



Ukrainian Institute of Politics

Український Інститут політики
Украинский Институт политики

ANALYTICAL REPORT

WHAT TO DO WITH AR CRIMEA:

7 MODELS FOR THE FUTURE OF UKRAINE AND THE WORLD

(LEGAL DECISION, INTERNATIONAL ARBITRATION, SEPARATION OF POWERS, SOCIO-ECONOMIC RECOVERY, HUMAN RIGHTS)



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Abstract

Issues of territorial integrity and sovereignty are “red lines” for any state and state leader in the world. Even discussing them can often qualify as a serious criminal offense. Therefore, we emphasize that in this study we in no way question the international legal status of the Crimean Peninsula as an internationally recognized part of the territory of Ukraine. At the same time, to fundamentally strengthen the Ukrainian negotiating position and search for mechanisms and models of diplomatic settlement, to bring the de jure and de facto status of the region closer, we tried to look at historical and international examples of political settlement of territorial disputes, which, we hope, can contribute to the establishment of a stable peace for Ukraine and for the world.

In any case, this text is not a recommendation, but an attempt to look at the problematic issue more broadly - in the scientific, historical, and international legal context - in the search for ideas of solutions that could lead to peace based on democratic legal order and international law.

Important Preface.

The Russian Federation annexed the Ukrainian peninsula of Crimea in 2014. So, on March 18, Russian President Vladimir Putin signed with representatives of Crimea and Sevastopol a “treaty” on the inclusion of these territories in Russia. As a justification for such a move, the Kremlin cited several reasons. Namely, to protect the inhabitants of the Crimea from “Ukrainization” by Kyiv, and to protect the Russian-speaking population of the Crimea from Ukrainian “nationalists”.

For the legal registration of the annexation of the territory, from the point of view of Russian law, the mechanism of the so-called “referendum” was used, which was unilaterally held by the Russian Federation on March 16, 2014, at which the “majority” of Crimeans allegedly “voted” for joining the Russian Federation. The results of this “referendum” remain unrecognized by almost all states of the world. The annexed Crimea and Sevastopol were included in the list of subjects of Russia in the new edition of the Constitution of the Russian Federation. And Sevastopol became the third city of federal significance after Moscow and St. Petersburg. After that, the current leadership of the Russian Federation considers the issue of Crimea closed for itself.

The “referendum” in Crimea was preceded by large-scale protests in Kyiv against the refusal of the President of Ukraine V. Yanukovich to sign the Association Agreement with the EU; the removal of V. Yanukovich from power; pro-Russian protests in Crimea; the seizure and disarmament of units of the Armed Forces of Ukraine in Crimea by the Armed Forces of the Russian Federation and paramilitary formations.

In turn, Ukraine and the world community - the United States, Great Britain,

Germany, France, and most countries of the world - call the actions of the Russian Federation in the Crimea annexation, the holding of the so-called “referendum” – illegal, and contrary to international law and the Constitution of Ukraine, and its results - invalid. At the same time, Ukraine has lost control over the peninsula, but continues to consider Crimea its own and seeks to regain the lost territories in various ways. At the legislative level, Crimea is recognized as a temporarily occupied territory in Ukraine.

Ukraine has twice appealed to the European Court against Russia's annexation of the Crimean Peninsula: on March 13, 2014, and on August 26, 2015. In June 2018, the two complaints were merged into one. On January 14, 2021, the European Court of Human Rights declared partially admissible a complaint of systematic human rights violations in Crimea filed by Ukraine against Russia. Of the seventeen charges, the court agreed with the fourteen and declared its readiness to consider the case on the merits.

The European Court of Human Rights (ECHR) recognized that Crimea has been in de facto Russian jurisdiction since February 27, 2014 - the day when Russian troops appeared near the Verkhovna Rada of the Autonomous Republic of Crimea (ARC). The de facto court recognized that three weeks before the so-called “referendum” of the Russian Federation began the process of rejection of the peninsula belonging to Ukraine. And this means that there was no "peaceful expression of will" of the inhabitants of the peninsula. The ECHR dispelled this myth of the Kremlin, which was an important argument of Putin in justifying the annexation of Crimea.

In 2021, Ukraine established the international diplomatic format “Crimean platform”. Its goal is to increase pressure on Russia, overcome the consequences of the annexation of Crimea, prevent human rights violations on the peninsula, and get help for its de-occupation.

After the beginning of a full-scale war of the Russian Federation against Ukraine on February 24, 2022, new territories of Ukraine were already under occupation. And Crimea began to act as a hub for the supply and movement of the Russian army. During the Ukrainian-Russian talks in March 2022, Ukraine proposed to consider the status of Crimea diplomatically over the next 15 years, to which there was no reaction from the Russian Federation, and the negotiation process itself was put on hold. Since the beginning of 2023, Ukraine has been increasingly talking about the military de-occupation of Crimea.

Deputy Prime Minister and Minister for Reintegration of the Temporarily Occupied Territories of Ukraine I. Vereshchuk said that Ukraine is beginning to prepare a personnel reserve that will be involved in Crimea after its de-occupation. It is already known that the reserve will include veterans of the Russian-Ukrainian war and representatives of the Crimean Tatar people. Also, the personnel reserve will include people who left Crimea after 2014. According to government estimates, it is more than 50 thousand people. Among them are judges, doctors, and teachers. As reported by the

Ukraine government, not all Crimea residents will be responsible for the collaboration after the de-occupation of the peninsula by the Ukrainian military. Criminal liability awaits those who cooperated with the Russian authorities and contributed to the occupation. This also applies to those who are engaged in the deportation of Ukrainian citizens from the occupied territories of Ukraine.

Ukrainian government institutions must prepare a personnel reserve and re-establish legitimate authorities in the de-occupied Crimea. To accomplish this task, it is necessary to understand how many people are needed to make all the Crimean ministries and departments, and the judicial and law enforcement systems work. Before de-occupation, it is necessary to determine a list of priority posts or functions that must be provided in advance with a personnel reserve.

Basic conditions, principles, and issues for consideration.

In this study, we proceed from the principle that any model of Crimea's return to the international and Ukrainian legal field is better than the current illegal and illegitimate status of Crimea as part of the Russian Federation in terms of ensuring human rights and freedoms on the peninsula and geopolitical stability in the region.

One of the most important problems with Crimea is the lack of a broad discussion (dialogue) of constructive ways to resolve the status of Crimea in accordance with international law and the principles of territorial integrity and sovereignty of states.

In addition, if the de-occupation of Crimea by military means nevertheless takes place, in the liberated territories the Ukrainian leadership will first face the question of restoring the confidence of the Crimean population, among whom the Russian Federation has been “cultivating” dislike for Ukraine for years. After all, the main segment of the population loyal to Ukraine has already left the peninsula and, most likely, after the de-occupation, a significant part of it will not immediately return to Crimea.

At the same time, it should be considered that any practical model of the development of events regarding Crimea should also consider all aspects of the interests and confrontations between the Russian Federation and Ukraine, the Russian Federation - Europe, the Russian Federation - the United States, and the United States - the People's Republic of China.

Also, when discussing the issue of Crimea, the following principles and factors should be considered:

- the international legal status of the Autonomous Republic of Crimea as Ukrainian territory, which contrasts in practice with the lack of facts on the part of Ukraine and the long-term inability of the Ukrainian state to exercise its power on the peninsula.

- the actual control of Crimea by the Russian Federation and its inclusion in the Constitution of the Russian Federation.

- the geopolitical and geo-economic position of the Autonomous Republic of Crimea as a regional point of intersection of the interests of global forces.

- Rapid militarization of the Black Sea region.
- the state of Ukrainian property on the territory of the Autonomous Republic of Crimea, the use of natural resources of the peninsula, and Russian investments after 2014.
- subsidized nature of the peninsula and the lack of opportunities for independent economic development.
- basing of the Black Sea Fleet of the Russian Navy on the territory of Crimea and the model of its settlement in the past and the future.
- constitutional models of the legal status of the peninsula after the restoration of state sovereignty of Ukraine – past and future.
- peculiarities of local self-government and models of relations between the peninsula and the state.
- restoration of the work of the Ukrainian authorities and support for the operation of critical infrastructure.
- principles and procedures for the formation of local self-government bodies and local authorities.
- Restoration of the rights of refugees and the fate of new migrants.
- the role of the indigenous peoples of Crimea and the issue of Crimean Tatar cultural (national) autonomy.

The main obstacle to the start of negotiations:

- on the Russian side, the Crimea issue is officially declared closed. According to the Constitution of the Russian Federation, Crimea is part of the Russian Federation.
- from the Ukrainian side – unconditional official and public non-recognition by Ukraine of the “Russian status” of the Crimea and any (including economic) activities on the peninsula.

