Conflict Prevention in Crimea
A Simulation Exercise

United States Institute of Peace

©May 2003

Introduction

You are playing the role of national delegates or members of the Secretariat at a meeting of the Permanent Council (PC) of the OSCE taking place in Vienna in April 1995. The Permanent Council is responsible for making decisions at the highest political levels between annual meetings at either the Ministerial or Head of State level, and all 55 countries (except the Federal Republic of Yugoslavia, which was then suspended from participation) are represented at the ambassadorial level. The PC receives regular reports from the OSCE's High Commissioner on National Minorities, which may provide "early warning" of possible crises. The PC may decide to send fact-finding missions to investigate dangerous situations, and it may authorize by consensus the establishment of Missions of Long-Term Duration under the OSCE Conflict Prevention mandate to be sent to states where the risk of conflict that might threaten international peace and security is high. It may also receive recommendations from these mechanisms on how to respond to crises.

Below is a description of the situation in Crimea as it appeared to participating states of the OSCE PC in late April 1995. Although the factual background is brief and your knowledge of the interests of individual OSCE member states may be less than complete, we ask you to do the best possible job of considering options for OSCE action given the information available to you.

We do not want you to repeat or copy the decisions actually taken by the OSCE in responding to this crisis. In fact, we hope that you will feel free to think creatively of

options that may not have been considered by the OSCE participating states at the time. We only ask that you limit yourself to recommendations that might have realistically stood a good chance of being considered seriously by the participating states in 1995. In the debriefing period, we will discuss your responses to this crisis, and consider how and why your responses may have differed from the one actually taken by the OSCE. However, in the simulation we do not expect you to be bound by the actual historical record, except insofar as your actions should be consistent with the situation in Crimea as presented below.

A Brief Historical Background to the Crimean Conflict Prior to April 1995:

Crimea is located on a peninsula extending into the Black Sea near the present-day border between Ukraine and the Russian Federation; in 1990 it had a population of about 2.5 million people. It was originally the homeland of the Crimean Tatars, who were deported to Central Asia in 1944 by Stalin for allegedly collaborating with the Nazi forces that had occupied Crimea earlier in the war. The Crimean Tatars thus presently claim a status as an "indigenous people" of Crimea. Crimea was conquered by Russia under Catherine the Great in 1783, ending a long period of control by the Ottoman Empire. It remained part of Russia, and of the Russian Republic within the Soviet Union, until 1954 when Khrushchev gave it to Ukraine as a gift. It subsequently retained the status of an oblast (autonomous region) but within the Ukrainian Soviet Socialist Republic (UkrSSR). In fact, this transfer had little, if any, real impact on its residents at that time.

The Ukrainian SSR declared sovereignty but not formal independence in July 1990, prior to the breakup of the Soviet Union. In response, a referendum was held in Crimea in January 1991 that indicated an overwhelming desire (93% of those who voted) to create an autonomous republic within the Soviet Union outside of Ukraine. Attitudes differed at that time about whether Crimea should be a truly independent state or an

autonomous region within the Russian Federation, but there was a general consensus that it should separate from Ukraine. In the last days of the Soviet Union, the Supreme Soviet of the Ukrainian Soviet Socialist Republic granted Crimea's request to become an autonomous republic within the UkrSSR, and this was entered into the Crimean constitution on June 6, 1991. At this late date Ukraine's leaders apparently did not foresee the sudden collapse of the Soviet Union or the consequences of an autonomous Crimea within an independent Ukraine. However, in December 1991 Presidents Yeltsin of Russia, Kravchuk of Ukraine, and Shushkevich of Belarus met and dissolved the USSR and replaced it by the Commonwealth of Independent States (CIS). In effect, all 15 of the Union Republics, the highest administrative subdivision within the USSR, became independent and sovereign states, and all other administrative entities and even autonomous regions became subject to the jurisdiction of the state in which they found themselves. Thus the oblast of Crimea, with a population composed of about 70% ethnic Russians, suddenly found itself to be within the jurisdiction of an independent and sovereign Ukraine. Russians who had identified with the powerful majority of the former Soviet Union suddenly found themselves to be a minority within a new state with which they had little or no sense of identification.

