum – children movies in Finnish will be shown and we are renting the museum".

(Housewife-1, female)

"...our family is half-Ålandian, half-Finnish – I don't want to have the Finnish group, I want to have open society where people are allowed to talk their own language, and our children shouldn't feel they are either Finnish or Ålandian; we want to try to go these groups, they sing Finnish songs – the church is the best institution here in terms of language – also when the atmosphere was very negative – they always kept the Finnish group, our wedding, when we baptised our children – all these things were bilingual, because we have families who are coming and the church - it accepted. But as it has been now – we have always been singing and the priest is talking both Swedish and Finnish; maybe there is some idea in the bilingual thing – I mean it's good for all the guests who are coming from far away. But when our children went to the singing group – they didn't like the music and the songs too much – it was more important for them than the language, so they wanted to go to these Swedish songs because they had better songs, and somehow I think that kind of thing is valuable – you shouldn't make everything to a language problem – music is music".

(Housewife-2, female)

The response to the question: "Are there any other initiatives, perhaps public activities by Finnish speakers to protect the Finnish language in some way, for instance at municipal level or on a higher level? Is any active work on this going on? Is there perhaps any attempt to create a political party?" given by the Finnish-speaking Ålander members of the focus group was negative:

“No, absolutely not, indeed, because it’s against the Autonomy Act. The crucial point is that it’s illegal, it’s against the law, and here on Åland they are afraid of the Finnish language threat and that’s why they are protecting [themselves] against it”.

(Employee, male)

“It’s not important for me on political level, it’s more important for me on personal level to talk with my children or to bring them up with the language. I do my best and I can express myself best – so it’s personal, not political. And I think it’s a common phenomenon with people who live as minority somewhere because they are not able to express themselves with their mother tongue, so other things emerge – to express they do maybe arts, or they express themselves in some other ways”.

(Nurse, female)

In general, their attitude towards Åland autonomy is quite positive:

“... [People here] are a kind of independent and happy – they have more holidays and celebrations than Finns and maybe that’s why they have this relationship with their family – they are independent within their families”.

(Housewife-3, female)

There were a few more critical comments such as:

“... When you move from Finland – you do feel yourself Ålandian but inside you are still Finnish, though it’s not a problem for me at all. Sometimes it feels that the society could be more open for the newcomers”.

(Housewife-2, female)

“...people living here on islands, they become more isolated... between the Swedes and Finns there are more connections than between Finns and Ålanders”.

(Clerk, female)

“... Now the political Åland wants to make a rule that the priests don’t have to know the Finnish language; it’s Ok, they want the priests from Sweden to come and work here – that’s Ok, [but] the hidden agenda is that then suddenly the church is also one language”.

(Housewife-1, female)

Mainland Finns:

With respect to the attitudes of residents of mainland Finland towards Åland autonomy, it is largely seen as a matter of fact, something so firmly entrenched and well functioning that there is no need for public debates or discussions on the matter. As one member of the survey of expert opinion noted,

1. *“I don’t have any strong opinion on that. Perhaps, changes in the situation are not very likely”.*

Another simply stated that:

2. *“I have nothing against it”.*

One of the respondents praised it highly:

3. *“I think the Åland Islands autonomy is a brilliant example of how to solve this kind of problems. In spite of minor problems it has been working well for all these years, and above all it has made Åland a loyal part of Finland. If you treat minorities well they will usually respond with loyalty to the country which they belong to. The future of the Åland autonomy looks bright. The region has the lowest level of unemployment in Finland”.*

However, there were also some more critical comments, such as:

4. *“...the prospects of the Åland islands have been discussed ever since the 1920’s, when they gained their autonomy. I don’t know about the future of that province, it doesn’t interest me very greatly. I don’t mind if they live on their own island and speak Swedish and so on. What is problematic is that their very high level of welfare is built on our taxpayers’ money...Most people would say this is slightly unfair. Their standard of living is higher than the average standard of living on the mainland Finland. And this is because of the huge transfers of money from here to the island”.*

“...and it is also problematic that Finns do not have any kind of rights on the island. They do not have right to education on their own language; or even a kindergarten on their own language...”

