

PLOVDIV UNIVERSITY "PAISII HILENDARSKI"

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**INTERNATIONAL LEGAL ASPECTS OF THE CRISIS IN
UKRAINE**

**ABSTRACT
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The dissertation was discussed at a meeting of the Departmental Council of the Department of Public Law at the Faculty of Law of Paisii Hilendarski University and an open final meeting was scheduled.

The dissertation is structured in an introduction, three chapters, and a conclusion. A list of abbreviations, figures, tables and bibliography is included with the dissertation. The volume of the work is 258 pages.

The dissertation is an in-depth study that analyses the Ukrainian crisis through the prism of international law. Although in the Bulgarian scientific literature there are separate works on the topic, they analyse only individual aspects of the Ukrainian crisis, without covering and analysing the problem in its entirety. This gap in the scientific study of the crisis from the perspective of international law motivated the choice of the topic of the dissertation research.

The topicality of the topic is indisputable, especially after the recent events in Ukraine, because it puts on the agenda of the international community the issue of compliance with international norms and agreements, as well as the possibilities for protecting the rights of international subjects.

The subject of the dissertation is the international legal aspects of the crisis in Ukraine in the period between 2013 and 2015. The complex and dynamic international and political situation at present in Ukraine is not the subject of analysis in this dissertation.

The specific manifestations of the international legal aspects of the crisis, namely the issues of Ukraine's territorial integrity and non-interference in its internal affairs, the right to self-determination and the legality of the referendums held in Crimea and other breakaway regions, violations of international law and bilateral agreements, the jurisdiction of the International Criminal Court, the attempts to find a solution to the crisis and the reaction of the Bulgarian public on the crisis in Ukraine.

The main objective of the study is to analyse the current international legal framework concerning the rights and obligations of the main actors in the crisis, and to reveal the legal bases of the actions taken by the states for the genesis and development of the crisis.

The research tasks of the dissertation research are:

- 1) Constructing a conceptual framework for analysing the concept of crisis in international legal doctrine by consistently defining the term crisis in international relations and international law; distinguish from related concepts such as conflict, aggression, war; analysis of the main types of crises and conflicts in order to identify the crisis in Ukraine; analysing the main approaches to crisis and conflict resolution.

- 2) To present the main reasons for the genesis and development of the crisis in Ukraine.
- 3) To present the main legal acts regulating the bilateral relations between Russia and Ukraine.
- 4) To analyse the impact of the crisis on international relations and international law and sanctions actions against Russia.
- 5) To analyse the problem of territorial integrity and non-interference in the internal affairs of a sovereign state.
- 6) To analyse the crisis through the prism of the right to self-determination and the legality of the referendums in Crimea and other self-declared regions in Ukraine.
- 7) To analyse violations of international law and bilateral agreements, as well as the jurisdiction of the International Criminal Court with regard to crimes committed on the territory of Ukraine.
- 8) To analyse the attempts of the international community to find a solution to the crisis in Ukraine.
- 9) To analyse the reaction of the Bulgarian public to the crisis in Ukraine.

The main research thesis of the dissertation research is the following: the crisis in Ukraine raises significant questions about fundamental features of international law. There is a clear opposition between the Ukrainian position of respecting the right to territorial integrity and non-interference in internal affairs and the Russian position, which defends its actions with the principle of self-determination and protection of human rights. Although the current geopolitical situation can be perceived as using the norms of international law to justify actions contrary to international law and reveals deficits in the UN's activities, international law still offers valid solutions to the crisis in Ukraine, but requires a reassessment of terminology and a mandatory reform of the UN organization.

In order to achieve the aim and research objectives of the dissertation research, the methods of logical and legal-dogmatic analysis were applied. The legal-historical, systematic and comparative law methods of analysis have been used in view of the interdisciplinary nature of the present study.

The dissertation work is structured in an introduction, three chapters and a conclusion, a table of contents, a list of abbreviations used and a bibliography, in a volume of 258 pages.

The introduction to the work lists the object, subject, objectives and tasks of the study, its relevance in relation to the problems of the international legal framework of crisis resolution and the main hypothesis is outlined.

In the First Chapter "The Concept of Crisis in International Law and International Relations" in theoretical and normative aspect are analysed the concepts of international crisis and conflicts.

First, this chapter clarifies the nature and peculiarities of the concept of crisis through a systematic analysis of Bulgarian and international literature on the subject. Notwithstanding the variety of definitions of the term, the thesis concludes that all of them exhibit several basic underlying characteristics, namely: the presence of a stressful event that provokes an increase in the sense of threat, accompanied by a limited response time.

