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UKRAINIAN CONFLICT – BETWEEN GEOPOLITICS AND INTERNATIONAL LAW

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Abstract: Ethnic, religious, political and economic contradictions accumulated for years were triggered by Ukraine's gaining independence and additionally accelerated by transitional stratification of the society and the economic crisis. On the other hand, in a geostrategic sense, Ukraine is considered to be the centre of Eurasian space, so its military neutrality is a condition for the national safety of Russia. In the paper, the authors analyse internal controversies of the divided Ukraine, catalytic contribution of Euro-Atlantic Western countries headed by the United States, the EU and the NATO to the conflict sharpening as well as Russia's tendency to maintain geostrategic supremacy and retain its national security. Internal contradictions had first escalated into demonstrations and then followed a coup d'état by Euro-Atlantists who caused unrest among the pro-Russian population in the eastern, industrial part of the country by restricting their rights. The referendum on independence and Crimean secession ensued following the Kosovo precedent, then followed the accession to Russia and next the proclamation of Donetsk and Luhansk People's Republics. By not acknowledging the people's right to self-determination, the interim regime in Kiev supported by a great majority of Western countries initiated a military action and practically led to a civil war in the country.

The international legal arguments of the pro-Russian east come down to ensuring the collective right of people to self-determination affirmed in practice

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and by the International United Nations Court of Justice; on the other hand, the pro-Atlantist West relies on the principle of sovereignty and territorial integrity of the country. At the same time, every event is used for media manipulation, especially by Western countries' media, with the aim of establishing geostrategic predominance over the Ukrainian territory. With the current balance of power, political escalations and a possible accession of Ukraine to the NATO are undoubtedly leading to a new cold war.

The paper offers a brief analysis of the Ukrainian crisis aiming to present its causes through a historical approach and through the conflict of geostrategic interests of the opposed parties its possible consequences. The cause-effect analysis is completed with jurisprudential international practice, which demonstrates all the relativity of the international legal order and its determination by political interests of powerful countries.

Key words: Ukrainian crisis, geopolitics, national security, right to self-determination, contradictions, Euromaidanists, international law.

INTRODUCTION

Since November 2013, the Ukrainian crisis (which started out with Euromaidanists' "democratic demonstrations" and has up to date evolved into a civil war between the pro-European west and the pro-Russian east of the country) has caused a range of negative consequences at the national, but also at the international level.

After the bloody break-up of former Socialist Federal Republic of Yugoslavia in the 1990s, the Ukrainian crisis is the conflict that, since the time of Berlin Wall demolition, has to the greatest extent shaken up the European system of security and even the world system. Aside from the national conflict, the crisis in Ukraine has also created tensions in relations between the United States of America and the European Union on one side and Russia on the other. The aggravation of international relations is reflected on a political, economic, security and geostrategic plan, whereas contemporary international relations are turning into a new cold war chill.

Following the chronology beginning with the Maidan demonstrations there is no doubt that the suggested thesis is correct.

However, the analysis of the Ukrainian crisis proceeding from the reason of its occurrence withholds the answer to the question on its causes which also have their roots in international relations, namely the geostrategic interests of the leading world powers – the USA and the Russian Federation. The historical roots of Ukrainian conflict, which is a conflict between the pro-Western "official" government and the pro-Russian advocates of the country's federalization (or, as the official Ukrainian authorities call them, Russian separatists, even terrorists), lie in the legal system and

the system of government of the Russian Empire and then in its legal successor, the USSR. The inner political, ethnic and religious antagonisms between the west and the east of Ukraine, which developed for centuries, were encouraged from the outside in order to realize the geostrategic project of westernization of Ukraine and involve it into Euro-Atlantic integrations.

The Maidan demonstrations had resulted in a violent change of legitimately and legally elected government; the legal vacuum was used by citizens of Crimea and Sevastopol who first voted for secession through a referendum and afterwards for the accession to Russia. Later proclamations of Luhansk and Donetsk autonomous republics added fuel to the fire intensifying the conflict between the pro-Russian east of Ukraine and the pro-Western government to the verge of a civil war outbreak.

