

Foreword

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The terms 'Ukrainian crisis' or 'the crisis around Ukraine' cover a range of different but interrelated events and processes which pose a challenge to the modern international legal and political order. The crisis started in November 2013 with the mass protests sparked by the Ukrainian President Vladimir Yanukovich's refusal to sign the Association Agreement with the EU, which escalated into violent clashes, first in the capital city and then in other parts of the country. The turmoil that took the death toll to more than 100 people in Kyiv led to the president's escape and the takeover by a new government. The following events include but are not limited to the annexation of Crimea by Russia in February – April 2014, separatist riots in the country's East, the establishment of the breakaway 'republics' of Donetsk and Luhansk, the escalating warfare between separatist armed forces backed by Russia and the Ukrainian army and the sharpening political confrontation between the Russian Federation, on the one hand, and most of the other actors in the international arena, the U.S. and the EU first and foremost, on the other. One single event brought about other ones; each of them and all of them together being reminiscent of the old painful and still unresolved problems in security and human rights, but also questioning the very fundamentals of the international system which we have relied upon until recently.

The Ukrainian crisis involves individual states and international organizations and relates to a wide array of issues bridging broadly understood security and human rights. The list includes the law of war and the use of force in international relations; new dimensions of national security and new forms of aggression and warfare; issues of territorial integrity and secession; the efficacy of international law and the regimes of international guarantees as well as the capability of international institutions; claims of self-determination and the treatment of linguistic and ethnic minorities; humanitarian law and the protection of displaced persons and people subject to foreign occupation and so forth.

Numerous scholars and policy-makers are already striving to answer the respective questions, and this Special Issue of *Security and Human Rights* pursues the same goal. The issue has been designed as a compilation of articles on the topics which have drawn less attention than other aspects of the crisis and less than they have deserved. The issues addressed below include the general strategy of the international institutions with regard to Russia's involvement in Ukrainian affairs and the options available; the Ukrainian crisis in the light of new concepts of human security and hybrid war; EU neighbourhood policy as a determinant of the crisis; the role of the OSCE; systemic features of the pre-2014 territorial autonomy in Crimea which turned out to be a weak link of the Ukrainian statehood; and human rights problems in the annexed Crimean peninsula.

Lars-Erik Lundin (SIPRI Stockholm) in his article "The Ukrainian crisis as a challenge to human security in Europe" overviews the major factors affecting the genesis of the geostrategic stalemate created by the current military and political confrontation and the challenges to the peace process launched at the summit in Minsk in February 2015. He draws attention to the role played by the Russian military-industrial complex as a driving force for the crisis and also analyses the prospects for future long-term cooperative solutions on the Western side. In his view, the isolation of Russia cannot be the objective since the combined impact of restrictive measures, the decline in oil prices and decisions not to cooperate may have devastating consequences for Russia and subsequently for the West. However, the way forward in order to address common concerns remains institutionally blocked, and poses a formidable challenge in terms of the human security agenda.

Jan Asmussen (University of Kiel) in his contribution entitled "Human security in the framework of 'hybrid wars' and unrecognized states: lessons learned from Ukraine" deals with the impact of the current Ukrainian crisis on international conflict management and human security. The author employs the conceptual framework of 'hybrid wars' and analyses the particularities of the international community's dealings with conflicts that have

multi-party actors. Given that human security issues are difficult to redress when warfare takes hybrid forms and major actors are non-recognized entities that are not members of international organizations, the international community needs to find ways to address this challenge. In the author's conclusion, what we see today is an example of real politics in which the interests and self-proclaimed spheres of influence of major powers override principles of fair play and the rule of law. The Ukrainian crisis has so far demonstrated the resurrection of the OSCE as the major forum for conflict resolution endeavours in Europe.

Roman Petrov (Kyiv-Mohyla Academy, Ukraine) addresses the EU Neighbourhood Policy (ENP) and the security crises within the Eastern Neighbourhood in the light of the fact that the recent events show the EU's inability to prevent civil conflicts within the proximity of its borders. The author scrutinizes the current EU external policies and the reasons for the partial mismatch with security goals. One of the reasons for the dissatisfactory outcome is that the ENP contains declaratory means and does not offer practical tools. Instead, most of the ENP's human and financial resources have been invested in ensuring secure control over the EU's eastern and southern borders. A way to achieve better results would be to extend the scope of application of the good neighbourliness principles and to cooperate with key security players in the region. The author concludes that the regulatory framework offered by the new Association Agreements may improve the situation and contribute to a safe and good neighbourly 'circle of friends' around the EU's borders and beyond.

Doris Wydra (Salzburg Centre for European Union Studies, University of Salzburg) in her article "What went wrong with Crimean autonomy?" analyses the major features of the territorial autonomous arrangement in the Crimean peninsula prior to its annexation by Russia. The Crimean peninsula was granted territorial autonomy within an otherwise unitary Ukrainian state for the purpose of accommodating the local Russian minority. The central government in Kyiv and the regional authorities of Crimea were striving over the years, starting from the early 1990s, to design the appropriate autonomy, while the mutually agreed constitutional guarantees remained weak, as Kiev was anxious not to open a Pandora's box for further disintegration. The events of March 2014 showed that, seemingly, autonomy was regarded as insufficient protection by the mainly Russian population of Crimea while mobilisation for integration into the Russian Federation was high. This paper argues that although secession would not have been possible without the military support of Russia, focusing only on Russian aggression is short-sighted when it comes to explaining why the Crimean autonomy failed. Lacking power-sharing, the overall state fragility of Ukraine and conflicting identity narratives have to be considered as well.


The article by Yulia Gorbunova (Human Rights Watch, Moscow), "Human Rights Abuses in Crimea under Russia's Occupation", provides an illustration of the consequences of the extension of Russian law and administration to Crimea. Russia has violated multiple obligations that it has as an occupying power under international humanitarian law – in particular in relation to the protection of civilian rights. The most important violations include arbitrary detentions and abductions, the imposition of Russian citizenship, and the suppression of independent mass media and civil society organizations.

The Special Issue also contains a review by Nicolaas A. Kraft van Ermel (Netherlands-Russia Centre, University of Groningen) of the report *Overcoming the East-West Divide: Perspectives on the Role of the OSCE in the Ukraine Crisis* compiled by Christian Nünlist and David Svarin and published by the Centre for Security Studies at the eth Zurich and the Swiss Forum on Foreign Policy. The report overviews the OSCE's new role as the main mediator in the Ukraine crisis. The contributors question whether the recent developments have meant that the OSCE has found a new lease of life in the long term. The report gives many important insights into the functioning of the OSCE during the Ukrainian crisis and provides general directions for the future of the

OSCE. The report's title, according to the reviewer's conclusion, is slightly misleading since the authors rather address the general discourse surrounding the future of the OSCE rather than its role in the current crisis.

The articles comprising this issue certainly do not resolve the complex and ever changing issues which they address, but they pose a significant contribution to the scholarly and political debates which are vitally important for Europe and the future of the international community at large.





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Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

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