

# The 2014 Crimean Crisis: Collective Self-Determination, Territorial Integrity, and Legitimacy under International Law

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## Abstract

A growing variety of critical analyses of unlawful offenses and acts of imperialism against ethnic minorities and their territories have been made possible by evolving requirements for democracy. One of these acts is the sequence of events that took place in early 2014: the military invasion, the referendum, and finally, the annexation of Crimea on February 20, 2014—one of the major acts of hostility in Ukrainian-Russian relations. The annexation raised the questions: To what extent was the Russian moved to annex Crimea legal under international law and standards, and Ukrainian law? How can this situation be applied to the democratic merits of self-determination and territorial integrity? The dominant view of the Crimean Crisis is that it was strictly illegal. On the other hand, the Kremlin claims to have met the demands of Crimeans, the majority of whom are Russian speakers and identify as Russians. Previous research has focused purely on identifying the illegality of the annexation and thus has been unable to disentangle the analysis of the principles of self-determination and territorial integrity and successfully apply them to the issue. This paper argues that while the annexation was illegal under international law and respective laws, notably the Ukrainian constitution, it was primarily illegal because the referendum was organized by Russia and not by a local Crimean government or the Ukrainian government. Due to the element of “external self-determination” in the referendum and annexation, as well as notable breaches of democratic referendum standards and laws at large, the annexation remains to be concluded as illegal in this paper and in most available literature. Furthermore, the paper focuses on the right to self-determination and territorial integrity and their intersection, concluding that by considering their overlap in a democratic environment, a feasible alternative can be found.

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## Keywords

Crimea, Russia, Ukraine, International Law, Referendum, Self-Determination, Territorial Integrity

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## 1. Introduction

The region of Crimea, Ukrainian Krym, also spelled Krim, was officially declared to have joined the Russian Federation on March 16, 2014, along with its two municipalities, Sevastopol and Simferopol, after a disputed referendum held on the same day. The referendum asked voters to agree with either the Autonomous Republic of Crimea reuniting with Russia as a constituent part of the Russian Federation, or the restoration of the Constitution of the Republic of Crimea of 1992 and Crimea's status as part of Ukraine. As such, it triggered significant political turmoil and raised doubts about its status quo and lawfulness according to international law and the respective constitutional processes of Crimea.

Before its annexation, the region had the largest concentration of Russian speakers in Ukraine. Despite its ethnic makeup being under changing dynamics over the last 200 years, Crimea has retained a significant Russian-speaking majority, whether Ukrainian, Tatar, or Russian ([International Republican Institute, 2013](#)). However, linguistic and ethnic affinities do not necessarily indicate that locals aligned themselves with Russian aspirations of annexing the region. A series of polls conducted in May 2013 by the Gallup/Baltic surveys on behalf of the International Republican Institute indicated that a clear majority of Crimean citizens were in favour of Crimea's status as part of Ukraine ([International Republican Institute and Baltic Surveys, 2013](#)). These findings are also corroborated by [Knott's \(2018\)](#) qualitative research, which was also conducted in a period directly preceding the referendum.

Regarding the act of voting itself, this was not observed by international inspectors. Nevertheless, evidence indicates that the necessary procedural conditions for a fair and legal referendum were not upheld. Violations of the secrecy of the vote, use of violence, and violations regarding who would or would not be able to cast a vote appear to all have taken place ([Bellinger, 2014](#)). This view is common in existing literature, as demonstrated in Muhammad Derfish Ilyas's paper on crisis management in the Russo-Ukrainian war, where he references [Tsygankov \(2015\)](#), "Putin's leadership style can be characterized as authoritarian, with a strong emphasis on centralized control, a disregard for democratic norms, and a focus on maintaining stability and security at all costs".

At the same time, there are also legal concerns, notably regarding the principle of collective self-determination and whether it may be attained through unilateral action when it challenges the principle of territorial integrity according to international law. In this discussion, Crimea's referendum and annexation to Russia are frequently compared and/or contrasted to the processes leading to Kosovo's

independence.

This paper aims to provide insight into the historical and political factors behind Russia's annexation of Crimea by examining the events leading up to the referendum and the arguments regarding its legitimacy. It contrasts the principle of collective self-determination to that of territorial integrity; two principles that may be opposing, but at the same time, can find space for coexistence. The paper is based on secondary material, primarily academic papers, press articles, and statistics on voter turnout and ethnic makeup in the region. It is organized as follows. The next section sets the analytical angle of the paper by discussing the principles of self-determination and territorial integrity comparatively. Subsequently, there is a section delving into the historical background which aims to offer a contextualisation to the events described in the following sections. The remainder of the paper explores the referendum itself through existing evidence. Lastly, there is a section discussing the referendum's conformity with international and Ukrainian law, followed by the conclusion.