All subsequent descriptions of the Ukrainian events have been based on various presentations and interpretations of general principles of both domestic and international law internationalizing the crisis and leading to the polarization of attitudes of the scientific and professional public, mostly dictated by the geopolitical interests of the conflicted parties.

In that way “The Ukrainian conflict is a continuation of the tendency of the international legal order permanent relativization that started in the last decade of the second millennium with the (ab)use of the NATO armed forces and its assault on the Federal Republic of Yugoslavia, contrary to the United Nations Charter (Avramović and Alavuk, 2014, p. 207).

In the rest of the paper we will try to present the argument in favour of the above-mentioned hypotheses with the objective risk of being proved wrong by the future events.

UKRAINIAN ANTAGONISMS

The internal social contradictions in Ukraine are manifested through ethnic, religious, (geo) political and economic differences, which intensified especially after the USSR split and Ukraine gained independence in 1992. Ethnic discrepancies were not diminished even by the fact that Ukraine was a part of the common country for almost three and a half centuries, first in the Russian Empire³ and then the Soviet Union. Moreover, the Ukrainians and the Russians had belonged to the same national corpus before the Ukrainian nation was formed and even today, they together + constitute about 95% of the country’s total population.

³ In the Russian Empire and until the great October Revolution in 1917, the term Russian people implied the Great Russians (today’s Russians), the Small Russians (today’s Ukrainians) and the Belarusians who exist till this day under that name. The Ukrainians were officially accepted as a nation in the USSR.

In the whole Ukraine today, the Ukrainians comprise 77% of the population, the Russians about 18% and all the rest 5%. However, the Russian language is spoken by 40-50% of the total population; nevertheless, this information is not quite reliable as 67% of the Ukrainians declare that they speak Russian at home. In addition, 20% of the population consider themselves the Russians, whereas 25% are only formally registered as the Ukrainians (they speak in plain Russian and their parents are in most cases the Russians). The Russian population forms a majority in eight areas of eastern, industrial part of the country (Sakan, 2014).

Although the Ukrainian nation had been created and built along with the Russian nation, the historical circumstances and occupation (first by the Mongols, then by Poland, Sweden, Lithuania, and in the new century by Austria-Hungary, when mainly western parts of the country were not a part of the imperial Russia) led to a slow creation the Ukrainian national habitus. This kind of national division could not be neutralized even by the fact that the Russian state was born on the territory of Ukraine; the fact is that the Russian national identity was also confirmed there and Christianity was accepted as the ruling religion.

The new national identity was created on religious differences as well as on Western civilizational and cultural values. The imposing of Catholicism to the Orthodox population caused resistance and their turning to Russia, but a part of the population accepted the union with the Pope, namely the Orthodox ceremonies and the Pope as the head of all Christians. This is how the Uniate or the Greek Catholic Church was created. Its members⁴ populated Galicia and the city of Lviv which was thought to be the bastion of the Ukrainian nationalism. Nevertheless, the religious disunity of the Ukrainian population is also present among Orthodox Christians who are divided into three groups.⁵ The division of the country into the pro-European west and the pro-Russian east becomes evident on the account of religious orientation of Ukraine's population alone.

The ethnic and religious composition of the population in Ukraine is a product of historical and social changes in the region, but it is also a constitutive element of the (geo)political milieu both in the past and today. At the same time, many political and state-law solutions which Ukraine "inherited" after the break-up of imperial

⁴ There are five million Uniats in Ukraine, mainly inhabitants of Galicia, whereas the other group consists of the Rusyns or the Ruthenians who live in the Carpathian regions and in Vojvodina in small part as well.

⁵ 18 million believers belong to the first group, half of whom are ethnical Russians of the Ukrainian Orthodox Church which is a part of the Moscow Patriarchate with the Russian and Old Church Slavonic liturgical language. Believers of the unrecognized Uniate Orthodox Church of the Kiev Patriarchate belong to the second group. Established in 1995 it gathers about 17 million believers in the western and central part of Ukraine and the liturgical language is Ukrainian. The third group are four million believers of the also unrecognized Autocephalous Ukrainian Orthodox Church in the west of the country, which was established in 1919 as a reaction to the socialist revolution.