Some models

1. Take the issue beyond the negotiation of a settlement or postpone it to the future.

Model: take out of the framework of negotiations and freeze (postpone the decision) for 10-20 years (or indefinitely) as well as at one time did with the theme of “Estonia, Latvia, Lithuania” the United States and the USSR (which did not prevent them from fighting together against Nazism or cooperating in critically needed industries).

Conditions under which implementation is possible. Such a scenario is possible

with a protracted war in Ukraine when neither side will be able to win a clear victory over the opponents.

Political and historical examples:

Accession of the Baltic States to the USSR. The accession of the Baltic States to the USSR by the international community is assessed primarily as an occupation followed by annexation. The entry of Latvia, Lithuania, and Estonia into the USSR was not recognized by the United States, the Vatican, and several other countries. Recognized it de jure Sweden, Spain, the Netherlands, Australia, India, Iran, New Zealand, Finland; de facto — Great Britain and several other countries. In exile, some diplomatic missions of the pre-war Baltic states continued their activities, after the Second World War, an Estonian government in exile was established. The status of these diplomatic missions was ambiguous.

On September 16, 2008, the US Senate unanimously approved a resolution stating that Russia should recognize the illegality of the Soviet occupation of Latvia, Lithuania, and Estonia. In 1960, 1994, and 2005, the Council of Europe in its resolutions characterized the entry of the Baltic States into the USSR as occupation, forcible incorporation, and annexation. In 1983 and 2005, the European Parliament condemned it, characterizing the period of entry of these states into the USSR as a Soviet occupation.

In June 1939, Estonia and Latvia signed non-aggression treaties with Germany (both countries signed non-aggression treaties with the USSR as early as 1932).

On August 23, 1939, the Non-Aggression Pact between Germany and the USSR was signed. According to the secret additional protocol to the treaty, Estonia, Latvia, Finland, and eastern Poland were included in the Soviet sphere of interest, while Lithuania and western Poland were included in the sphere of interest of Germany. By the time the treaty was signed, the Klaipeda region of Lithuania had already been occupied by Germany (March 1939).

On September 1, 1939, with the outbreak of World War II, states that had diplomatic relations with the USSR (including the Baltic states) were handed a Soviet note stating that “in relations with them, the USSR will pursue a policy of neutrality.” As a result of the actual division of Polish territory between Germany and the USSR, the Soviet borders moved far to the west, and the USSR began to border with the third Baltic state — Lithuania. Initially, Germany intended to turn Lithuania into its protectorate. Part of the ruling circles of the Baltic states were ready to continue rapprochement with Germany, while many others were anti-German and counted on the help of the USSR in maintaining the balance of power in the region and national independence, while the underground left forces were ready to support the accession to the USSR. On July 21—22, the newly elected parliaments proclaimed the creation of the Estonian SSR, the Latvian SSR, and the Lithuanian SSR and adopted the Declarations of Accession to the

USSR. On August 3—6, 1940, by the decisions of the Supreme Soviet of the USSR, these republics were admitted to the Soviet Union. After the entry of the Baltic states into the USSR, Sovietization took place here: the socialist transformations of the economy and repression that had already been completed in the rest of the country began.

The Estonian government negotiated a mutual assistance pact in Moscow on September 28, which provided for the establishment of Soviet military bases on Estonian territory and the deployment of a Soviet contingent of up to 25,000 people. On the same day, the German-Soviet Treaty “On Friendship and Border” was signed. According to the secret protocol to it, the conditions for the division of spheres of influence were revised: Lithuania moved into the sphere of influence of the USSR in exchange for Polish lands east of the Vistula, which were ceded to Germany.

On October 2, similar Soviet-Latvian negotiations began. From Latvia, the USSR also demanded access to the sea — through the ports of Liepaja and Ventspils. As a result, on October 5, an agreement on mutual assistance was signed for a period of 10 years, providing for the introduction of 25,000 Soviet troops into Latvia.

On October 10, 1939, the Chairman of the Council of People's Commissars V.M. Molotov, and the Minister of Foreign Affairs of the Republic of Lithuania Y. Urbshis in Moscow signed the Soviet-Lithuanian "Agreement on the transfer of the city of Vilna and the Vilna region to the Republic of Lithuania and on mutual assistance between the Soviet Union and Lithuania" for a period of 15 years, providing for the introduction of 20,000 Soviet troops.

Almost immediately after the signing of treaties of mutual assistance began negotiations on the basing of Soviet troops in the Baltic States.

On April 1, 1940, geographical maps were published in Germany, on which the territories of Estonia, Latvia, and Lithuania were designated as part of the Soviet Union.

Having concluded treaties with the Baltic countries, the Soviet leadership began to make claims against the sovereign republics regarding the activities of the so-called Baltic Entente and demand the dissolution of this political alliance between Estonia, Latvia, and Lithuania as having an anti-Soviet orientation and violating treaties of mutual assistance with the USSR.

On June 14, the Soviet government presented an ultimatum to Lithuania, and on June 16 to Latvia and Estonia. In the main, the meaning of the ultimatums coincided — the governments of these states were accused of gross violation of the terms of the Mutual Assistance Treaties previously concluded with the USSR, and a demand was made to form governments capable of ensuring the implementation of these treaties, as well as to allow additional contingents of troops into the territory of these countries. The conditions were accepted. On June 15, additional contingents of Soviet troops were introduced into Lithuania, and on June 17 — into Estonia and Latvia. In all three countries, friendly governments were formed.

Advantages of the model: This option allows you to get out of the hot phase of confrontation of the conflict and postpone the solution of the problem with minimal damage to the reputation of political leaders. At the same time, there is a hope that during this period the political situation in both Russia and Ukraine may change dramatically. And this will make it possible to make mutually beneficial decisions regarding the status of Crimea, which is now categorically not accepted by the parties.

Risks and threats of the model: This option does not fundamentally solve the problem of Crimea. And in fact, the peninsula remains under the control of the Russian Federation. A significant part of Ukrainian society does not agree with this (87% now oppose any territorial concessions of the Russian Federation, including Crimea). At the same time, there are risks that the military conflict can be unfrozen at any time due to the unresolved problem of Russian-Ukrainian relations.

2. Introduce a temporary status of “Mandated Territories” for Crimea, under the leadership of the UN.

Model: to transfer under the Treaty the right to govern the Autonomous Republic of Crimea for a certain time until normalization to international organizations, groups of countries, or third countries by decision of the UN.

Or with the transfer of the right to govern on behalf of the UN (examples in the twentieth century are many – Syria, Libya, Egypt, Rwanda, Cameroon, Togo, New Zealand, New Guinea, Namibia, Palestine, Zanzibar, some regions of Turkey – more than 50 territories and states). Control over the implementation of the Mandate is vested in the previously functioning UN Trusteeship Council, which was established to oversee the management of Trust Territories under the international trusteeship system. We have extensive international experience.

The option with mandated territories was previously regulated by Article 22 of the Covenant of the League of Nations, it is a special type of protectorate, based on the norms of international law. The system of mandates granted special status to certain territories and their inhabitants. Mandates were established by Allied treaties after World War I and mandated territories are divided into three categories:

- Mandate A – formally independent states under the "leadership" of the mandatory state, the status was close to the protectorate until they can self-govern without assistance (Syria, Palestine, Lebanon, Mesopotamia).

- Mandate B – in administrative management under the condition of obligations towards the local population (territories of former German colonies in Central Africa: Cameroon, Tanganyika, Togo, Rwanda-Burundi, German East Africa);

Mandate C allowed the inclusion of the Territory's mandate holder in its composition (southwest Africa).

The mandated territories of the League of Nations became known as the Trust Territories of the United Nations. It is worth noting that the doctrine of sovereignty did not apply to this system, since sovereignty in the mandated territory was suspended and could be renewed if the territory was recognized as an independent state. The Trusteeship Council for Mandated Territories was formed, and it sent visiting missions to the Trust Territories. By the end of the 20th century, the following became independent states: Palestine (in 1948, Israel was created from part of the state), Samoa, the French and English parts of Cameroon (North Cameroon became part of Nigeria in 1961), Micronesia, Nauru (was part of German New Guinea), Papua New Guinea, Rwanda-Burundi became Rwanda and Burundi, Somalia, Tanganyika became Tanzania, Togo.

Conditions under which implementation is possible. With the protracted nature of the war, its transformation into international or world, and the depletion or destruction of the parties to the conflict that have international legal grounds (or claiming) to include Crimea in their composition. Experience can also be drawn from the active involvement of the international community in the Crimean issue.