5. *“I have spent some time on the Åland Islands. According to them, they prefer to go rather to Sweden than to Finland, but receive money from Finland. Their status is profitable”.*

D. Discussion of results

The data obtained during the research mission to Helsinki and the Åland Islands not only substantially extended our awareness of the actual nature and essence of this particular self-governing autonomy, but also provided unique, ‘first-hand’ information on how it is seen ‘from inside’ by both mainland Finns and Ålanders themselves. The extreme openness and willingness to provide responses to all kinds of questions demonstrated by a number of major stakeholders at Mariehamn, have helped to reveal not only the obvious achievements of this effectively functioning autonomy, but also the problems faced by the province.

For example, the Finnish-speaking Finns – *de facto* a ‘minority within a minority’ (also called an ‘internal minority’) – are practically devoid of any educational and cultural rights⁷² and because of this, the central and regional governments’ policies often attract criticism from Council of Europe monitoring bodies. This situation does not therefore seem especially attractive or useful with regard to the case of Crimea. There, the local Ukrainian community is struggling to achieve this very status, and take advantage of all of the CoE instruments aimed at protecting the rights of national minorities. In this context, what was interesting and to some extent unexpected was the fact that focus group members from the Finnish-speaking minority turned out to be not at all interested in making efforts to enhance their cultural rights, accepting instead the existing situation as a matter of fact. They seemed conscious that moving to the Ålands was their own personal choice (usually determined by private, family reasons), and preferred to preserve their linguistic and cultural identity at the level of individuals and small groups of like-minded people, without resorting to political means.

Also quite interesting was the general acceptance of the established ‘rules of the game’ concerning financial and budget relations between mainland Finland and the Åland autonomous

⁷² As Barbro Sundback, Speaker of the Ålands parliament, has admitted, “Actually, our policy is assimilation (even if we are not saying it openly)”.

province. Despite some grudging remarks (made by the interviewees and participants in the survey of expert opinion) about essential subsidies allocated from the central budget, on which well-being of Ålands and Ålanders is based, this norm seems never be questioned or demands made for it to be revised or downgraded by any faction of the national parliament. This may be evidence that preserving stable, friendly, and reliable relations between the Centre and its Autonomy may sometimes be costly, but is evidently worth sustaining.

The 'dynamic nature' of the Åland Islands Autonomy seems quite relevant to the case of Crimea. The ongoing process of drafting further regulations in all spheres of the mutual relationship between the central and provincial governments and their respective competencies clearly shows that once adopted, legal norms and practices require further adjustment to reflect changing realities.⁷³ It would therefore be useful for Ukrainian law-makers and the republican government to familiarise themselves with these processes and proceedings and engage in further dialogue in order to find mutually acceptable solutions to a number of existing problems rather than regarding the status of the ARC as something decided upon once and forever.

What was also important to hear from quite a range of interlocutors from both mainland Finland and the Åland Islands was their high appreciation of the role of the European Union in removing practically all barriers that complicated people-to-people contacts between neighbouring European countries, in particular between Finland and Sweden. Of course, long-standing friendly and close relations between these two states have largely contributed to harmonising intra- and interstate policies. Also important was and is the deeply entrenched and effectively functioning Nordic Cooperation that actually preceded the subsequent developments within the EU as a whole, including the establishment of the Schengen area.

These developments have clearly made any previous ideas of separation from Finland pointless. This is reflected in the significant decline in support for them among the population of the Åland Islands. Recalling the words of Peter Lindbäck, the Governor of the Ålands, there are now only some 5 or 6% in favour of independence, and he believes that these figures will decrease as the Ålanders move closer and closer to Sweden. He also noted that when becoming Governor, he analysed, in particular, what would happen with the Ålands' economy in the event of independence, and concluded that it would simply collapse.

The positive processes in gradually overcoming secessionist trends through national efforts and the development of the EU are not, however, without some disadvantages. Among these is a 'brain-drain' because of the increasing number of college graduates going to Sweden for higher education, and rather unclear prospects that they will return. This may also negatively affect the demographic situation of the Åland Islands, leading to an ageing of its population. There are also some problems in the tourist sector which is losing its attractiveness because of high prices and inadequate infrastructure.

4. General Discussion and Conclusions

⁷³According to Tarja Halonen, then President of Finland, the current Government [of Finland] Programme has been aimed at developing and fostering the autonomy of Åland in cooperation with the Province of Åland. (From a Speech at the Åland Islands Peace Institute, 1st November 2011; the text has been kindly provided by the Foreign Ministry of Finland).