Russia and the USSR were passed in a situation with different constellation of relations nationally and internationally. Thus, during the existence of the USSR the territories of Galicia were annexed to the country to the detriment of Poland, the region of Bukovina and a part of Bessarabia were taken from Romania and Transcarpathia from Czechoslovakia. All of these territories went to Ukraine as a socialist republic belonging to the Soviet Union. In 1954, the Crimean area fell to Ukraine to manage it as its administrative area; this was done by the unconstitutional decision of the Presidium of the Supreme Soviet of the USSR.⁶ The decision was contrary to the Constitution of the Federation and the Constitutions of the Republic of Russia and Ukraine. The Constitution of the RSFSR specified that for the borders of the republic to be changed, namely for the secession of part of republic's territory, it was necessary to provide an agreement of citizens of both the Russian Republic and Crimea, which in the mentioned case failed to be fulfilled.

The city of Sevastopol had similar *de iure* faith, although since its foundation in 1784 it had been under the direct competence of the Russian Emperor, i.e. Russian Republic and at the same time, it was the headquarters of the Russian Black Sea Fleet. All that, including the fact that Crimea and Sevastopol were populated by the predominantly Russian population, which was naturally oriented towards the cultural and national values of the mother country, Russia, was not an obstacle for them to become *de facto* a constituent part of the independent Republic of Ukraine. Nevertheless, given its geostrategic position and the fact that the one who controls Crimea also controls both the Black Sea and the Caspian region, the influence of Moscow on the status of Sevastopol was predominant in the last two and a half centuries.

Therefore, the internal social contradictions are a consequence of heterogeneity of the Ukrainian regions on the ethical, religious, political and cultural level, but also on the level of economic development. The Eastern Ukrainian regions represent industrial and raw material resources of the country, whereas the prosperity of the south is traditionally based on potentials for natural and relaxation tourism. Those regions are economic potentials of the country and they *de facto* feed the rest of the Ukraine, so its possible secession would signify the cessation of donations to the poor western regions. Consequently, the political domination of the country's western regions and "Euro-Atlantists" exponentially strengthens secessionist ambitions of the "pro-Russian" east building instability and realistically making the division of the country a certain option.

The mentioned internal opposites are enough by themselves to cause a social crisis in an unstable, poor Ukraine shaken by transition. To what extent was the

⁶ The Supreme Soviet made a decision on the transfer of Crimea at the suggestion of USSR General Secretary of CP Nikita Khrushchev (a Ukrainian functionary) with the aim of celebrating the 300th anniversary of Eastern Ukraine's unification with the Russian Empire.

Ukrainian conflict accelerated by the international subjects from the east and the west of the country with their activities?

GEOSTRATEGIC INTERESTS OF THE USA AND RUSSIA

Situated in Eastern Europe Ukraine has a favourable geographical position and the territory of 603,700 km² (before the secession of Crimea and Sevastopol) inhabited by just under 50 million people.

Ukraine borders Moldova, Romania, Hungary, Slovakia and Poland in the west, Belarus in the north and Russia in the northeast, east and southeast. Ukraine has the access to the Black Sea and the Sea of Azov as well as the Danube's estuary (Petrović, 2012).

Considering that fact that it gained its independence after the breakup of the USSR in 1992 as a member of the Commonwealth of Independent States together with other former Soviet republics, Ukraine, too, was under dominant political, economic and even security influence of the Russian Federation. The reason for this lies in the complementarity of economies, energy dependence on Russia, co-dependence of infrastructure, common cultural and linguistic heritage, historical bonds, single ethnic origin... and, of course, geostrategic-security concept inherited from the period of the Cold War. Theorists of geopolitics consider Ukraine to be a geopolitical centre of the Eurasian region.

As far back as the 19th century, the unifier and the first chancellor of Germany Otto von Bismarck stated: "Russia's strength can be undermined only if Ukraine is separated. The ones who want to do this, not only do they have to separate them, but they have to confront Ukraine with Russia, make two parts of one people into bitter enemies and watch as a brother kills a brother. In order to achieve this it is necessary to find and raise traitors among the national elite and with their help change self-possession of a great nation to such an extent that they hate all that is Russian, that they hate their lineage without even being aware of it. Time will do the rest" (Pravda, 2014).