Political and historical examples:

Palestine was part of the Ottoman Empire for almost 400 years before the First World War. In 1922—1948, as a result of the First World War, it passed into the administration of Great Britain within the framework of the League of Nations mandate. The mandate extended to present-day Israel, Jordan, the West Bank, and the Gaza Strip.

During World War I, Jewish Zionist volunteers formed a Jewish legion within the British army and in 1917 invaded Palestine from the south, capturing Jerusalem. British Foreign Secretary Arthur Balfour issued a document (the Balfour Declaration) declaring that Great Britain “*looks favorably upon the establishment in Palestine of a national home for the Jewish people, it being clearly understood that no action shall be taken which would violate the civil and religious rights of the existing non-Jewish communities in Palestine.*” In 1919, at a peace conference in Paris, it was decided that Palestine would be administered by Great Britain as a League of Nations-mandated territory. Palestine was defined as the area comprising the territories in which Israel, the Palestinian Authority, Jordan, and the northwestern part of Saudi Arabia are located today. Between 1919 and 1923, after the establishment of the British Mandate and the Balfour Declaration, 40,000 Jews arrived in Palestine, mostly from Eastern Europe. By the end of this period, the Jewish population had grown to 90,000. But the increase in Jewish immigration to Palestine led to an increase in Arab nationalism and a deterioration in relations between Arabs and Jews.

In 1922, based on the decisions of the San Remo Conference, the League of Nations

of Great Britain received a mandate for Palestine, citing the need to “*establish political, administrative and economic conditions in the country for the safe formation of a Jewish national home.*”

Great Britain undertook, inter alia, to protect the civil and religious rights of the inhabitants of Palestine, irrespective of race or religion; to promote Jewish immigration and to encourage the dense settlement by Jews of lands, including public lands and vacant lands, which are not necessary for public purposes, while taking care that the rights and conditions of other sectors of the population shall not be violated; to promote the acquisition of Palestinian citizenship by Jews who choose Palestine as their place of permanent residence; to create such political, administrative and economic conditions as will ensure the establishment of a Jewish national home in Palestine, etc.

The United Nations adopted the Partition Plan for Palestine in 1947, which called for the end of the Mandate and the establishment of Arab and Jewish states in Palestine. The Emirate of Transjordan, which was under the Mandate administration as an autonomous entity, gained independence in 1946. On May 14, 1948, a few hours before the end of the Mandate, the establishment of the Jewish State of Israel was proclaimed.

Southwest Africa is the modern Republic of Namibia. Since 1884 it has been a German colony and is known as German South-West Africa. During the First World War, the whole country was occupied by South African troops. In 1922, under the Treaty of Versailles, the Union of South Africa received the mandate of Group B of the League of Nations to administer Southwest Africa. In 1946, after the League of Nations ceased to exist, the United Nations entrusted the Union of South Africa with the trusteeship of the United Nations Trust Territory of Southwest Africa in preparation for its independence. Twenty years later, in 1966, the United Nations General Assembly declared the trusteeship of South Africa inappropriate and terminated it. Southwest Africa was given a new name — Namibia. But the UN decision was ignored by South Africa, which continued to administer Namibia on a par with other South African provinces. In 1971, the International Court of Justice declared South Africa's control of the Southwest African region illegal. In 1990, Southwest Africa gained independence and changed its name to Namibia.

Rwanda and Burundi – before the First World War, the German colonies. In 1916, Rwanda and Burundi were conquered by the Belgian Congo. In 1919, under the Treaty of Versailles, these regions, called Rwanda-Burundi, were ceded to Belgium. On 22 July 1922, Rwanda-Burundi became a League of Nations mandate territory under Belgian rule. Following the dissolution of the League of Nations, Rwanda-Burundi became a UN Trust Territory and was placed under Belgian administration on 13 December 1946. Under the terms of the mandate, Belgium was to develop the territories and prepare them

for independence. On July 1, 1962, the independent states of Rwanda and Burundi were established on the territory of Rwanda-Burundi.

Syria and Lebanon.

After World War I, France was given a mandate to administer Syria, including the present-day borders of the Syrian Arab Republic, the Lebanese Republic, and Alexandria. The mandate began in 1920 and continued until 1946, when Syria and Lebanon gained independence. Under the mandate system, France had broad powers in Syria and Lebanon. She controlled the administrative, economic and political structures of these territories. France made changes in the system of government, carried out reforms, controlled the armed forces and the conduct of foreign policy. However, the mandate system caused discontent among the population of Syria and Lebanon, which aspired to complete independence and self-determination. In the 1930s, large nationalist movements emerged in Syria that opposed the French presence and demanded independence. In 1941, as a result of international agreements, France was forced to lift the mandate regime and recognize the independence of Syria and Lebanon.

Advantages of the model: The country under whose protectorate the territory will be located will provide it with administrative assistance in development. The implementation of the model should lead to the cessation of active hostilities. It will ensure the restoration of the effective international legal status of the peninsula, the protection of human rights, political normalization, etc.

Risks and threats of the model: Temporary nature and uncertainty, the prerequisite for the selection of the territory, the preservation of political tension, and the complexity of joint management. In particular, the question remains as to which of the countries claiming to govern Crimea will play the role of a mandatory state (Ukraine or the Russian Federation) or whether it will be representatives of neutral countries. It is likely that in practice this will largely depend on the results of hostilities and the degree of advantage of each of the warring parties.

3. Introduce mechanisms of joint management (condominium) under the auspices of the UN Security Council or a special International Treaty.

Model: joint temporary or permanent management of territories, the division between the parties of legislative, executive, and controlling mechanisms of management. This mechanism may provide for the division of representative (local councils) and executive power between the parties to the Treaty.

The issue of Crimea as a condominium should also consider several social, political, and economic issues:

- legal field – parallel, mixed, special?
- there will be legislative and executive power, and local self-government.
- who will ensure the implementation of socio-economic standards in front of the population.
- the banking system of which country will be the main.
- in the budget of which country taxes of citizens will be deducted.
- the question of currency circulation.
- official language (s).
- recognition of education and other qualifications.
- questioning of Crimean Tatars (Crimean Tatar autonomy).
- which political system the peninsula belongs to and whether it belongs at all; in the elections of which of the countries people registered on the peninsula can participate, or it will be as a separate zone with a special status.
- the issue of placing military bases on the peninsula and conducting military exercises there; demilitarization of the zone or the presence of a common military contingent there.
- a question with law enforcement agencies, the judicial system, etc.

Conditions that enable the implementation

When is it possible to start a real discussion of the creation of the Crimean condominium? Conditions for this will appear after the end of the war and even, perhaps, after the change of power both in the Russian Federation and in Ukraine between 2024-2030.

A successful solution for those Territories must be rational and consider the interests of all parties concerned. Any other solution will only make the situation worse.

Based on the real balance of forces and capabilities, and the interests of the parties, the decision on Crimea may consist of the establishment of a special condominium or joint management of the territories of Ukraine and the Russian Federation. The provision on joint management can be enshrined in the Treaty between Ukraine and the Russian Federation, sealed by the United States and the EU, or in the mandate of the United Nations.

International Experience

And although it was not possible to find a completely similar example in history, more than 30 territories have experience of joint management in Europe, among them

such as Sakhalin, Cyprus and the Zaporizhzhya Sich (under the Andrusov Treaty of 1967). Interesting current condominiums are the Moselle River - co-ownership of Luxembourg and Germany (since 1816), Pheasant Island (since 1659),

International Space Station - co-ownership of 15 countries (Belgium, Brazil, Germany, Denmark, Spain, Italy, Canada, the Netherlands, Norway, Russia, USA, France, Switzerland, Sweden, Japan), Andorra (its co-rulers are the President of France and the Bishop Urgell (Seo de Urgell, Spain), although Andorra is a sovereign state.

At the same time, the United Nations can issue a mandate for such joint management. And control over its implementation is entrusted to the previously functioning UN Trusteeship Council, which was created to oversee the administration of trust territories falling under the system of international trusteeship (14 territories under administration until 1994). There is rich international experience. Control over the management of mandated territories was once issued by the League of Nations, and then by the UN for more than 50 entities and states, including Palestine, Syria, Lebanon, Egypt, New Zealand and many others.

At the same time, complete demilitarization was carried out in such territories. On the mandated territory, the construction of military bases and fortifications, the creation of an army from the indigenous population was prohibited.

Based on the real balance of forces and capabilities, the interests of the parties, the decision on Crimea may consist in the establishment of a special condominium or joint administration of the territories by Ukraine and the Russian Federation. The provision on joint management can be enshrined in the Treaty between Ukraine and the Russian Federation, sealed by the US and the EU, or by a United Nations mandate.