Based on the definitions presented, the following working definition of the term international crisis is derived: an international crisis is a change in the type and/or increase in the intensity of destructive interactions between two or more states, with an increased likelihood of military hostilities. This, in turn, not only destabilises international relations, but in certain situations can lead to structural changes in the system itself.

In view of the dynamic model of the crisis, the dissertation also presents the main three basic models of its development – the first considers it as going through three stages, the second distinguishes four stages, and the third refers to five main stages in its development.

Based on the analysis of the concept, it is concluded that the international crisis by its nature represents a turning point in the nature of the relationship between the various actors involved. It is characterised by development time, opportunity for growth, scope and an element of surprise. It can arise and develop very quickly, in an acute shortage of time, to contain contradictions and to restore violated rules and principles of the international system or international law. Although each crisis is unique in its own right, with regard to its manifestations, forms of manifestation, structure, development, escalation and de-escalation, it

can be argued that all crises share commonalities that definitely distinguish crisis from other related concepts used in international relations and international law.

Second, in the absence of a legal definition of the term crisis in international law, distinguishing the term from related concepts such as conflict, aggression¹, war, and dispute is essential to clarifying its scope. This largely applies to the subject of analysis of this dissertation, as in the public domain there is often a substitution of the terms conflict and crisis, although they have different scope and reveal different stages in the development of international events, including in the processes in Ukraine in the period 2013 – 2015.

Based on the analysis of the different definitions of the term conflict, it is pointed out that the crisis is perceived as a major stage of its development. On the one hand, conflict describes conflicting interactions and disagreements arising from different, compelling interests, while crisis represents the highest point of conflict – often associated with armed confrontations.

A distinction is made between a dispute² and a crisis, pointing out that unlike a dispute, where there is still an element of predictability and there is a concrete object, in a crisis there is a high level of unpredictability and risk, with the relationship between the parties involved further complicated by the fact that when it erupts - the exacerbation of tensions encompasses the relationship between the parties as a whole.

Analysing the term aggression, it is concluded that in some crises it is a possible consequence of the escalation of tension, i. e. it is a form of manifestation in the stage of conflict development following the crisis.

Last but not least, the distinction made between crisis, war and military conflict leads to the conclusion that crises are most often defined as actions, events or changes in the international environment that precede military hostilities. Not all crises escalate to a situation of war. What they have in common, however, is that both crisis and war are constitutive elements of

¹ More on the term aggression see. Бояджиева, Н., Международни отношения, изд. „Албатрос“, С., 2017, с. 132. ISBN: 9789547511262.

² More on the definition of the term "dispute" see Видин, Бл., Международно публично право. Обща част, изд. „Софи-Р“, С., 1999, с. 192 ISBN 954-638-066-0; Mavrommatis Palestine Concessions, Judgment No. 2, 1924, P. C.I.J., Series A, No. 2, p. 11, https://www.icj-cij.org/public/files/permanent-court-of-international-justice/serie_A/A_02/06_Mavrommatis_en_Palestine_Arret.pdf, Accessed on November 03, 2022.

international conflict, arising out of international disputes over territory, resources, human rights, etc.

Third, the dissertation explores in detail the main types of crises and conflicts. This typology of international crises reveals their complex nature. With the development of new technologies and communications, crises are increasingly becoming international and intercultural events that are strongly influenced by a unique combination of environmental impacts, historical antecedents, economic and cultural factors.

In addition, the dynamics in the development of crises and conflicts, and the strong impact that has on their development today the perception of the crisis itself by the public, the international crisis is not static, but changes over time. For this reason, the choice of different approaches to find a solution to the crisis and the conflict, respectively, should take into account their type and the dynamics of their development.

Fourth, the different approaches to crisis and conflict resolution are analysed, presenting in turn the five generations of conflict resolution theories (theoretical aspects) and the existing forms of conflict and crisis management, focusing on the specific model adopted by the UN. The thesis discusses the following forms in more detail: conflict prevention; appeasement; peace-enforcement; peace-keeping; peace-building.