The roots of this statement are certainly to be sought in the history of the Middle Ages and expansionist politics of catholic Lithuania and Poland which had occupied the south-eastern Russian lands and "produced" Galician Uniats as well as the "Ukrainian" orientation to the national corpus of the Russian nation. These realities, of course, have been taken over by the creators of the USA contemporary geopolitics, too.

Ukraine, nonetheless, a new, important space on the Eurasian chessboard, represents a geopolitical headquarters because its sole existence as an independent state helps Russia's transformation. Russia without Ukraine is not a European empire any more. Russia without Ukraine can still fight for an imperial status, but then, it would become mainly an Asian imperial country which would most likely be involved

in exhausting conflicts with nationally awakened inhabitants of Asia who would get revengeful for the loss of their recently gained independence and who would also get support from their friendly states in the south. China would also most probably oppose the restoration of the Russian dominance over Central Asia due to its increasingly strong interests in new independent countries in the region. However, if Moscow regained control over Ukraine with its 52 million people, vast resources as well as the access to the Black Sea, it would automatically regain all the necessary means to become a great imperial power connecting Europe and Asia. The loss of Ukraine's independence would have direct consequences on central Europe, which would turn Poland into geopolitical headquarters on the eastern border of united Europe (Bžežinski, 2001, p. 7).

The Russian domination over the post-Soviet region is, therefore, the basis of the national security strategy of the country which is defined by the Concept of National Security from 1993, altered and amended by the decree of the Russian Federation President in 2000. The Concept and Military Doctrine of the Russian Federation, also from 2000, defined basic issues of national security and the most important directions of the state policy. In the documents specified, Russia is defined as a Eurasian country whose interests are in Europe, central Asia, Transcaucasia, the Asia-Pacific region and the Near East; jeopardizing these interests as well as weakening integration processes in the Commonwealth of Independent States is a threat to its national security.

The Concept of National Security was declared null and void in 2010 by passing the Strategy of National Security of the Russian Federation.

According to the Strategy, the determining factor in Russia's relations with the NATO remains non-acceptance of the alliance's military infrastructure expansion towards the Russian borders, which together with the attempt of assigning a global function to the NATO represents a violation of international law. The emphasis is placed on the fact that the development of global and regional stability is essentially endangered in the case of deployment of elements of the US Global Missile Defence System in Europe. ...Russia's National Security Strategy states that, in the long-term perspective, special attention of international politics "will be concentrated on taking control over sources of energy resources", specifically in the Near East, in the region of the Barents Sea and other regions of the Arctic, in the basin of the Caspian Sea and Central Asia (Perišić, 2010, p. 114).

In the last decade, foreign-policy declarations of leading Russian statesmen, especially President Putin,⁷ have proceeded from the basic principles of the National Security Strategy, which directly confronts global territorial pretensions of security

⁷ Thus, at the 42nd Conference on Security held in Munich in 2007, first President of the Russian Federation Vladimir Putin criticized building of a unipolar world order behind which were the United States as well as the NATO's global expansion and its aggressive military actions which were against international law.

operations of NATO, the USA and the European Union, too, whose 22 states are at the same time members of the North Atlantic Treaty.

Namely, after the collapse of the USSR and the Warsaw Pact “instead of dissolving the NATO, the Treaty was promoted by a unilateral act, the Declaration of Peace and Cooperation, into ‘an agent of change’ in the post-Cold War period and it was assigned the key role in building a ‘new order’ in Europe” (Avramov and Kreća, 2008, p. 268).

Both foreign policy declarations of US representatives and NATO high administrative officials were, of course, in accordance with the interests of the Atlantists headed by the USA, although the interests of the leading EU member states (Germany and France) were frequently in disaccord with the global interests of the North Atlantic Treaty.