And although it was not possible to find a completely similar example in history, more than 30 territories have experience of joint management in Europe, among them such as Sakhalin, Cyprus and the Zaporizhzhya Sich (under the Andrusov Treaty of 1967). Interesting current condominiums are the Moselle River - co-ownership of Luxembourg and Germany (since 1816), Pheasant Island (since 1659).

Starting positions

Talking about the mechanisms of joint management of Crimea is meaningless without discussing scenarios in which this is possible. Now, both the Russian and Ukrainian leadership are peremptory in their judgments.

The leaders of the Russian Federation have repeatedly stated that the issue of Crimea has been resolved and will not be discussed. Russia perceives Crimea as its original territory. Reconsideration of the current status is impossible within the current political model of Russia.

The very discussion about the possible joint management of Crimea with Ukraine, holding a second referendum, etc. is not only impossible but also extremely dangerous

for the stability of the Russian Federation at present. If the current Russian leadership still goes to such a public discussion, it will cause enormous reputational losses. In the foreign policy arena, this will be perceived as a weakness of Russia, inside the country – as a betrayal of national interests.

On the opposite, and similarly tough, position is the leadership of Ukraine. Since 2014, Ukrainian politicians, officials, and right-wing activists have repeatedly stated that Crimea is an integral part of Ukraine and that a revision of its status is impossible.

For the current Ukrainian authorities, as well as for the Russian ones, it is impossible to publicly discuss the joint management of Crimea, the issue of holding a second referendum, etc. We are talking about reputational losses in a very broad sense of the word.

Discussion by the Ukrainian authorities of the possibility of joint management of Crimea with Russia will meet with strong rejection among Ukrainian radical nationalists.

The conflict between Ukraine and Russia, as well as the status of Crimea, are not in airless space. They are an integral part of a more global confrontation. For this reason, the creation of the Crimean condominium is impossible without a consolidated position of the Western countries. Now, the conflict between Russia and the West is far from being resolved and is clearly of a long-term nature.

The End Goal

It is necessary to realize that the goal for Ukraine should be the return of the Autonomous Republic of Crimea under its actual control. The joint management of Crimea is a time-stretched mechanism for such a return.

For Ukraine, Crimea will remain Ukrainian until Ukraine itself deems it necessary to recognize its different status. For Russia, Crimea will remain Russian until Russia again deems it necessary to accept its different status. Holding a second referendum on the fate of Crimea, of course, after a proper transition period in the form of a condominium, should close the issue of belonging to the peninsula.

The political model of the “condominium” can be implemented on the principles of:

- recognition of the norms of international law and the legislation of the parties.
- conclusion of a separate Agreement between the parties.
- parity, parallelism, and hybridity of forms of management on the peninsula.

There are a few problems here. The first is to avoid delaying the implementation of the agreements and to establish a reasonable period of validity of the Condominium for a period exceeding the period of its illegal occupation by the Russian Federation (for the normalization and democratization of political life on the peninsula).

Secondly, both Ukraine and Russia will have to recognize the results of the second

referendum. To do this, the referendum should be as transparent and open as possible, with the participation of international observers, freedom of agitation of both parties, etc.

Third, for the period of the Condominium, high democratic standards should be ensured on the peninsula – freedom of speech and assembly, political activity, the media, human rights and public organizations and international structures, and amnesty for political prisoners.

Small steps

It is impossible to achieve the stated goal at once. It is possible to fill the idea of the Crimean condominium with real content, as well as to bring the goal, the referendum, closer only by small steps. These steps should be taken by both countries: Russia and Ukraine.

It is possible to distinguish the following areas within which this is possible: the supply of Crimea, human rights, supervision and regulation, local self-government, and the economy.

Supply of Crimea.

The first thing to start implementing the Crimean condominium is to remove the socio-economic isolation of the peninsula.

It is not the Russian army that suffers from these actions, but primarily ordinary people, residents of Crimea. The same residents who in the future will vote in a second referendum and determine the fate of the peninsula. Ensuring uninterrupted supplies will ultimately increase the loyalty of Crimean residents to Ukraine (citizens of Ukraine).

Secondly, it is necessary to lift the transport blockade of the peninsula. The return of Ukrainian business to the Crimean market will strengthen interpersonal contacts between residents of the peninsula and mainland Ukraine. It will also contribute to the development of the business. Residents of Crimea will directly feel the benefits of cooperation with Ukraine.

In addition, it is necessary to resume transport links with the peninsula.

Human Rights

As soon as Russia annexed Crimea, it was accused of large-scale human rights violations. Its victims were Crimean Tatar and Ukrainian activists. In this area, the parties could come to the next option of cooperation.

First, an intergovernmental commission should be established to study cases of human rights violations in Crimea since 2014. Perhaps it is worthwhile to go for a review of court decisions and re-investigation of cases.

Both representatives of state structures and public figures with different political

preferences should be involved in this commission.

The goal of this commission should be the re-examination of all ambiguous cases and the further maximally open trial of them. Perhaps with the involvement of Ukrainian lawyers and prosecutors.

Oversight and regulation

In general, it is possible to consider the option of joint supervision and regulation within the Crimean condominium. We are talking about the issuance of either Ukrainian and/or Russian documents (passports, birth and death certificates, etc.) at the request of citizens, joint prosecutor's control, and the official presence of Ukrainian lawyers in the judicial system of the peninsula.

The implementation of this mechanism is extremely important for the “fight for minds and hearts”. Loyal citizens of Ukraine will not need to go as much to the Kherson region to obtain a birth certificate of a child or to renew a passport. For those residents of Crimea who do not feel much sympathy for Ukraine, the qualitative and effective work of parallel Russian Ukrainian bodies can be a definite argument in the subsequent vote in the referendum.

Local Government

An important element of possible joint management of Crimea should be the creation of local self-government bodies that would be recognized by both Ukraine and Russia. Local self-government bodies are apolitical and are aimed at resolving the current issues of the region.

For local governments, it is possible to propose the principle of recruitment, which was applied to Bosnia and Herzegovina in the Dayton Accords. First, it is parity of representation on a certain basis, for example, national, in local authorities. A fair principle of governance should, if not eliminate, significantly reduce conflicts on national grounds.

To avoid the oppression of small peoples, for example, the Crimean Tatars, in addition to the first paragraph, it is necessary to give the right of veto to representatives of any of the three main peoples of Crimea.

Economics

The most favorable scenario for the economic development of the Crimean condominium would be the maximum liberalization of the economy and the creation of a free trade zone on the peninsula. When all income, taxes, and fees remained and were redistributed in the Crimea. This would stimulate the economic development of the peninsula and would give impetus to the development of various sectors of the economy and the inflow of investment. The easing of the tax burden and the creation of free

economic zones also contributed to the success of the Crimean condominium idea.

The additional needs of Crimea could be covered by joint investments of Russia and Ukraine. We are talking about large-scale projects, such as infrastructure development, etc.

Safety

In the context of the future of Crimea, it is impossible not to mention security issues. Should Crimea be demilitarized? What about the public statements of Ukrainian public figures about the preparation of saboteurs to be sent to Crimea?

Firstly, the peninsula should be demilitarized (military units and the fleet, except for police) or the military balance should be restored before the annexation period (joint deployment of the Armed Forces of Ukraine and the Black Sea Fleet of the Russian Federation).

Law enforcement and judicial structures may be staffed by the parties on an equal footing.

International participation

Until 2014, representatives of about 30 states conducted their activities in Crimea. For the countries of the Black Sea and the Eastern Mediterranean, Crimea is an important place of economic activity. Providing conditions for business development can be an important factor in supporting the implementation of the Crimean condominium project by interested states.

The great powers are interested in resolving the Crimean situation from the point of view of geopolitics and security. With their support, Ukraine and Russia could sit down at the negotiating table on the future of Crimea and the possibility of implementing the Crimean condominium project.

Historical examples of condominiums:

Pheasant Island – was in the possession of Spain and came under joint management after the Peace of the Pyrenees (located on the border of France and Spain), the treaty cost Spain the loss of the status of a “great power”. Therefore, Russia will be able to go this way only in case of its strong weakening for various reasons (for example, when sanctions are tightened, gas supplies to Europe are minimized while oil prices fall).

The Moselle River is jointly owned by Luxembourg and Germany, navigable. Experience can be transferred in terms of navigation in the Kerch Strait and the Sea of Azov, for this it is necessary to rewrite the 2003 agreement on the use of the Sea of Azov (agreed on free navigation of non-commercial ships), the norms of which were not revised after the annexation, since the Ukrainian side does not recognize the change of territorial affiliation of the Crimea.