The crisis in relations between a newly independent Ukraine and Crimea developed in several stages. A citizens' movement of ethnic Russians opposed to Crimea's status as part of an independent Ukraine began to organize in the spring of 1992. Fuel was added to the fire when the Russian Supreme Soviet adopted a resolution shortly thereafter proclaiming that the transfer of Crimea to Ukraine in 1954 lacked legal force. At first Ukraine's leadership reacted moderately, and they agreed to grant Crimea full political autonomy without territorial separation and more economic rights. However, Crimeans began to press for even greater concessions from Ukraine, which in turn caused Ukrainian nationalists to insist that Crimea be recognized an integral part of Ukraine.

On May 5, 1992, Crimea adopted an Act of State Independence and on the following day a constitution proclaiming the Republic of Crimea as a sovereign state. A referendum was called for August 1992 to ratify the declaration of independence. The Supreme Council of Crimea proposed to negotiate treaty arrangements with Ukraine on an equal footing. One week later the Ukrainian Rada (Parliament) ordered the Crimean declaration annulled within two weeks. In June, the Ukrainian Parliament passed a new law delineating the division of power between Ukraine and Crimea, and Crimea's leaders agreed in return to drop the referendum on independence. This deal ended the immediate crisis, but the issue continued to simmer within Crimea.

Furthermore, the situation in Crimea was complicated by a dispute between Russia and Ukraine over the status of the Black Sea Fleet based in Crimea and the port city of Sevastopol, headquarters of the fleet. After the break up of the Soviet Union, both Russia and Ukraine claimed possession of the fleet, the pride of the former Soviet navy. Although substantial tensions arose between the two states over this issue, they sought to resolve the conflict largely through a series of bilateral negotiations, which had little direct bearing on the issue of the ultimate political status of Crimea. Eventually, the fleet was divided, and Ukraine "sold" some of its share of the aging fleet to Russia in exchange for the forgiveness of debts accumulated by Ukraine, primarily for energy imports from Russia. Sevastopol, headquarters of the fleet, had been administered by Moscow in the past and was not considered to be part of the autonomous Crimean region in Soviet times. Therefore, it was often proclaimed to be a Russian city by nationalistic elements in the Russian State Duma (Parliament), especially by follows of Vladimir Zhirinovsky whose party had made significant gains in the December 1993 parliamentary elections in Russia, as well as by Moscow's Mayor Yuri Lushkov. By contrast, the government in Kiev considered it to be under Ukrainian authority but outside of the formal jurisdiction of Crimea, and they attempted to confer upon it a special status in relation to Kiev similar to the relationship it had held with Moscow during Soviet times.

Further complicating the situation was the return of approximately 250,000 Crimean Tatars approved by Mikhail Gorbachev in 1989. The Tatars are predominantly Islamic and speak a Turkic language. Most returnees have encountered great difficulty in finding jobs and housing and their economic problems have not contributed to their peaceful integration into Crimean society. The Tatars have sought effective participation through guaranteed proportional representation in political bodies, the restoration of their language and culture throughout the region, rights to certain lands, and functional autonomy on a number of issues such as education and social affairs.

President Kravchuk of Ukraine appointed a special representative to Crimea to pursue negotiations at the local level as early as January 1993. In July 1993, however, the Russian State Duma complicated the situation by declaring Crimea to be part of the Russian Federation. However, this claim was never supported by the Yeltsin government in Russia, which always accepted the principle of the territorial integrity of Ukraine. This was confirmed in the tripartite treaty among Ukraine, Russia, and the United States concerning Ukrainian participation in strategic arms control and its renunciation of nuclear weapons. At the same time, President Kravchuk interfered in Crimea politics by supporting a former colleague from the Soviet era, Mykols Bahrov, former first secretary of the Crimean Communist Party, in the campaign for President of Crimea. However, in the elections held in January 1994, Yuri Meshkov, a nationalistic Russian who headed the "Rossiya" bloc that advocated unification of Crimea with Russia, was elected as the first president of Crimea with 73% of the vote. Reports of possible intervention by armed Russian Cossacks in support of the outcome of the elections circulated throughout Crimea. Upon assuming office, Meshkov set out on a confrontational path, and the Crimean Parliament reconstituted once again those sections of the 1992 constitution that maintained that Crimea was not an integral part of Ukraine and that recognized Crimean as distinct from Ukrainian citizenship.