A comparison of the results obtained during the research studies conducted in Crimea and Finland shows that both the legal and institutional arrangements defining the functioning of the Autonomous Republic of Crimea, on the one hand, and the Åland Islands Autonomy on the other, in fact reflect the differences in political and even ideological approaches towards the issue of territorial autonomy itself (as a means of accommodating specific needs and demands of the respective minority/minorities) that exist between Western European countries and those of the CEE. This issue has already been widely discussed in numerous publications.

At the same time, the research confirmed the special situation of the ARC and its unprecedented nature as an ‘autonomy for nobody’, ‘autonomy for territory’ but not for any ethnic or linguistic group, either the local majority or minority. Although it is often implicitly assumed that the ARC was established from the start as *de facto* autonomy for Russians and Russian-speakers (to appease and satisfy the local majority which was prone to separatism/irredentism and their supporters abroad),⁷⁴ to recognise it openly as such, while ignoring the well-founded claims of the indigenous Crimean Tatars and neglecting the cultural and political rights of the Ukrainian ‘minority within a minority’ would have (and would also in the future) lead to a sharp destabilisation of the general situation in the peninsula, an increase in interethnic and central-republican political tensions, and the escalation of all kinds of potential conflict.

All stakeholders therefore prefer instead to preserve the *status quo*, rather than taking any decisive action to change Crimea’s formal or *de facto* status. This explains why this particular case has so far been impossible to categorise in terms of the autonomies used in Europe to accommodate minority claims, interests, and needs.

Even regarding the Stefan Wolff’s wise suggestion that a ‘multiple asymmetric federacy arrangement’ is the most appropriate solution applicable whenever central governments are reluctant to federalise the country as a whole,⁷⁵ Crimea still fails to fit within the scheme even though it is included by the author in the list of such ‘asymmetric federacies’, because in all other cases, autonomies have been designed for a certain ethnic or cultural group(s). Explaining the meaning of the term, Wolff noted that: “A *federacy arrangement constitutionally entrenches extensive self-rule for specific entities. It does not necessitate territorial sub-divisions across the entire state territory. In other words, federacy arrangements are a feature of otherwise unitary states. Examples include the Åland Islands (Finland) and South Tyrol (Italy), as well as Gagauzia (Moldova) and Crimea (Ukraine). They can apply to multiple entities in an existing state which need not have the same status or identical level of competences. For example, Italy has five regions with different special autonomy statutes, while in Denmark, such an asymmetric state of affairs applies to Greenland and the Faroe Islands.”⁷⁶*

In this respect, the Åland Islands autonomy can be regarded as a kind of a political-territorial arrangement that provides the highest level of protection for only one, regionally dominant, group (Swedish-speaking ‘Ålanders’), whereas the South Tyrol case, designed initially to safeguard the linguistic and all other rights of local majority population, the German-speaking South Tyrolese,

⁷⁴ This vision was shared by the main stakeholders and leaders of public opinion – interviewees and respondents to the expert opinion poll – as well as by members of different focus groups.

⁷⁵ “Towards a Settlement of the Transnistria Conflict?” by Stefan Wolff. Presentation to the workshop on 11 May 2012.

⁷⁶ Ibid.

turned eventually into a kind of ‘autonomy for all’, meaning, first of all, the three main linguistic groups but also, other residents of the province.⁷⁷

The differences between the West and East mentioned earlier do not preclude certain experience of autonomies-related legal or institutional approaches practised in Western Europe (and Finland in particular) from being applicable in Crimea. Quite the contrary: the actual mechanisms of power-sharing between central and regional authorities, the ‘dynamic nature’ of the autonomy regime that requires constant dialogue and the resultant redrafting of laws and regulations defining specific details of the distribution of competences and relations between the different power bodies such as exist between mainland Finland and those of the Åland Islands, and a significant number of other effectively functioning mechanisms should not only be given full consideration by the authorities of the ARC and Kyiv, but could indeed serve as concrete examples for them to draw upon when drafting further proposals and recommendations.⁷⁸

Such a ‘fresh view’ and modernised approach, enriched by international experience of ‘good practices’, is needed for the situation within the ARC and in its relations with the central authorities to improve. This is especially the case since, as our findings have shown, the current status and actual state of affairs appear to satisfy nobody within Crimea and are also viewed by many actors, including those of civil society, in the rest of Ukraine as rather odd and unappealing.