Lake Constance is a zone without formal borders in Europe, as there is no agreement on them between Germany, Austria, and Switzerland. The zone does not include a 25-meter coastal line. Feature: legally, this is not a zone of general management, but one that does not belong to any of the parties. Switzerland does not think so and adheres to the position that the border passes through the middle of the lake, Austria – that the situation there is governed by international maritime law, and on the shores – by the national laws of the states to which the shores belong, Germany has not formulated its position. Shipping issues are regulated by separate treaties. This zone is just a water-navigable space without strategically important elements for each of the parties. As an experience, it is possible to adopt the concluded agreements between the countries on common navigation.

ISS – General management is based on the common interests of 15 countries and general scientific and technical support. Everything is based on partnership. The partnership was signed based on several memorandums of understanding. In the context of Crimea, within the framework of international negotiations on the status of Crimea, it is possible to develop a draft of such a memorandum with a detailed description of the roles and responsibilities of partners who will have the opportunity (social? The political one... humanitarian?) influence on the territory of the Crimea in the future. Also, within the framework of the partnership, commercial agreements were signed (including with the Russian Federation), and such mutually beneficial economic cooperation could also be prescribed between the countries participating in the process. Several memoranda on the ISS regulate the legal aspects of ensuring subordination, discipline, physical and information security, etc. Separately signed agreements on the use of station resources with a clear percentage of use by each party.

Andorra is a sovereign state, co-rulers of which are the President of France and the Spanish bishop. The political system is a parliamentary democracy, the power of the heads of state is nominal. As an option for Crimea: to give the peninsula political, economic, and social autonomy with nominal management of Ukraine and the Russian Federation, and in fact – self-government with the obligatory recognition by the international community as a subject of international law.

Cyprus has a population of 80% Greeks and 18% Turks (according to the 2014 census, 74.2% Russians, 13.8% Ukrainians, and 6.6% Crimean Tatars). The armed conflict began because of the inequality of ethnic quotas and there was strong support for its citizens from the Turkish side, the Ukrainian side does not support its citizens there and we do not observe a clear ethnic conflict, since there remained loyal to the Russian authorities' citizens. The issue of historical experience on Cyprus can be considered from the point of view of the accession to the EU of the "Greek" part of Cyprus in the context of Ukraine's adoption of the course towards the EU and NATO and the conflict in this regard with the inhabitants of the Crimea (for example, in 2006 in Feodosia there were protests the NATO exercise). The experience of Cyprus and the ongoing tensions have led to the conclusion that forcible transfer of territory to another

zone of influence without the support of the local population, with its interests in that territory, will lead to the freezing, postponing, or deepening of the conflict.

Zaporizhzhia Sich – as a Russian-Polish condominium after the Andrusiv truce: joint management was based on military interest in terms of protection from possible attacks of the Russian Empire, the Crimean Tatars, the Ottoman Empire, as well as free trade between Sich and the RP and diplomatic immunity of ambassadors.

Sakhalin Island – in 1855, between the Russian and Japanese empires, the Shimoda Treaty was signed, according to which citizens of both states were allowed to settle on the island: Russians in the north, Japanese in the south (Sakhalin was in this status until 1875). In the situation with Crimea, such an agreement is possible, which would not divide the territorial zone of settlement and residence of citizens of any state. Thus, it would be possible to allow, for example, dual citizenship or citizenship of only one country, but the territory itself would be defined as a joint. In this case, it is necessary to prescribe the issue of circulation of currencies on the peninsula, cooperation of banking spheres, and social security of citizens: it will be carried out by mandate holders or elected by the government of the peninsula based on local budget revenues.

Belize/Guatemala. In 1981, Belize gained independence from the UK, but maintains a dispute with Guatemala over territorial boundaries. The dispute between Belize and Guatemala focuses on defining the exact borders between the two countries. Guatemala continues to argue that Belize should give up just under half of its territory south of the Sibun River. In 2005, an agreement was reached on the creation of a special zone (Adjacency Zone) between Belize and Guatemala, and a common military commission was established to maintain peace and security in the region. Under the terms of the 2008 agreement, it was decided to hold referendums in Guatemala and Belize to refer the territorial dispute to the International Court of Justice (ICJ). So the referendum in Guatemala is held on April 15, 2018, and in Belize on May 8, 2019. In referendums, the population of the two countries approves the use of MS. Despite these steps, a final solution to the territorial dispute between Belize and Guatemala has not yet been reached. Both countries continue to engage in dialogue and search for a peaceful solution to this issue.

Southern Tibet. India and the PRC have territorial disputes over the region of Aksai Chin and Arunachal Pradesh (Southern Tibet). Although the disputes have still not been fully resolved, both countries have agreed to jointly manage some of the disputed territories. In particular, in some areas on the Line of Actual Control between India and China, there are common patrols and coordinated border management. In 1993 and 1996, the PRC and India signed peacekeeping agreements in the disputed areas, which are aimed at preventing armed incidents. India and China hold regular high-level talks to discuss territorial issues, which include meetings at the level of special representatives and foreign ministers.

The parties also maintain diplomatic contacts, including the exchange of embassies and consular missions, in order to improve mutual understanding and exchange of information. Despite this, these efforts have not yet resulted in a final solution to the dispute.

Advantages of the model: Joint management of Crimea is a half-hearted decision that cannot suit either side fully and will suit all partially at the same time. Therefore, its goal may be to hold a second referendum in Crimea after a proper transition period in the form of a condominium, which should close the question of the peninsula's ownership.

Risks and threats of the model: in the model of joint management, it is difficult to consider all the controversial aspects of management, which can aggravate existing conflicts and create new ones. Many condominiums in the past were in conjunction with the division into controlled zones, which in the case of Crimea will not work. The situation with Crimea cannot be considered by analogy with only one of the similar historical precedents, since it includes issues of global and regional security, navigation, human rights, interethnic relations, the placement of military bases, and economic control.

4. International administration and external (or mixed) management

Model: an internationally established model of governance, which may provide for the division of the territory into zones of influence, the autonomy of individual parts or without it.

Conditions under which implementation is possible. Such a scenario is possible in a protracted war when neither side will have a clear advantage. But at the same time, Russia will lose a significant part of the seized territories, and Ukrainian troops will not be able to fully regain full control over the territory of Crimea. This will require the active participation of the international community.

Political and historical examples:

International administration and external (or mixed) management of the guarantor countries of security, the UN Security Council, and the “nuclear club” with the participation of Ukraine and the Russian Federation. An example is Bosnia and Herzegovina, Germany in 1945 and later.

Following the example of Bosnia and Herzegovina

The disintegration processes in the former Yugoslavia, unfortunately, did not follow the Czechoslovak or even Soviet variants but became the largest humanitarian and military catastrophe in Europe of the last 30 years. Millions of dead, tens of millions of refugees, dehumanization, ethnic cleansing, and genocide, the destruction of the economy and the social sphere – the result of the explosive destruction of Yugoslavia.

One of the most difficult pages of the final political settlement in the former Yugoslavia was the issue of Bosnia and Herzegovina.

Before the conflict, the population of Bosnia and Herzegovina was more than 4 million people: 44% Bosnian Muslims (predominantly ethnic Serbs), 31% - Orthodox Serbs, 17% - Croat Catholics, Turks, Albanians, Hungarians, Slovaks, Russians, etc. Muslims predominated in 49 communities, Serbs in 37, and Croats in 20.

As a result of the outbreak of civil war between the three main ethnic groups, with the active participation of neighboring Yugoslavia (Serbia) and Croatia, from 90 to 300 thousand people became its victims, 500 thousand were injured, and 60% of the population became refugees. The country broke up into several partially recognized territories.

More than 20 rounds of peace talks were unsuccessful and fighting continued until 21 November 1995, under unprecedented international pressure at the military base in Dayton (USA), the leaders of Serbs, Muslims, and Croats signed a peace agreement and mutual reintegration and the creation of a common state - Bosnia and Herzegovina. The guarantors of the agreement were the United States, Russia, Germany, Great Britain, France, and the EU. The agreement was formally signed by the President of Bosnia and Herzegovina, Alija Izzetbegovic, the President of Serbia, Slobodan Milosevic, and the President of Croatia, Franjo Tudjman, through the mediation of Richard Holbrooke, on 14 December 1995 in France.