Responding to Putin’s address, Bush⁸ insisted on recognizing the unilaterally declared independence of Kosovo in February 2008 through the action plans for admitting Ukraine and Georgia to the NATO membership at the summit in Bucharest in April the same year – an initiative fiercely disputed by Germany and France; he also continued with the plans for deploying a global missile defence system in Poland and the Czech Republic (Lukyanov, 2009, p. 122).

The culmination of tensions in relations between the USA and Russia as well as with the EU was reached during the six-day war between Russia and Georgia in August 2008 and later Russia’s recognition of Abkhazia and South Ossetia’s independence. This conflict put the relations of the USA, Russia and Europe at the lowest level since the end of the Cold War (Jović Lazić, 2010, p. 312).

Such a reaction by the Russian Federation was unimaginable in the last decade of the 20th century as after the dissolution of the USSR the disintegration was transferred to Russia which in an uncontrolled course of the society and economy transition started to undermine both the foundations of the state and national identity of the country. Economic and financial consolidation of the Russian Federation in the first years of the third millennium strengthened the national identity and international positions of the country accordingly, indicating the return to the global political scene.

Nevertheless, the conflict between Russia and Georgia revealed Russia’s readiness to employ military resources if it estimates that the country’s vital security interests in the neighbourhood are jeopardized (Huterer, 2010, p. 5).

The end of the Cold War obviously initiated an era of unipolar dominance of the USA and the development of the new world order whose protection was based on military force of the North Atlantic Treaty, which not infrequently operate out

⁸ President of the USA George W. Bush, the 43rd president of the United States of America who was the head of state for two mandates since 2001 until 2009.

of a framework of law and contrary to international law. A typical example is the NATO's illegitimate and illegal armed intervention in the Federal Republic of Yugoslavia in 1999. "It violated international principles stipulated far back in the Treaty of Westphalia referring to non-interference in internal issues of sovereign countries. The North Atlantic Treaty's aggression on the FR of Yugoslavia was merely a folding screen for achieving the USA's foreign policy goals" (Avramović, 2009, p. 1023). Kosovo's "precedent" was justified as a "humanitarian intervention" and not the doctrine of interventionism of naked military force against a sovereign country, which in reality it was.

With these events the era of inconsistencies in international law started and it was dictated by global interventionism. Exporting democracy by dictating cultural and civilization matrices in accordance with one's own criteria and interests was continued by bringing order to Afghanistan (2001), Iraq (2003), Libya (2011), Venezuela, Syria, Ukraine... This led to a selective and interests-determined interpretation of international legal norms and creation of the policy of double standards which lead to disintegration of the international legal order (Avramović and Alavuk, 2014, p. 215).

Encouraged by this precedent, in August 2008 Russia acknowledged the independence of South Ossetia and Abkhazia, the regions with mainly Russian population which separated from Georgia in 1990 and 1992 respectively, with the political and military support of the great power mentioned above. Russia also supported Transdniestria which seceded from Moldova in 1992 accepting stationing of 1,500 Russian soldiers. (Ivošević, 2014)

Let us also mention that Kosovo declared its independence in 2008, while under the protectorate of the United Nations the act that has been recognized *de iure* by 100 countries in the world up to date; this has additionally shaken the foundations of international law. This mostly extorted practice is returning as a boomerang to its original "creators" through territorial metamorphosis and reshaping of borders on the European continent, of which the most recent example is Ukraine.

DEMONSTRATIONS AND CRIMEA SECESSION

Internal contradictions in Ukraine, corruption and deterioration of the standard of living escalated in demonstrations of Eurofanatics in Kiev as a reaction to President Viktor Yanukovich's decision to decline the European Union Association Agreement and renew talks about concluding agreement with Russia on the membership in the Union State and Eurasian Economic Union.⁹

⁹ The European Union offered Ukraine membership in the said international organization and its help with maintaining its weary economy and jeopardized social standard of citizens. On the other hand, the Russian Federation offered it favourable credits that amounted to 15 billion euros and gas delivery for a price three times lower than for other buyers.