The Conference for Security and Cooperation in Europe (as the OSCE was called prior to 1995) first became involved in Crimea in late 1993, when the High Commissioner on National Minorities (HCNM) opened contacts with Ukrainian authorities regarding the status of ethnic Russian populations in various parts of Ukraine. HCNM Ambassador Max van der Stoel paid his first visit to the region in February 1994, followed up by a visit to Donetsk in the Donbass region of Eastern Ukraine and to Simferopol, capital of Crimea, in May 1994. On May 15, 1994, he addressed a letter to Ukrainian Foreign Minister Anatoly Zlenko, in which he recommended a settlement based on principles which would "reaffirm the need to maintain the territorial integrity of Ukraine, but which, on the other hand, would contain a complete program of steps to solve various issues concerning the implementation of the formula of substantial autonomy for Crimea, especially in the economic field." Zlenko replied on June 7, agreeing to most of van der Stoel's recommendations, but he also noted that the May 20 decision by the Crimean parliament violated the Ukrainian constitution. He stated bluntly: "This illegal decision provoked by the irresponsible policy of the present leadership of the Crimea and aimed at undermining the constitutional order of Ukraine and its territorial integrity cannot be qualified other than an obvious attempt by separatist forces to put the internal political stability of Ukraine at risk and provoke tension in the relations between Ukraine and Russia."

In part on the basis of the report of the High Commissioner to the CSCE's Committee of Senior Officials in Prague, the CSCE created a Mission of Long Duration to Ukraine, with a special focus on the problems of Crimea in August 1994. This mission arrived in November 1994, had its headquarters in Kiev and a regional office in Simferopol, the capital of Crimea. The mission was headed by a Swiss diplomat, and staffed with a Polish deputy and four other professional members "seconded" by OSCE participating state countries. A German diplomat headed the branch office in Simferopol..

In September 1994, Crimean President Meshkov began to issue a series of unilateral declarations, abolishing the Supreme Council of Crimea as well as local councils. However, the Presidium of the Supreme Council declared that Meshkov's actions violated the laws of both Crimea and Ukraine. President Kuchma of Ukraine also stepped in and told both Meshkov and Sergei Tsekov, chair of the Supreme Council, that he would "not allow the use of force to settle the conflict between the branches of government in Crimea." He ordered his deputy Prime Minister Marchuk to go to Crimea to mediate in negotiations between the Crimean president and parliament. The Ukrainian Rada (Parliament) simultaneously passed a law giving Crimea only until November 1 to bring its constitution fully in line with the Ukrainian constitution. In early 1995, the Supreme Council of Crimea ratcheted up its defiance by declaring that the state property of Ukraine in Crimea belonged to Crimea and by threatening to hold a referendum on independence during the April 1995 municipal elections. The Ukrainian Rada, in response, tried to dismantle Crimean autonomy altogether. On March 17, 1995, it annulled the 1992 Crimean constitution, abolished the Crimean presidency, its law on the constitutional court, and its election laws, while also bringing criminal charges against President Meshkov. President Kuchma also decreed that the Crimean government was to be fully subordinated to the Ukrainian government. In response, Sergei Tsekov, speaker of the Crimean parliament, called on the OSCE to make a legal assessment of the decisions taken by the Ukrainian parliament in the light of international law.