## 2. Perspectives of the Principle of Collective Self-Determination and Territorial Integrity

In principle, when a nation identifies the need to change its national belonging to a different state, it has the right to do so under democratic conditions (Christakis, 2014). However, the principle of territorial integrity protects nations from being attacked or having their borders altered to limit their territory to a different nation under conditions of conflict and war (Beissinger, 2015). Both principles can exist independently. Collective self-determination grants communities the democratic right to decide on their political status and allows them to alter their national belonging. On the other hand, territorial integrity ensures the protection of a community's territorial borders and prevents external interference or violence. The issue emerges when either of them is manipulated.

Russia has directly leveraged both principles over thousands of years of imperialist rule, as was historically also the case with the colonial and imperialist powers, including the British Empire or the Netherlands (Louis & Canny, 2001). Russia's selective and instrumental employment of the principle of self-determination and territorial integrity to serve its geopolitical aims is illustrated by the contradiction between the Chechnya and Crimea cases. Russia rejected Chechnya's pursuit of self-determination, while a couple of years later, it manipulated the concept of self-determination to annex Crimea (Beissinger, 2015).

Russia justified its annexation of Crimea by claiming to uphold the Crimean people's right to self-determination. The argument is that through a referendum, the people of Crimea voted to join Russia. However, this situation raises a critical question regarding the legitimacy of secession under international law, especially when a nation conducting unilateral decisions on the fate of another nation is hostile and utilizes military activities to do so. The fundamental issue is whether unilateral secession, often referred to as "external self-determination," is legally

allowed when the central authority opposes it (Seid, 2020).

Unlike multilateral secession, unilateral secession can be viewed as a violation of territorial integrity and the general principles of international standards and law, as it involves deciding the borders of another country without the nation at hand having a say, thereby breaching the principle of integrity in borders.

Nonetheless, there is an area of common ground for both concepts. The principle of self-determination asserts that countries have the right to freely determine their international political status and sovereignty without external interference through a democratic process (Christakis, 2014). In contrast, the principle of territorial integrity maintains that countries should refrain from encouraging border changes or secessionist movements in other nations. In the case of Crimea, the fact that Russia oversaw the referendum while also being a nation that externally annexed the region suggests that Crimea fell victim to a manipulated narrative of self-determination. This manipulation resulted in the violation of territorial integrity, as it was overseen and influenced by Russia (Ioannidis, 2015).

In a functioning democracy, a nation's will should be honored through principled determination. If carried out democratically, this would not involve unilateral secession but rather multilateral secession (Beissinger, 2015). Furthermore, within a democratic framework, the preservation of territorial integrity can be adjusted to align with the desires of the population. Essentially, territorial boundaries can be revised if they reflect the expressed will through the principles of self-determination. In such cases, international law should be sufficiently flexible to accommodate both principles when democratically implemented.

### 3. Historical Background

The history of Crimea and its historical relevance to its recent annexation dates to a time before the Middle Ages, but the specific context for the annexation of Crimea dates back to 1917, following the Bolshevik Revolution that year. Following the revolutions and fall of the empire in the preliminary stages of the Russian Civil War, a series of short-lived independent administrations such as the Crimean People's Republic, Crimean Regional Government, and Crimean SSR emerged.

Crimea is a region that is native to Tatars, a Turkic-speaking group. After years of dispute over the region and significant repression, particularly under the Russian rule of the Romanov dynasty, Crimean Tatars took over the region again after the Bolshevik Revolution of 1917. Crimea was then declared an independent democratic republic by the remaining Crimean Tatars.

The collapse of the 1917 revolution paved the way for the October Revolution in the same year in Russia (Galeotti, 2021). This coincided with Russia's exit from World War I through the Brest-Litovsk Treaty, which triggered the Civil War. This period underscores Crimea's notable anti-Bolshevik stance. The region served as a stronghold for the anti-Bolshevik "whites" during their confrontation with the Bolshevik "reds." Ever since its inception in 1917, "independent" Crimea

became a region that Russia wanted to acquire (Galeotti, 2021).