However, despite all the differences, Finland and Ukraine already share at least one extremely important common denominator that means it would be quite natural for the Finnish experience to be considered particularly carefully. Both states have managed to overcome acute secessionist conflicts peacefully, without violence, bloodshed or military action, precisely by establishing territorial autonomy for the disputed regions. Other important lessons for Ukraine from Finnish historical experience relate in particular to the turbulent events of the 20th century⁷⁹ and also should not be overlooked (although this topic is beyond the scope of this study).

Of no less importance and relevance for Crimea would be a more detailed analysis of the case of South Tyrol, where not one but three linguistic and cultural groups feel equally comfortable and have moved on since the acute differences and even rebellious aspects that characterised the province in the 1950s and 1960s. The way in which the mother-tongue education system functions and the mechanisms and practices that ensure proportional representation of members of the main groups in the legislative and executive chambers is worth examining more closely in terms of their applicability to Crimea.

Last but not least, the data collected in Crimea revealed a relatively poor understanding of the issue of territorial autonomy and autonomies in general (as a means of accommodating minorities’ claims), not only on the part of the ordinary people in focus groups but also by quite a few experts and politicians, who often expressed their conviction that any specific provisions targeting ethnic, linguistic, or religious groups are out of the question in the Autonomous Republic of Crimea, and emphasised their firm belief that democratic and viable autonomy is one in which ‘all residents are equal and should enjoy equal rights’.

⁷⁷ “The South Tyrol Autonomy: A Short Introduction” by Antony Alcock. University of Ulster, Northern Ireland, County Londonderry, Bozen/Bolzano, May 2001, available at <http://www.provinz.bz.it/en/downloads/South-Tyrol-Autonomy.pdf>.

⁷⁸ See also: “Finland: Experience of Territorial autonomy of Åland Islands and National-Cultural Autonomy of Indigenous Sami People” by Natalya Belitser (in Ukrainian). *Suchasnist*, 2002, # 7-8.

⁷⁹ See “Finnish receipts of multinational cuisine” by Natalya Belitser (in Ukrainian). “Dzerkalo Tyzhnya” Weekly, # 3rd, 27th January 2012. Available at: http://dt.ua/POLITICS/finski_retsepti_bagatonatsionalnoyi_kuhni-96389.html.

It thus appears that the 'equality for all' standard imposed on Soviet society under the former totalitarian regime is still alive and well entrenched in people's minds. In fact, in a curious way it has mutated easily into the 'purely liberal' paradigm inherent in majoritarian ('Westminster-type') democracy. As a result, any policies and measures that single out minority group(s) are perceived as not fully legitimate but as unfair 'privileges' that violate the rights of others and the very foundations of democratic rule. This makes implementing 'affirmative action' mechanisms and regulations aimed at supporting the most vulnerable groups, or introducing some elements of 'consociational democracy' an extremely difficult political task.

In addition, the above terms and the concepts associated with them remain largely unknown to Ukrainian lawmakers and leading politicians. They are therefore practically absent from the political and public discourse. The same applies to modern notions of national security in which minority groups are accorded more rights rather than continued to be viewed as a source of actual or potential threats to state sovereignty and/or territorial integrity.

No previous government of Ukraine and ARC has been willing to risk its electoral prospects by addressing these sensitive and delicate issues. There is virtually no chance of the incumbent government suddenly deciding to behave otherwise, at least not until after the parliamentary elections scheduled for 28st October 2012. However, more 'fertile ground' and a benevolent atmosphere could be created well before there is any possibility of a legal or political initiative leading to amendments to the Constitution of the ARC and the appropriate legislation of Ukraine. For this purpose, a set of recommendations for the republican and national authorities should be developed by the expert community, including those comprising a 'core group' of the Crimea Policy Dialogue Project. Being equipped with the appropriate knowledge of experience accumulated by other European countries, they should share this with and present it to the authorities as well as various civil society actors; this would also have the 'added value' of contributing to the process of the internal 'Europeanisation' of Ukraine.

The Crimean Policy Dialogue Project could become the optimal platform for pursuing and fulfilling these objectives.

For more about Crimea Policy Dialogue Project please visit www.patrir.ro/crimea

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