The “Dayton Agreements” are deeply detailed and include not only the text of the agreements, but also the delimitation maps, the regulation of all major strata of society: the Agreement on Military Aspects of Peaceful Settlement; the Agreement on Regional Stabilization; the Agreement on the Line of Delimitation between Entities and Related Matters; the Agreement on Elections; the Constitution of Bosnia and Herzegovina; the Agreement on Arbitration; the Agreement on Human Rights; the Agreement on Refugees and Displaced Persons; the Agreement on the Commission for the Protection of National Monuments; the Agreement on the Establishment of Public Corporations of BiH; the Agreement on Civil Aspects of Peaceful Settlement; the Agreement on the International Police Task Force).

Under the agreement and political and legal practice, the peaceful settlement in Bosnia and Herzegovina is based on several principles:

1. **The federalization and transfer of power within** the country to nationally constituted entities – Republika Srpska and the Federation of Bosnia and Herzegovina.
2. **Political multiplication.** Mandatory parity ratio of national representation of Muslims, Croats, and Serbs in all central authorities – parliament, government (ministries), the presidium of presidents, and constitutional court.
3. **The veto power** of the representatives of any of the three principal peoples in the organs of power.

4. **External** political, economic, and military **administration** of the territory of BiH. International guarantees of the signatory countries, UN, EU, NATO, OSCE, and IMF.

5. **Amnesty for participants in the war** (except for those who committed war crimes).

Ultimately, for settlement, the highest political authority in BiH belongs to the High Representative for Bosnia and Herzegovina, who is the main representative of the international community in the country (combining both UN and EU mandates), military security was provided by the NATO contingent (60 thousand people), and all police forces of Bosnia and Herzegovina are subordinated to the Commissioner of the International Special Response Force (MSSR) of the UN, elections are held under the control of the OSCE, the banking system was recreated by the IMF, human rights and arbitration issues are controlled by bodies with the dominance or involvement of foreigners.

Kosovo. External administration in Kosovo was established after the conflict in the late 1990s and the collapse of Yugoslavia. An international administration in Kosovo has been established under the auspices of the United Nations (UN) and the European Union (EU). The UN adopted a resolution establishing the UN Mission in Kosovo (UNMIK) and the EU contributed through the European Police and Law Mission (EULEX Kosovo). International administrators were appointed in Kosovo, who had broad powers in the fields of politics, security, justice, economics and other areas of government. They led the process of rebuilding institutions, developing the legal system, and implementing reforms. Kosovo was divided into different areas of responsibility, where international administrators and missions exercised control and administration. Each zone had its own designated administrator or mission commander. International governance in Kosovo also included efforts to stimulate economic development and provide assistance to rebuild destroyed infrastructure. Steps were taken to attract foreign investment, create jobs and develop key sectors of the economy. Over time, international governance in Kosovo began to soften and there was a gradual transition to local government and the strengthening of the Kosovo state apparatus. This included the transfer of powers and responsibilities from international administrators to Kosovo's institutions and bodies.

Cyprus. During the partition of Cyprus in 1974, the system of government on the island became decentralized and divided between the Turkish Republic of Northern Cyprus (TRNC) in the north and the Republic of Cyprus in the south. A United Nations Controlled Nations Zone (UNFICYP) was established between the northern and southern parts of the island. This UN mission was created to maintain security, reduce

tension and ensure peace on the island. The mission works on the basis of the UN Security Council resolution and cooperates with the Cypriot parties. The UN Controlled Nations Zone in Cyprus covers approximately 180 kilometers of the demarcation line (the so-called "Green Line") separating the northern and southern parts of the island. The mission has bases and control points in various regions of Cyprus. UNFICYP consists of military and civilian components. The military forces provide basic security and enforce the ceasefire. The civilian components supervise, monitor and coordinate dispute resolution activities, including security, human rights and humanitarian assistance. UNFICYP patrols, monitors and controls the Green Line to prevent incidents and maintain stability. The Mission also maintains contact and dialogue with the Cypriot parties, peacekeeping forces, law enforcement agencies and local communities in order to promote trust and cooperation.

Considering international experience, the stages of implementation of this model can be:

Conducting an audit of the economic and social interests of other countries in Crimea (except for the countries participating in the conflict). Before the annexation of Crimea, business on the peninsula was conducted by representatives of more than 30 countries (most of them are listed in the first part of the note). Today, the interests of the citizens of these countries suffer from sanctions and all sorts of political restrictions. Holding an international conference on this issue in the Republic of Kazakhstan.

Those interested (but not in conflict) countries **could, on the initiative of the Republic of Kazakhstan, create a “Friends of Crimea Club”** - a **regional international organization** (the standard world practice of diplomacy – for example, the Friends of Syria Club, the “5+1” on Iran, and so on) and initiate a solution to the economic and social issues arising from this for their citizens in Crimea.

Actualization of economic and social issues on international platforms. Possible consolidation of problems in resolutions of the UN Security Council or the UN General Assembly; decisions of the BSEC or the “Friends of Crimea Club”. The goal is to move economic and social issues beyond conflict to the international level.

Political part

Initiation of a new international agreement (with its possible consolidation by the UN Security Council resolution) to replace the Budapest Memorandum on Guarantees of National Security, Territorial Integrity, and Economic Support of Ukraine.

Creation of the Provisional International Administration of Crimea (VMAC), under the auspices of the High Representative of the United Nations, the EU, or another international organization or association of countries.

Full amnesty for Ukrainian citizens on both sides of the conflict (except for those who have committed crimes against humanity);

Conducting local elections in Crimea under the auspices of the OSCE and the

leadership of the VMAC – the formation of new local self-government bodies.

Bringing the most acute provisions of the International Agreement on Crimea to a referendum in Ukraine and Crimea, and in Russian Federation (according to the Irish model). Introduction of permanent amendments to the Constitution of Ukraine and legislation.

In parallel, it is possible to implement elements of joint management, in which one party owns and manages (Russia), and the other controls and protects its interests (Ukraine): for example, Ukraine gets the right to appoint its commissioner for human rights and to coordinate the appointment of the chief Prosecutor of the Crimea.

Advantages of the model: put an end to the war and prevent future human losses. Also, the international community will control the main areas of relations between potentially hostile representatives of the Crimean society (ethnic Russians, Ukrainians, Crimean Tatars, etc.), which in turn should reduce the degree of possible aggression or hostility.

Risks and threats of the model: for a long time, the peninsula will be under external management, which will limit the ability of the Ukrainian central and local authorities to make independent decisions on the main issues of society.

5. Transitional Agreement between the countries for a period of 20-30 years.

Model: settlement of the status of the territory in two time periods - for a certain period and in the future - by peaceful transfer from one subject to another, considering the norms of international law, the interests of the parties, and the inhabitants of the territory.

Conditions under which implementation is possible. Such a scenario is possible if a certain consensus is reached between Ukraine and the Russian Federation. What is possible with a significant depletion of resources for waging war on both sides or a change of power in one of the opposing countries?

Political-historical examples: So, the problem of Hong Kong or Macau between the PRC and Great Britain/Portugal was solved.

Hong Kong, a former British colony, is now a special administrative region of the People's Republic of China. Hong Kong came under Chinese jurisdiction in 1997. Under the agreement between the UK and China until 2047, Hong Kong is granted broad autonomy within the framework of the One Country, Two Systems course, it retains an independent financial system, a judicial system based on British law, and autonomy in all areas except defense and foreign policy. Hong Kong is ruled by the Hong Kong people themselves under a high degree of autonomy, with the PRC taking over the

territory's defense and foreign policy issues, while Hong Kong remains in control of the law, police, monetary system, duties, and immigration policy. Hong Kong has representation in international organizations and events. The head of Hong Kong is elected by the Chief Minister's Election Committee, consisting of 800 people, the rest of the civil servants are either appointed by the Hong Kong government or elected by voters. The economy is based on a free market, low taxation, and non-interference of the state.

In general, the PRC seeks to strengthen its influence in the region. In 2019, mass protests began in Hong Kong because of the extradition bill proposed by the administration, which could legalize the extradition of suspects in crimes in the PRC. As a result, the authorities were forced to withdraw the bill, and the opposition received a majority in the elections of deputies of district councils. In November 2020, the Standing Committee of the National People's Congress (NPC) adopted a resolution enshrining patriotism as a mandatory requirement for all members of the Hong Kong Legislative Council. This resolution allowed the authorities to disqualify four opposition deputies, after which all 15 remaining in the Legislative Council of the opposition demonstratively resigned. In March 2021, The NPC approved the reform of the electoral system of Hong Kong. The electors will now not only vote for the head of the Hong Kong administration but also ensure the election of a significant part of the members of the Legislative Council. The number of the Electoral Commission will increase by a quarter, to 1,500 people, and to the four nominating categories will be added representatives of “advisory bodies”. According to the PRC, this should exclude a situation in which the radical opposition could, having received a third of the seats and block the adoption of the necessary bills.