Crimea Tatars experienced severe repression when Joseph Stalin overtook Lenin's rule and implemented specific policies that violently decreased the number of Crimean Tatars. Policies became even more repressive in May 1944, under the alleged accusation of Tatars for collaboration with the German Nazis. The 200,000 Tatars remaining in Crimea, most commonly Siberia, were deported and forced to undergo cruel conditions of work and maltreatment (Williams, 2021).

In 1954, Crimea transferred sovereignty from the Russian Soviet Federative Socialist Republic to the Ukrainian Soviet Socialist Republic. Both Russia and Ukraine laid claims for Crimea based on historical prerogatives. In the 1980s and the early 1990s, the Soviet Union began to display signs of disintegration, causing many Tatars to return and settle in the Crimea region. Crimea's legal position was established during this period. It was once again proclaimed as an autonomous republic within the Soviet Union in 1991; however, with the formal fall of the USSR in December of that year, Crimea belonged to the newly independent Ukraine (Williams, 2021).

Between 1992 and 1995, Crimea was an autonomous republic, although it had a complex relationship with Kyiv. The Crimean Assembly declared conditional independence on May 5, 1992; however, a referendum to validate the decision was not held because of resistance from Kyiv. The connection between Ukraine and Crimea, as two separate states, included the establishment of a Ukrainian presidential representative in Crimea. Even though the administrative bodies of the two states were different, Crimea was still largely recognized as Ukrainian or under Ukrainian influence. The increasing ideas of integrating Crimea back into Ukraine faced strong opposition from the local Crimean population, who desired independence at that time (Bohlen, 1994). Those protesting included members of groups such as the All-Crimean Movement of the Voters for the Republic of Crimea. Strikingly, the issue was not merely about Crimea's autonomy from Russia, but at large; it also revolved around the newly elected pro-Russian president of Ukraine, Meshkov. Following a meeting with the Russian president Yeltsin, Meshkov began asserting his control over Crimea. Consequently, due to Meshkov's sustained influence, Crimea became a part of Ukraine.

A couple of years later, in 2004, upon what many considered to be a fraudulent presidential election between Viktor Yanukovich and Viktor Yushchenko in Ukraine and the fraudulent and corrupt victory of Yanukovich, a series of protests broke out in attempts to express their concerns about Ukraine becoming pro-Russian and slowly shifting away from the values associated with the European Union, the North Atlantic Treaty Organization (NATO), and the UN (United Nations) (Hawkins, 2023). The protests took place in Ukraine from late 2004 to early 2005, successfully overturned the election, and created an environment of greater political pluralism, underlining the importance of the future of democracy in Ukraine in light of Crimea, which was still a dispute regarding Ukrainian-Russian

relations.

Just before the annexation in late 2013, the Euromaidan revolution broke out. This was considered a pivotal event in the 2014 annexation of Crimea by the Russian Federation. The Euromaidan protests responded to the Ukrainian government's decision to suspend the signing of an association agreement with the European Union, which would bring Ukraine to a closer relationship with the EU (European Union) and precede its future membership. The Euromaidan protests laid the groundwork for Russia's annexation of Crimea in March 2014, as Russia saw Yanukovich's ouster as dangerous to its interest in Ukraine.

#### 4. The Referendum

The annexation of Crimea can be broken down into three phases: Phase one being the military invasion initiated by Russia in Crimea; Phase two being the referendum and Phase three, the ultimate annexation. The Crimean referendum, phase two, determined the future of Ukrainian borders, was held on March 16, 2014. Its outcome, namely 98% in favor of Crimea's integration into Russia as a federal subject, raised suspicions as near unanimity results are very rare for referenda (Donaldson, 2014).

The referendum was hastily organized within just a month while investigations and journalists have reported numerous violations. Masked men armed with automatic rifles were stationed at significant voting locations; as a result, voters cast their ballots while surrounded by armed men (Adesnik, 2014). In addition, privacy was compromised at specific polling locations, forcing voters to mark their choices in the plain view of others. Many voters were not able to fold their ballots, and with the Russian militia around them, voting against Russia and acquiring Crimea might have compromised their safety (Adesnik, 2014). Notably, in one instance, a man initially voted "no" but later confessed to a reporter that he had voted "yes," due to concerns for his safety. (Sindelar, 2014).