The seed of the “Orange Revolution” from 2004 sprouted again and Ukrainian Euro-Atlantists immediately received an open international support from the USA and the EU, so the radicalization of protests followed dictated by the political demands and an open anti-Russian attitude. Not accidentally at all, the moment of Maidan demonstrations coincided with the Winter Olympic Games which were being held at the time in Russian Sochi and was supposed to shade it. The instrumentalised protests of Euromaidanists were also favoured by both inadequate and inappropriate reaction of the official legitimate authorities of Ukraine, so extremists of the pro-fascist Right Sector¹⁰ led “democrats” in the occupation of public institutions including military barracks. The radicalization of the conflict resulted in the first victims on both sides and further aggravation of the conflict.

For a long time there was a lot of talk about the experiment of forced European integration tearing Ukraine apart. However, Euro-integrators got caught up in it quite a bit and brought Ukraine to the brink of war. Therefore, the question here is not whether Ukraine will be attacked anymore, but – how and at what cost (Leontjev, 2014).

To speak of the Western mentors being screenwriters of Maidan is also the fact that the Ukrainian leadership with Yanukovich at its head was not pro-Russian in its orientation, although they won the elections owing to the electorate from the east of the country. “Until that moment, the only pro-Russian moves of Yanukovich’s regime had been giving the Russian language the status of a “regional language” in 2012 and taking away the status of a hero from Ukrainian fascist Stepan Bandera (which was, indeed, required from Ukraine by Poland and Israel). Apart from this, Russia’s and Ukraine’s relations were tense, whereas on the economic and energy plan we can speak about an open sabotage of the Russian policy...” (Tanasić, 2014).

The government and the democratically elected president of Ukraine were brought down by the “democratic” opposition in a street overthrow against the legal procedure of impeachment; the Euromaidanian temporary authority abolishes the regional status to the Russian language considering it a foreign language, shortens broadcasts of the Russian television and radio stations and in some areas even cancels them. The reaction of the eastern pro-Russian regions of Ukraine to the violent pro-fascist methods of linguistic and cultural Ukrainization and physical harassment of the pro-Russian population was, at first, adopting the Declaration of Independence of Crimea, and subsequently, holding a referendum for the inhabitants of Crimea region as well as the city of Sevastopol, the secession and accession to the Russian Federation. The plebiscitary expression of self-determination of the Crimean population in March 2014 was not merely an answer to the current political situation, but a democratic expression of the people’s will

¹⁰ The Right Sector is an ultranationalist Ukrainian organization, right-oriented politically, which was especially radical in the “democratic” political unrest which started at Kiev Maidan.

and the correction of the administrative and legal decisions (state and status, it will later be showed) taken in the period of the common state – the Soviet Union.

The Declaration of Independence of the Republic of Crimea was not undoubtedly adopted against the provisions of Ukraine's Constitution, which does not provide for the possibility of secession of Crimea or any other region in Ukraine, or does it provide for the right of people, namely ethnic minorities, of self-determination. The act of secession by the Supreme Council of Crimea called upon international law and the current monistic understanding based on supremacy of international over national law as well as parts of single legal system. Namely, "it is illogical that a state within the borders of its country considers an international rule in which formulating it participated, to be null and void. Therefore, it is impossible to accept the thesis that a rule can be obligatory at the international scale and optional at the national scale or vice versa" (Avramov and Kreća, 2008, p. 45).

As one of legal successors of the USSR, Ukraine has inherited the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights from 1966 which regulate the right to self-determination in Article 1 in the identical way. "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence" (The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 1966).

Thus, the right of the people to self-determination and secession, as a generally accepted principle of international law, takes primacy in application over national regulations. However, this principle is in disaccord with the principle of territorial integrity, namely the wholeness and sovereignty of internationally recognized countries, as one of the postulates of public international law established by the United Nations Charter.