Model for Ukraine: within the framework of the reintegration of Crimea, you can give the peninsula similar rights by introducing it into the Hryvnia zone. As an option – revise the tax system and create a special economic zone with reduced taxes or even a zero rate for the first 3 years to attract foreign investment and develop the economy of the peninsula. In the context of Russian economic policy, this could draw many Crimeans to the Ukrainian side. At the same time, the political component should be completely removed from the issue.

Gibraltar is a territory of Great Britain disputed by Spain (ceded to the first in the early 18th century after the signing of a peace treaty). Feature: it occupies a strategic position over the Strait of Gibraltar, connecting the Mediterranean Sea with the Atlantic Ocean, and there is a NATO naval base. It is a member of the European Union through membership of the United Kingdom. Legislative power is vested in the Queen of Great Britain and the Parliament of Gibraltar. It is not subject to the common agricultural policy of the EU, the Schengen agreements, it is not a common customs zone with the

EU and there is no VAT. Residents – citizens of the UK and the EU, can participate in elections to the European Parliament. Spain does not recognize British sovereignty over Gibraltar and considers it illegally occupied.

In a dispute with Spain, a joint British-Spanish declaration on the use of Gibraltar Airport was signed in 1987. The Gibraltar authorities were not involved in the negotiations. The neutral territory of the island is currently being actively developed and built by the Spanish side.

The tax system here is separated from the EU and is almost identical to the tax system of Hong Kong, the economy is based on the servicing of navigation, bunkering, tourism, holding international conferences, the Internet industry, electricity production, financial services, and offshore banking.

Model for Ukraine: The position of the island is comparable to the industries developing in the Crimea, experience can be adopted in the case of launching the process of reintegration of the territory. If this is done without maintaining the zone of influence of the Russian Federation, it will be very controversial the issue of placing the VM base there, which the Russian side is unlikely to refuse, and the Ukrainian side is unlikely to agree to its further placement there.

Given the fact that most of the inhabitants of the peninsula (largely due to Russian propaganda) are now distrustful of Ukraine, the transition model (for 20-30 years) is the most optimal. When Crimea's governing system gains a high degree of autonomy during this period, Ukraine takes over defense and foreign policy.

Risks and disadvantages of the model: In modern conditions, the model is virtually impossible to implement because of the position of the Russian Federation, which considers Crimea its territory. The possibility of implementing a transitional treaty may likely appear after a major defeat of the Russian Federation, and Ukraine's direct access to the approaches to the peninsula or its military liberation, as well as a result of a possible change of power in the Russian Federation.

6. Political Reset.

Holding internationally recognized elections (first) and referendums (then) in these territories regarding their status after a certain period and after unconditional admission of Ukrainian political actors, and the media, ensuring freedom of speech and political discussion.

Model: self-determination of the inhabitants of the territory after ensuring a democratic transition period with the guarantee of legitimate international legal interests of Ukraine.

Conditions under which implementation is possible. It is possible with the active participation of the international community, as well as the partial, but not complete defeat of the Russian Federation in the war. The risk of a complete loss of Crimea with the prospect of establishing Ukrainian control without any conditions will force Russia to agree to the scenario of holding internationally recognized elections after a certain period.

Political and historical examples:

South Sudan – The territory of South Sudan in 1899 was included in Sudan, over which the regime of joint Anglo-Egyptian management (condominium) was established. Unlike the people of northern Sudan, who were Arabs and Africans who professed Islam, the people of the South adhered to traditional African beliefs. North and South Sudan were subordinated to separate administrations. In 1956, Sudan was declared an independent state. The Sudanese authorities launched repressions against the opposition, and they tried to solve the problem of separatism in the South by violent Islamization. Such steps have led to increased tensions and the outbreak of armed clashes. In 1972, an agreement was signed between the government of Sudan and the leaders of the South in the Ethiopian capital of Addis Ababa, according to which the South of Sudan received an autonomous status within a single state.

In 1978, large oil reserves were discovered in southern Sudan. And in 1983, Sudan introduced Islamic legislation, which extended to the southern provinces, as well as plans for administrative reform, weakening regional autonomy. This provoked the resumption of armed confrontation, which escalated into a second civil war (1983-2005), which lasted more than 20 years. The conflict settlement process in the South of Sudan was held with the active mediation of representatives of the international community in the person of the Intergovernmental Authority on Development (IGAD), the African Union, the United Nations, the United States, and the European Union. On January 9, 2005, government and rebel representatives signed a peace treaty in southern Sudan that established a six-year transition period. The question of the future status of the region, under the terms of the peace agreements, was put to a referendum held on the territory of the autonomy on January 9-15, 2011, For the independence of South Sudan voted 98.83% of its participants (3 million 792 thousand people). 518 of its inhabitants). Turnout was 97.6% of registered voters. The Sudanese authorities officially recognized the results of the referendum and agreed to grant South Sudan independence. But the conflict has not been fully resolved. The issue of ownership of the disputed Abyei area, located in the border zone in the Sudanese state of Southern Kordofan, rich in oil reserves, remains unresolved. On June 20, 2011, an agreement was signed on the establishment of a demilitarized zone in the Abyei Area and the deployment of a peacekeeping contingent there under the UN flag.

Catalonia is one of the 17 autonomous regions of Spain, located in the north-east of the country. The struggle for Catalan independence has been going on for centuries. In 1714, Catalonia lost its autonomy and regained it only in 1979 after the death of Spanish dictator Francisco Franco. Catalonia accounts for a quarter of Spain's gross national product. And in the national budget, Catalonia pays about 16 billion euros more than it receives back. This situation was the main reason for separatist sentiments and the desire to separate from the kingdom. The Catalan independence referendum was held on October 1, 2017. More than 90 percent of voters voted for the region's secession from Spain. After that, the former head of government, Carlos Puigdemont, signed the Declaration of Independence of Catalonia and called on all countries of the world to recognize it as a sovereign state. But this referendum by the Spanish authorities is considered illegal. The Supreme Court of Spain found the organizers of the referendum on the independence of autonomy guilty of rebellion and sentenced them to long prison terms, and K. Puigdemont fled the country.

Catalonia is now asking the Spanish government to consider an agreement to hold a new referendum on the independence of the region, which will be recognized both by the kingdom itself and by the world community.

Scotland – Opinion polls in recent years show that among just over 5 million people in Scotland, the voices of supporters and opponents of independence are roughly equally divided. In 2014, Scotland held an independence referendum. 55% voted against secession from the United Kingdom, and 45% supported independence. Two years later, the UK voted to leave the EU. And the Scots demanded a new referendum because they just wanted to stay in the European Union and voted against Brexit (62% against 38%). Scotland has pledged to rejoin the European Union while maintaining freedom of movement with the UK and Ireland.

If the first referendum was held with the consent of London, then the second was rejected by the Scots. For a referendum on withdrawal from the kingdom, the consent of the British Parliament, which is controlled by the Conservative Party, was opposed by all the Prime Conservatives: Theresa May, Boris Johnson, and the current Prime Minister Rishi Sunak.

The SNP announced that it would hold a referendum on October 19, 2023, but the law was not adopted and decided to appeal to the Supreme Court in advance to avoid unnecessary litigation. But in November 2022, the unanimous decision of the Supreme Court judges was negative. The court's decision, which later encouraged the government of Rishi Sunak, should postpone the question of the second referendum on Scottish independence for a long time. At the same time, this situation can cause political problems for the United Kingdom, as it fuels the confidence of the Scots that the British

oppress them, suppress democracy and deny them the right to self-determination.

East Timor is divided into 13 administrative districts. The districts are further subdivided into 90 sub-districts, 700 sukos, and 7,225 villages. The country's economy suffered greatly (the infrastructure was badly damaged) due to the war of 1976—1999. East Timor was a Portuguese colony until 1974. Following the fall of the authoritarian regime in Portugal, the process of decolonization began in Timor. In 1975, the Fretilin Party issued the Declaration of Independence for East Timor. But the right-wing parties APODETI and UDT announced the accession of East Timor to Indonesia. Indonesian troops invaded the country, and on July 17, 1976, East Timor was declared Indonesia's 27th province.

On 30 August 1999, a referendum on self-determination was held in East Timor under the auspices of the United Nations. Each of the 200 polling stations was heavily guarded by the UN police forces and Indonesia, they were allowed dozens of international observers. the referendum was attended by more than 90% of registered voters, 78.5% of whom voted for independence. On October 30, 1999, Indonesian troops withdrew from the country. On February 23, 2000, the United Nations Transitional Administration (UNTAET) was established in the country. The goals of the transition period were to promote the organization of national state structures, and administrative and judicial systems, and to prepare for the elections of self-government bodies. The work of the administration was initially determined for a period of three months, but its mandate was extended until 2002.