Apart from direct breaches in the procedural aspects of the referendum, the question of the ballot was also limited. It only gave them the option to agree with one of the following:

Choice 1: *Do you support the reunification of Crimea with Russia by granting all the rights of a Russian Federation federal subject?*

Choice 2: *Do you support restoring the 1992 Constitution of the Republic of Crimea and its continued status as part of Ukraine?*

There was no choice to retain the existing status quo or seek more autonomy inside Ukraine. While this did not directly result in a breach of law, it was most certainly a factor that limited people's choice and negatively impacted on the fairness of the process (Волчек, 2014; Peters, 2014).

Finally, with no specified voter turnout threshold, individuals were asked to respond "yes" to one of the questions and "no" to the other. In other words, if 100 individuals voted and 51 voted for integration, the referendum would still have been considered valid (Sindelar, 2014).

## 5. Background of the Result of the Referendum

Before 2014, Crimea did experience rising separatist sentiments, leading to increasing divisions based on religion, race, and, most significantly, ethnicity and language. Still, a Gallup poll conducted in May 2013 in Crimea indicated that 53% of Crimeans were content with the region's status within Ukraine, with only 23% expressing interest in Crimea becoming part of Russia (Ioannidis, 2015; International Republican Institute and Baltic Surveys, 2013). Additionally, considering the ethnic composition of the area, many emphasized the importance of self-determination and ethnic identity for Russian speakers and citizens in Crimea. Another Gallup poll from May 2013 revealed that 40% of Crimeans identified themselves as Russians, irrespective of their official nationality, when asked: "Regardless of your passport, what do you consider yourself?" (International Republican Institute and Baltic Surveys, 2013) These surveys provide some indications about the expected referendum result should this have been fairly and democratically held and question the near-unanimous outcome.

## 6. The Crimean Referendum and Respective Crimean Law

One of the most significant breaches of law in the Crimean referendum was the violation of Ukrainian citizenship rules. It is imperative to note that Crimea was part of Ukraine at the time of the vote; hence, these laws apply to the referendum in Crimea. Ukrainian constitutional processes, particularly Ukraine's constitution, highlight the referendum's lack of validity (Peters, 2014).

Article 4 of the Ukrainian Constitution states, "There is single citizenship in Ukraine. The grounds for the acquisition and termination of Ukrainian citizenship are determined by law (The Verkhovna Rada of Ukraine, 2020). Ukraine does not recognize dual citizenship, and only Ukrainian citizens should be able to cast a ballot. According to the correspondents, both a Ukrainian passport and a Russian passport were considered sufficient to register for immediate voting at the time of the referendum. This can certainly explain 123% of the votes in Sevastopol, as allegedly, Russian militia or Russian citizens were able to vote (Adesnik, 2014).

Furthermore, according to Article 72 of the Ukrainian Constitution, there are specific processes that a referendum must follow to be considered legitimate (The Verkhovna Rada of Ukraine, 2020). First, for a referendum to come to action, the President of Ukraine, or the Verkhovna Rada of Ukraine (The Supreme Council of Ukraine) must announce it per authority (The Verkhovna Rada of Ukraine, 2020). However, the referendum which was organized through unilateral action certainly did not follow Article 72.

Article 73 of the Ukrainian Constitution highlights the importance of referendums as a democratic decision made on the scale of the Ukrainian nation, not a specific region like Crimea (The Verkhovna Rada of Ukraine, 2020). This has been violated by the referendum, only allowing citizens of Crimea and its two municipalities, Sevastopol, and Simferopol, to vote and act upon it, while prohibiting citizens from participating in other regions of Ukraine. If the referendum were to be



conducted legally according to the Ukrainian Constitution, it would have allowed voters of Ukraine to decide upon Crimea's fate and not make it exclusive to the region.

It is crucial to retain a distinction surrounding the Crimean referendum within the context of international law and the Ukrainian constitution. A sovereign state must demonstrate that the issue is clearly and legally validated before international recognition. The possibility of obtaining international recognition is constrained in circumstances such as the Crimean referendum when an unmistakable commitment to the respective law has not been made.