The OSCE mission began intensive consultations with Ukrainian officials, and a meeting of OSCE ambassadors was also held at the Hungarian Embassy in Kiev. On this basis, the OSCE concluded that Ukrainian authorities had acted within their constitutional authority, and Crimean separatists had provoked many decisions taken by the Rada. They noted that Ukraine had refrained from taking the most radical steps favored by some politicians in Kiev, so that Crimean autonomy remained intact, even though the central government had substantially increased its veto power over decisions taken by the

regional authority. On the other hand, they deplored the cancellation of the Crimean local election laws, which had guaranteed multi-party representation, especially for Tatars and other minorities, far more effectively than the Ukrainian election laws. They also expressed their concern that the actions of the Rada had provoked an escalation of tensions and the possible radicalization of Crimean Russians.

The OSCE Head of Mission, Andreas Kohlschütter, warned against the dangerous consequences that could ensue if external parties were to interfere in the situation, presumably referring to the possible support by politicians and military authorities in the Russian Federation for the Russian community in Crimea. He argued for a major effort by the OSCE to promote dialogue and to introduce a voice of "moderation and compromise into the decision-making process on all sides," which constituted the essence of "quiet and preventive diplomacy," which he urged OSCE member states to support also through their bilateral contacts with all parties involved in this conflict.

The Simulation Exercise:

Your Assignment: Day One

By April 1995, both the OSCE Mission in Ukraine and the High Commissioner on National Minorities had provided "early warning" to the OSCE Permanent Council of a brewing crisis over Crimea. At this point, the simulation exercise asks you to put yourself in Vienna in April 1995. The Permanent Council has been called into extraordinary session to decide how best to respond to this situation, and you have been asked to participate in this session.

The general position of the OSCE, following the Helsinki Principles of 1975, is to favor "self-determination of peoples" while preserving the "territorial integrity of states." In practice, this has generally translated into an OSCE preference for substantial autonomy for ethnically distinct regions within the formal territorial boundaries of the member states. Precise implementation of this principle may vary from case to case, however, and in principle is a subject for negotiation.

In this situation, it may be assumed that this general principle is supported by most participating states, which wish to preserve the stability of the existing international order while averting secessionist violence. Certainly the principle is supported strongly by the United States, the European Union countries, and most other Western and Central European members of the OSCE. In this specific case, the Ukrainian government, especially members of the Rada, wishes to minimize Crimean autonomy, whereas Russia supported by Belarus wishes to maximize this autonomy. Support for outright independence is strong among Crimean representatives, supported by representatives of the Russian State Duma and some elements within the Russian armed forces, especially in the naval forces. Russian and Ukrainian positions also differ, as noted above, on the division of the Black Sea Fleet and on the status of the city of Sevastopol.

The Head of the OSCE Mission in Ukraine and the High Commissioner on National Minorities are also deeply concerned about the status and economic conditions

of an increasing population of some 300,000 returning Crimean Tatars, though their plight is far down on the agenda of most other parties with the partial exception of the European Union states. However, Ukrainian leaders have been seeking the support of the Crimean Tatars, largely for tactical reasons, because they were generally badly treated by the Russian majority in Crimea (who fear the Tatars might eventually undercut the Russian majority in the peninsula).

This is a two-part exercise. The first part takes place today and the second part will take place on Friday. **The object today is to analyze the conflict in Crimea based on the information above. Evaluate the nature of the conflict in order to understand what openings might exist for the OSCE to intervene and how its interventions, if any, might be effective in preventing violent conflict and moving the dispute towards resolution**.

Crimea Simulation Part 2

The object of the exercise is to produce a document that represents a consensus of the voting members of the Permanent Council about how the OSCE should deal with the crisis in Crimea.

During the first part of this exercise, you analyzed the situation in Crimea. Your task today will be to consider this information, and as the representative of an OSCE country or Secretariat official, discuss with your colleagues on the PC an appropriate response that might receive consensus support from all participating states, *including those most directly affected by this crisis.* You will have to formulate recommendations for how the OSCE may play a constructive role. These recommendations should then be reflected in a written document. This document should consider the following issues, although you should not feel limited to the options mentioned:

A) Issues to be decided:

1) Political/legal status of Crimea in relation to Ukraine
2) Division and future basing rights of the Black Sea Fleet
3) Status of the city of Sevastopol in relation to Russia, Ukraine, and Crimea
4) Rights of the Crimean Tartars

B) Possible instruments to employ:

1) No intervention; let the parties handle the dispute themselves.
2) Activate the High Commissioner on National Minorities to provide "good offices" to assist the parties.
3) Instruct the OSCE Mission in Ukraine to take up active mediation.