On 20 May 2002, East Timor was officially declared an independent State. Disagreements with Indonesia currently persist along three sections of the border.

Advantages of the model: In the situation of Crimea, holding a referendum is advisable in the case of a preliminary establishment of a transition period (from 10 years). During the admission of Ukrainian political subjects, freedom of speech and honest political discussion will be guaranteed. On the positive side, such a referendum would give the people of Crimea the right to self-determination. Citizens will be able to decide for themselves whether Crimea will continue to be part of Ukraine or not.

At **the** same time, as can be seen from the above examples, the warring parties, for various reasons, may challenge the results of the vote or not recognize the referendum itself, considering it illegal. In this case, the conflict will continue.

7. Lease of territories (paid or free; with financial or political equivalent).

Model: short-term or long-term paid lease of the territory with the recognition of property rights of Ukraine.

Conditions under which implementation is possible. Most likely, the implementation of such a scenario is possible after the change of power both in the Russian Federation and in Ukraine. When the contract on the lease of territories will be concluded by representatives of the authorities who did not take a direct part in the events of this military confrontation.

Guantanamo Bay Base. The U.S. has leased territory in Guantanamo Bay in Cuba since 1903. This lease was established through a treaty known as the Cuban-American Convention. Under the treaty, the United States received exclusive rights to use and control the territory of Guantanamo for a fee of \$2,000 per year. The Guantanamo base remains the subject of political and legal disputes between the United States and Cuba. The United States continues to use the Guantanamo base as a military and prisoner base, despite criticism from some countries and international organizations. In addition to issues related to the maintenance of prisoners, the Guantanamo base also raises questions about the sovereignty and territorial integrity of Cuba. Various efforts and initiatives have been taken to change the status of the Guantanamo base and its use. The Cuban side has repeatedly expressed claims for the return of control over the territory of Guantanamo and the termination of the lease agreement. Currently, although the \$2,000 payment continues to be sent to Cuba, the Cuban government refuses to accept the payment, considering the lease to be illegal.

Diego Garcia Base. The United States leases the territory of Diego Garcia Atoll in the Indian Ocean from the United Kingdom. The lease was established in 1966 for 50 years, with the option of automatic renewal every 20 years. In exchange for the rent, the US provides the UK with financial compensation. The Diego Garcia base is of strategic importance to the United States. It serves as an important center of operations and support for military operations in the Indian Ocean region. There is an airfield at the base, which is used for the deployment of military aircraft and the US air force. Diego Garcia lease issues have attracted some controversy and criticism in connection with the eviction of local residents of the Chagos Archipelago, who were removed from the atoll in the 1970s to cede the territory to the United States. In recent years, legal efforts have been made to restore the rights of local residents to return to the atoll, and this issue remains a matter of debate.

Free City of Danzig (now Gdańsk). Between 1920 and 1939, the city of Danzig was established as a free city with international status. It was leased by the League of Nations and was under the joint administration of Poland and an international commissioner appointed by the League of Nations. Poland, as a neighboring country, had a special interest in the city of Danzig, as it provided access to the Baltic Sea and

was an important trade and economic center. Under the treaty, Poland was granted special rights and privileges in the Free City of Danzig, including control over certain key sectors such as the port and customs. However, the joint administration of Poland and the international commissioner caused conflicts and disputes, especially during a period of growing nationalism and geopolitical tensions in Europe. In 1939, as a result of the Nazi Germany's invasion of Poland, the Free City of Danzig was occupied and incorporated into the Third Reich.

Political and historical examples:

The presence of the Russian Black Sea Fleet on the territory of Ukraine. It began on May 28, 1997, with the signing of a package of agreements on the division of the Black Sea Fleet of the former USSR. According to the documents, the two countries (Ukraine and the Russian Federation) were divided into the Black Sea fleet of the USSR, its weapons, and bases. The Black Sea Fleet of the Russian Federation received the status of a “foreign military formation”. Then ended the period from 1992 to 1997, which was the so-called "undeclared war", during which the fate of the "BSF of the USSR", the state affiliation of Crimea and Sevastopol was decided. During the stay of the Black Sea Fleet of the Russian Federation on the territory of Ukraine, the interconnection and interdependence of the inhabitants of the Crimean Peninsula and the fleet artificially increases, and the Russian influence on the city of Sevastopol is separately strengthened. For example, in the training system of the Russian Navy, Crimean youth are admitted to military schools in Russia, regardless of Ukrainian citizenship, with their subsequent return to officer and midshipman positions in the Black Sea Fleet of the Russian Federation.

On April 21, 2010, President of Ukraine Viktor Yanukovich and President of the Russian Federation Dmitry Medvedev signed the so-called "Kharkiv agreements". The document provided for the continuation of the stay of the Russian fleet in Crimea for another 25 years from 2017 to 2042. “Kharkiv agreements”, the Russian Federation used to justify the annexation of Crimea (the legal status of Russian troops on the territory of Ukraine). Now the Constitutional Court of Ukraine has opened proceedings on the constitutionality of the "Kharkiv agreements".

This **model** is possible with the recognition by the Russian Federation of the international legal status of Crimea as the territory of Ukraine. In addition, the Ukrainian budget will be replenished annually for the agreed amount.

Risks and threats of the model: The model for Ukraine carries significant risks. As you can see from the example of the stay in the Crimea of the Black Sea Fleet of the Russian Federation, even rent can be used to support anti-state and separatist sentiments. Under this model, the formation of loyalty of the population of Crimea to Ukraine, and

therefore the actual return of the peninsula to the country, will be slow.

Additional international successful examples of territorial dispute resolution:

Greenland Agreement between Denmark and Canada: The island is located in the Arctic Ocean and is of strategic importance. The dispute over the sovereignty over the island of Greenland arose in the middle of the 20th century between Denmark and Canada. In 1973, Denmark and Canada signed an agreement whereby Greenland remained part of Denmark and the two countries cooperated in the management of the island.

Agreement on the border dispute between Ethiopia and Eritrea. After the end of the armed conflict between Ethiopia and Eritrea in 1998-2000, the countries could not agree on the border between them. However, in 2018, new Ethiopian Prime Minister Abiy Ahmed and Eritrean President Isaias Afwerki signed a peace deal, ending the official state of war and agreeing on a new border between the two countries.

Chile-Argentina Boundary Dispute Agreement. Chile and Argentina have had territorial disputes for a long time, especially over the southern regions, including the Southern Patagonia zone and the Fernando de Noronha Islands. In 1984, the countries signed the Main-Ohio Agreement, which settled the dispute and defined the border between them.

Settlement of the border dispute between **Peru and Ecuador** (1998). After lengthy negotiations and mediation by international organizations, Peru and Ecuador were able to agree on the border between them. The disputed territory, known as the Cordillera Conflict, was divided and both countries agreed to new borders.

Conclusion

To summarize, any of the above models, under certain conditions, may be applicable to return the Crimean Peninsula to the international and Ukrainian legal field, or none of them may be applied. After all, if there is political will on the part of the conflicting parties and the assistance of the international community, even the complex problem of Crimea can be completely solved.

In addition, in the history of international law and international political relations, there are many examples of successful settlement of territorial disputes, some of which were carried out in this study.

But this experience is different and individual for countries. It cannot be said that there are any universal models or even those that are most suitable for Ukraine. Yes, and examples of successful solutions were often accompanied by dozens of failed attempts and failures.

Therefore, we did not set ourselves the task of describing only one particular path for the return of Crimea to the international legal field. Hardly anyone can do this today. But to show that besides endless waiting or war, there are other ways to restore territorial integrity for Ukraine - that's what we strived for.

The list of models given in this study does not mean a change in the current international legal status of any territory of Ukraine, but only a search for mechanisms for a real settlement, taking into account the actual situation (if the parties can reach agreements). In addition, in the context of Ukraine, all these scenarios must be accompanied by security guarantees for all parties to the negotiations, mechanisms for the economic restoration of territories and international control (arbitration) of the settlement process. The legitimate goal of these models is the reintegration of Crimea into Ukraine as the final goal of the settlement process.

In any case, after the end of the war, Ukraine and the world will one way or another have to build new relations of security and cooperation in the region of Eastern Europe and the Black Sea. And it is possible that now or in decades, after many tragedies, difficulties and mistakes, we will come to some form of solution to the problem of Crimea.

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