In summary, the thesis concludes that international crisis is a dynamic category whose emergence is mediated by the emergence of a particular dispute in the relations between two or more international actors; it is a mandatory phase in the development of a conflict, with the potential for the tension created to escalate into aggressive behaviour, armed conflict and, in the extreme case, war. A good knowledge of the nature of a given international crisis, the stages in its development, as well as the type of crisis, largely determines the choice of an appropriate approach to its solution. The international crisis as a clash of interests, values, orientations, etc. can be resolved through direct negotiations between the parties, and if this approach proves incapable of resolving the crisis situation, then an important role is given to external actors such as the UN, the International Court of Justice, etc. Although international crises should be resolved in accordance with the principles, norms and custom enshrined in international law,

some international systemic crises are likely to call into question some of the fundamental principles of international law as the two parties to the international crisis interpret the institutions of international law such as sovereignty, the right to self-determination, intervention, etc. in radically different ways, in an attempt by each of them to defend its own position in the crisis.

The second chapter "Genesis and Evolution of the Crisis in Ukraine" traces the causes, preconditions for the emergence of the Ukrainian crisis, analyses the legal acts that regulate the relations between the parties in it, examines the escalation of the crisis, and the role of international sanctions in an attempt to find a solution to the problem.

First, the dissertation concludes that the crisis in Ukraine in the period from 2013-2015 did not arise spontaneously and suddenly, but the main prerequisites and reasons for its emergence and development are rooted in history, demography, economy, change in geopolitical orientations, unresolved disputed areas in the relations between Ukraine and Russia.

It lists a number of reasons for its emergence, including the legal status of Crimea and the historical preconditions for its inclusion in the Ukrainian state; the "geographical legacy of the USSR", as a result of which the borders of the newly emerged post-Soviet republics are preserved in the way formulated during the USSR period, which creates preconditions for a number of latent "frozen" conflicts to be exacerbated; Moscow's adopted foreign policy orientation towards the so-called Russia "Near Abroad " The economic and political crisis in Ukraine, which is leading to political instability and the possibility not only of strengthening Russian influence in the country, but also of changing the foreign policy orientations of some Ukrainian citizens in support of the Euro-Atlantic development of the country.

Based on the genesis and development of the crisis in Ukraine, the following conclusions are drawn:

- 1) An important consequence of the ensuing events and turmoil in Ukraine is that they not only shake the country's national security, but also have a serious impact on regional security.

- 2) The crisis clearly reveals that there is a division between the population of Ukraine in different regions, the population in the western part of Ukraine tends

to be more European oriented, while in the eastern part - the sentiments are in favour of Russia.

3) The crisis reveals that Russia and NATO are the two centres of power in Europe. According to Russian experts, there are "fundamental disagreements" between them in the sphere of European security³, yet cooperation between Russia and NATO is seen by many as an absolutely necessary step in Russia's foreign policy⁴.

4) The crisis in Ukraine is shaking international security and leading to an exacerbation of relations between the leading actors in international politics - Russia, the US, NATO, etc. , as Ukraine's exceptional geographical location is a "mouth-watering morsel" and is of importance for the national security of the West and the US as well as Russia.

5) Russia's annexation of Crimea is a clear violation of Ukraine's territorial integrity and sovereignty. Under Article 2(3) and (4) of the Charter of the United Nations, the members of the organization shall settle their international disputes by peaceful means, without endangering international peace and security, and shall refrain from the threat or use of force against the territorial integrity or political independence of any State or in any manner whatsoever. In this regard is the 1997 Treaty of Friendship between Ukraine and the Russian Federation, according to which Russia must respect Ukraine's territorial integrity.

In view of this, it can be summarized that the preconditions for the crisis are embedded in the Soviet geographical heritage, Russia's interests in the so-called "Soviet Union" and the "Soviet Union". "Near Abroad", the changes that have occurred in the civilizational choices of Ukrainian citizens towards Europe and NATO, the expansion of NATO and the EU to the East, and Russia's perception of these actions as a threat to its national security⁵. Although Russia's actions in Crimea can be justified to a large extent by the growing risk to their national security associated with the reduction of Russian influence in Ukraine, the

³Бояджиева, Н. Русия на кръстопът: Външнополитически приоритети на Москва в новата архитектура на сигурността след Студената война. —, Международна политика, бр. 1, 2019, с. 56, <http://ip.swu.bg/mod/data/view.php?id=1&perpage=10&search=2019&sort=1&order=DESC&advanced=0&filter=1&>, Достъпно на 20.12.2022 г..

⁴ Ibid, p. 57.