## **7. The Crimean Referendum and International Law**

In the general view, a referendum can only be considered legal, if conducted democratically with no other external intervention that could pressure the voter. However, as noted earlier in the case of the referendum in Crimea, many factors seem to have prohibited the organization of a democratic referendum. In many cases of such referendums, international inspectors are sent to investigate the issue at hand, mostly coming from institutions such as the United Nations, the OSCE, the United Nations Charter, the European Union, or the European Convention on Human Rights. These individuals have to declare whether the referendum or a similar event, conformed with democratic procedures, and the standards that these institutions uphold. In fact, an inspector from the OSCE was ordered to verify the referendum; however, Russia blocked their entrance into Crimea. Given the need for such an investigator, but their ultimately lack of presence, only a few nations worldwide recognize Crimea as a Russian province. The following countries have formally recognized Crimea as Russian territory: Syria, Afghanistan, Cuba, Venezuela, North Korea, Sudan, and those who voted against the UN Resolution (against denouncing the annexation of Crimea by Russia) "de facto" recognizing Crimea as Russian: China, India, South Africa, Iran, Serbia, Kazakhstan, Armenia, Belarus (Lukashenko recognized Crimea on 30.11.2021), Uzbekistan, Angola, Bolivia, Cambodia, Burundi, Comoros, Nicaragua, Sudan, and Zimbabwe.

International law itself neither prohibits nor allows referendums to occur. Looking at broader recognition, the case of Crimea is largely similar to that of Kosovo where the international legitimacy of such a process relies on its recognition. Most Western countries recognized Kosovo after the decision of the International Court of Justice, deeming it to be legitimate; in the case of Crimea, only Russia's economic and political allies recognize the annexation, and that is where the international recognition of the annexation of Crimea resides, being mostly accepted to please Vladimir Putin and his expansionist ambition (Ioannidis, 2015). Generally, nations recognized by major democracies like the G7 (Group of Seven: the United States, Canada, France, Germany, Italy, Japan) but also the G20 (Group of Twenty: Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Republic of Korea, Mexico, Russia, Saudi Arabia, South



Africa, Türkiye, United Kingdom and United States and two regional bodies: the European Union and the African Union) have shown to add more validity to the recognition of major events, in this case the annexation of Crimea. The countries that recognized Crimea as part of Russia are not members of the G7 or G20 and are also allies of the Russian Federation, indicating that their recognition may be influenced by the potential benefits they gain from their alliance with Russia.

The absence of independent international oversight coupled with external pressures and violations of democratic standards outlined in international agreements created significant doubts about the fairness of Crimea's referendum. While these principles, such as electoral freedom and confidentiality, are not legally binding, they form international norms, notably recognized by institutions like the United Nations or OSCE. The case of Crimea, at large, is even more significant in light of the difference between international law as binding and as a standard. International law does not prohibit the referendum as far as the referendum itself does not affect Crimea's secession from Ukraine, especially when unilateral. At the same time, the regulations that are to be followed for a legal referendum to be conducted can be considered problematic since there are no laws that can force a nation or a community to conduct these in full accordance with a democracy.

How this aligns with what the majority of Western nations view as democratic cannot make the referendum and its ultimate application illegal in the form of annexing Crimea, but rather make it rely on its subsequent recognition. For example, the recognition of Kosovo, by most countries in the world, made the move legitimate (Ioannidis, 2015). In sum, the act of the referendum itself did not violate international law, but rather the lack of international standards that one could only expect that they be upheld.

## 8. Conclusion

Territorial integrity and collective self-determination are principles that, to a certain extent, appear in opposition to one another. However, they are not inherently incompatible. They can be made to coexist through a democratic perspective. A truly democratic lens recognizes the need for both, with territorial integrity safeguarding against external manipulation while self-determination empowering communities to determine their fate. In the case of Crimea, the forced imposition of a referendum and subsequent annexation by Russia is a straightforward manipulation of these principles.

Crimeans did not decide upon a referendum; on the contrary, it was imposed through Russian intervention and was not a choice made by the Crimean community. Vladimir Putin, in his speech, referred to principles outlined in the UN Charter to justify Russia's actions, claiming that they reflected the desires of the Crimean people to join Russia. However, the real problem here is that the right to self-determination wasn't a decision made by the Crimean community internally. Instead, it was shaped to serve Russia's plan of acquiring Crimea. In essence, the

supposed self-determination was orchestrated externally, manipulating the will of Crimea at large (Wydra, 2003).

The referendum itself did not align with international standards, and importantly, it was illegal with the local, respective law of Ukraine. Therefore, the Crimean referendum on March 16, 2014, legally and ethically fails to validate Crimea's secession and its subsequent incorporation into Russia. Under international law, the alteration of Crimea's territorial status remains unrecognized, and any claims to the contrary lack a foundation in legal and procedural legitimacy. The events surrounding these referendums have only reinforced international consensus against the alteration of borders through such methods, namely the manipulation of the principle of collective self-determination against the territorial integrity of a nation.

### Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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