The academic community does not have clear answers on this problematic issue on the right of the peoples to self-determination and secession as the most important segment in a range of collective human rights. Since there is no a broader international political consensus on this issue, there is also no system of clearly differentiated norms of international law by which this matter would be regulated. This legalistic deficit on the international level allows for different attitudes of states towards the use of the same collective human right which further offers possibilities to cause crises and political instability in the world (Veljković and Ambrož, 2010, p. 11)

The Kosovo Declaration of Independence is a classic example of creating a precedent in international law. The decision of self-proclaimed independence of

Kosovo is in opposition to the legal system of Serbia, but also with the Resolution 1244 of the United Nations Security Council, which confirms sovereignty and territorial integrity of the Federal Republic of Yugoslavia. All this, however, did not prevent Western countries led by the USA to recognize Kosovo's independence *de iure*, considering that Kosovo Albanians had a legitimate right to self-determination and secession. It is also a logical sequence of events preceded by the NATO's illegitimate and opposite to international law 78-day armed intervention against the Federal Republic of Yugoslavia¹¹ in 1999. In the West, the Kosovo precedent was justified as a "humanitarian intervention" and not the doctrine of interventionism of naked force against sovereignty, which in reality it was. The Kosovo precedent initiated the era of inconsistencies in international law dictated by global interventionism.

The secession and accession of Crimea and Sevastopol to Russia based on referendum, which the Kosovo precedent lacked, proceeds from the primacy of the right to self-determination and secession relative to the principle of sovereignty and territorial integrity. Western countries headed by the USA, however, do not recognize the results of the referendum and consider Crimea to be annexed by the Russian Federation against international law, while Russian officials accept the international legal arguments based on the Kosovo case confirmed by the Advisory Opinion of the United Nations International Court of Justice.¹² All of the events mentioned above have been followed by an unseen media war whose task is to satanize the opposite side of the Ukrainian conflict. Western media broadcasters lead the way representing the Russian Federation like in the cold war times, "the Empire of Evil" and the main culprit for the conflict.

DONETSK, LUHANSK...

After the coup d'état which was a consequence of the Euromaidan street protests, the interim pro-Western "democratic" authorities tried to make up for the lack of democratic legitimacy by holding the presidential elections. Nonetheless, the election of the pro-West candidate, Ukrainian tycoon Petro Poroshenko, did not diminish social tensions but led to a turn in foreign policy towards the European Union and the NATO and imposed radical measures against supporters of federation in the eastern regions. The Ukrainian conflict deepened and inhabitants

¹¹ In the aerial attacks of the NATO on the Federal Republic of Yugoslavia in 1999 the aviation of Germany also participated, which was not only contrary to international law, but against the German Constitution as well.

¹² At the request of the United Nations General Assembly filed at Serbia's initiative on the occasion of the ethnically motivated decision of the Kosovo Albanians to declare independence and Kosovo's secession in July 2010, the United Nations International Court of Justice gave the opinion by which it claimed that the Declaration of Independence of Kosovo Albanians not contrary to international law.

of the Donetsk and Luhansk regions voted for their independence through the referendums and declared their people's republics.

The Russian Federation recognized the results of the referendums but did not annex the self-proclaimed republics like as it was the case with Crimea and Sevastopol advocating dialogues between the pro-Western authorities in Kiev and representatives of the self-proclaimed republics Donetsk and Luhansk. Russia sees the solution to the Ukrainian crisis in the federalization of the country, military neutrality of Ukraine and more rights for the pro-Russian population in the eastern regions in conformity with international law as well as a new round of elections organized by legitimate, currently overthrown president Yanukovich.

The dialogue between the warring parties is non-existent, but the military conflicts have turned into a real war, or as Western media and the "official" Kiev put it – into an anti-terrorist purge directed against pro-Russian separatists. Western countries are unanimous in not acknowledging the referendums in Crimea, Donetsk and Luhansk, while Russia is accused of provoking and helping "separatists" from the east of Ukraine, so they have unilaterally imposed economic sanctions on them. Considering the current chronology of events, it is very unlikely that any of the Russian suggestions for solving the crisis, which Russia neither provoked nor needs, will be accepted. Moreover, the intensification of the military conflicts, the economic sanctions and a chill in diplomatic relations implies a restoration of the cold war tensions. The division of Ukraine and annexation of the eastern regions to the Russian Federation based on the Crimean model could be a Russian Pyrrhic victory meaning the loss of the rest of Ukraine, now as a good neighbour as well as a brotherly region which was a part of the mutual country for over three centuries.