4) Send a delegation of high-level OSCE officials to deal with the crisis headed by the Chairman-in-Office.

5) Call for formal, binding arbitration by the OSCE Court of Conciliation and Arbitration in Geneva

6) Call for outside assistance, such as:

a) Turn the issue over to the UN

b) Ask the Commonwealth of Independent States to manage the crisis

c) Bring in the European Union and/or the Council of Europe as a third party

d) Call upon an individual state to assume a third party role

e) Invite a non-governmental organization to engage in Track II efforts at conflict prevention

7) Other specific modalities for conflict prevention that you wish to recommend

C) Possible recommendations regarding the first, and primary issue:

1) Grant independence to Crimea under specified conditions

2) Grant some degree of autonomy to Crimea within the formal structures of Ukraine

3) Establish a "power sharing" relationship between central authorities in Kiev and regional authorities in Simferopol

4) Preserve the maximum authority of the Ukrainian central government over Crimea to prevent renewal of secessionist activity

5) Other arrangements

D) Identify and evaluate options regarding the three other issues in the dispute.

E) Possible levers to influence the outcome:

1) Apply diplomatic pressure on relevant parties
2) Impose economic sanctions on specified parties
3) Offer peacekeeping or other military/police assistance to the parties
4) Focus on inducements, such as economic aid, trade, etc. for the parties
5) Establish confidence-building measures to improve trust between the parties prior to attempting to achieve a political settlement.
6) Provide passive third party assistance, specifically ruling out any influence or any form of direct or indirect coercion being exerted by the "international community."
7) Provide active third party mediation designed to change attitudes, and preferences, and to propose new solutions not necessarily thought of by the parties to the dispute
8) Any other suggestions you want to make.

Instructions:

The exercise will last four hours. When (and if) you have reached an agreement, please write down the terms on paper, and all voting parties should initial the agreement (indicating as well the role you are playing) in order to indicate agreement to the provisions. Do the best job you can within the time available and limited information about the case and the context in which it takes place. The purpose of this exercise is not to solve the actual Crimean conflict, but to think creatively about ways in which a regional security organization can engage in preventive diplomacy, negotiate within a multilateral context, assist disputing parties

to avert escalation of their conflicts into violence, and to promote more peaceful relations within and among neighboring states and regions.

In your final document, include the following:

1) A plan of action for the OSCE

2) Recommendations to the parties to the conflict to serve as options to resolve their disputes politically without resorting to violence.

During the debriefing, we will discuss how you responded to this simulation and seek lessons from it about multilateral diplomacy and the conduct of preventive diplomacy.

© United States Institute of Peace 2003

Crimea Simulation Part 2. Roles

The Permanent Council will include for this exercise the following roles:

OSCE Secretariat (non-voting)

1) Chairman-in-Office, the Foreign Minister of Hungary; Chair of the Permanent Council (and presiding officer); Head of Troika.
2) High Commissioner on National Minorities

Ukraine

3) Ambassador

Crimea (non-voting observer)

4) Representative of the President of Crimea

Representatives of the following countries:

5) Ambassador of the United Kingdom
6) Ambassador of Germany
7) Ambassador of France
8) Ambassador of the Russian Federation
9) Ambassador of the United States of America
10) Ambassador of Belarus
11) Ambassador of Czech Republic
12) Ambassador of Finland
13) Ambassador of Moldova
14) Ambassador of Turkey
15) Poland

16) Austria

17) Uzbekistan

18) Estonia

19) Spain

20) Kazakhstan

© United States Institute of Peace 2003