CONCLUSION

The Russian foreign policy is obviously not expansionistic in its character as the media in the West satanize it, but it is evident that the interests of the Russian Federation threatened by the NATO's expansions towards the east will dictate its future moves. The time before us will show whether the politics of double standards promoted by the USA, NATO as well as most member countries of the European Union will return as a boomerang through the implications of referendums in Catalonia in Spain, Scotland in Great Britain, Venice in Italy... Additionally, it will reveal whether the international world order in the 21st century will stick to the matrix of global expansionism in which the current geostrategic, political, economic or some other reasons will dictate and create legal precedents based on the interests of the stronger. Namely, all political and military tensions straining and a possible accession of Ukraine to the North Atlantic Alliance with the current balance in opposition will undoubtedly lead to a new cold war. The military conflict of the opposing sides is just deepening the division between the east and the west of

Ukraine and at the same time between Ukraine and Russia as well as between Russia, the USA and Euro-Atlantists; hence, establishing peace and a national consensus within Ukraine is in the interest of all and especially of the Ukrainian people who are the only really defeated in the civil war. The consensus that should be reached will have to be recognized by both the unipolar hegemon USA with the NATO members and Russia. Otherwise, Ukraine will remain a constant hotspot of potential conflicts.

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UKRAJINSKI KONFLIKT – IZMEĐU GEOPOLITIKE I MEĐUNARODNOG PRAVA

Apstrakt: Etničke, verske, političke i ekonomske protivrečnosti gomilane godinama pokrenute su sticanjem nezavisnosti Ukrajine, a dodatno ubrzane tranzicionim raslojavanjem društva i ekonomskom krizom. Sa druge strane, Ukrajina se u geostrateškom smislu smatra centrom evroazijskog prostora, pa je njena vojna neutralnost uslov nacionalne bezbednosti Rusije. Autori u radu analiziraju unutrašnje kontraverze podeljene Ukrajine i katalitički doprinos zaoštavanju sukoba evroatlantskih država Zapada na čelu sa Sjedinjenim Državama, EU i NATO i težnji Rusije da očuva geostratešku suprematiju i kao uslov nacionalne bezbednosti. Unutrašnje suprotnosti eskalirale su najpre demonstracijama, pa državnim prevratom evroatlantista, koji su uskraćivanjem prava proruskom stanovništvu, izazvali revolt, stanovništva na industrijskom istoku zemlje. Usledio je referendum o nezavisnosti i otcpljenje Krima, po Kosovskom presedanu, pa prisajedinjenje Rusiji, a potom i proglašenje Donjecke i Luganske narodne republike. Ne priznajući pravo naroda na samopredeljenje privremeni režim u Kijevu, podržan od velike većine zapadnih zemalja, pokrenuo je vojnu akciju i praktično proizveo građanski rat u zemlji.

Međunarodno-pravni argumenti proruskog Istoka svode se na obezbeđenje kolektivnog prava naroda na samoopredeljenje, potvrđenog praksom i Međunarodnog suda pravde Ujedinjenih nacija, a proatlantsičkog Zapada na načelo suverenosti i teritorijalnog integriteta zemlje. Istovremeno, svaki događaj se koristi za medijske manipulacije, posebno od strane medija zapadnih zemalja, a sa ciljem uspostavljanja geostrateške prevlasti nad ukrajinskim prostorom. Politička zaoštavanja i eventualno priključenje Ukrajine NATO paktu, nema sumnje, vode, pri sadašnjem odnosu snaga, novom Hladnom ratu.

„Rad predstavlja kratku analizu Ukrajinske krize, koja kroz istorijski pristup treba da predstavi njene uzroke, a kroz sukob geostrateških interesa suprotstavljenih strana, njene moguće posledice. Uzročno-posledična analiza upotpunjena je jurisprudencijom međunarodnom praksom, koja pokazuje svu relativnost međunarodnog pravnog poretka i njegovu uslovljenost političkim interesima moćnih.“

Ključne reči: ukrajinska kriza, geopolitika, nacionalna bezbednost, pravo na samoopredeljenje, protivrečnosti, evromajdanovci, međunarodno pravo.

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