⁵ Mearsheimer, J., Why the Ukraine crisis is the West's fault. The Liberal delusions that provoked Putin, Foreign Affairs, Vol. 93, No 5, 2014, p. 86.

increasing threats to Russian citizens living in Crimea, NATO moving closer to Russian territory, etc., the annexation of Crimea is contrary to international law.

Second, the study analyses the norms and principles of international law, as well as the legal acts that regulate the relations between Russia and Ukraine. The crisis is analysed through the prism of *jus cogens* - those peremptory norms for the international community that arise and are established in cross-border communication and are expressed and protected in numerous international treaties. With this in mind, it is stated that relations between Russia and Ukraine should be based on respect for these universally recognised principles of international law concerning respect for the sovereignty and territorial integrity of states, their political independence and non-interference in their internal politics.

Special attention is paid to relations between Russia and Ukraine through the prism of their mutual commitment to the UN Charter, the membership of the two states in the OSCE and the Helsinki agreements, stating that as the legal successor of the USSR, Russia is bound by the OSCE agreements on respect for the sovereignty and territorial integrity of Ukraine.

The numerous bilateral agreements signed between Ukraine and Russia, which are relevant to clarifying the content of the 2014 crisis, are presented and analysed in detail. Special attention is paid to the Budapest Memorandum, which contributes to solving the emerging problem in the international situation between Ukraine and the leading geopolitical powers, including Russia. It is concluded that the act signed with this agreement recognizes the independence, sovereignty and borders of Ukraine, guarantees refraining from encroachments on the latter, but all this is only on paper and promises without legal force.

The analysis of these international treaties is proof that the historical claims to the Russian belonging of Crimea are not based on legal arguments, in accordance with modern norms of international law, but are largely based on archaic legitimization for the correction of a historical injustice. In other words, in the absence of legal grounds, Russia has formulated a number of quasi-legal responses to allegations made by the international community that Moscow's actions against Ukraine violate international law and Russian international

obligations. Thus, relying on the Roman principle „*Rebus sic stantibus*“⁶ (exception to the general rule for the execution of the treaty), the Russian state tried to avoid the application of the other fundamental principle in „*pacta sunt servanda*“ (good faith execution of international treaties).

Third, the analysis of the escalation of the crisis reveals that initially by the end of February 2014, despite Russia's indirect intervention, it can be defined as intrapolitical. After March 1, 2014, events in Ukraine developed extremely quickly, with the peak of the crisis coming on March 16, 2014, when a referendum was held on the status of Crimea and the city of Sevastopol. Two days later, on March 18, 2014, Vladimir Putin asked the Federal Assembly to consider the Constitutional Law on the creation of two new federal entities within the Russian Federation: The Republic of Crimea and the city of Sevastopol, as well as to ratify the treaty on the accession of Crimea and Sevastopol to the Russian Federation.

The escalation of the 2013-2015 crisis in Ukraine following Russia's annexation of Crimea has had a serious impact on both international relations and international law. With this in mind, the dissertation analysed the following dimensions of this impact:

1) There are indications that the multipolar world is returning to a specific form of bipolarity, where geopolitics is again on the agenda. It reveals the emergence of a new divide in the international relationship of "us" and "they", in which there are multiple interests, and the complex political picture is both the cause and the result of the hybrid military strategies used.

2) The crisis has a serious resonance in the post-Soviet space, where the tendencies of the formation of two groups of states are clearly manifested – pro-Russian and pro-Western oriented.

3) In returning to the bipolar model of international relations, Russia is looking to a strategic partnership in the East.

⁶ Debski, S., Russia's approach to international law as a foreign policy tool. The case of the Annexation of Ukrainian Crimea, Legucka, A., Kupiecki, R., Disinformation, narratives and memory politics in Russia and Belarus, New York: Routledge, 2022.

4) The crisis in Ukraine once again tests the role and importance of the UN in the peaceful resolution of disputes and conflicts. It can be concluded that multilateral negotiations as a tool for achieving security and resolving conflicts are not very effective during the crisis in Ukraine.

5) The crisis in Ukraine has a serious impact on the so-called. "grey area" in international law, revealing its highly contradictory nature – as an instrument for guaranteeing international security and order or for legitimizing the actions of certain states. Therefore, the crisis in Ukraine is clear evidence that hostile instrumentalization of international law can significantly undermine the interests of states respecting international norms and principles and lead to serious undermining of the international legal order.

In summary, it can be pointed out that the crisis in Ukraine from 2013 to 2015 is a turning point in international relations and international law. It is a clear indication of the restructuring of international relations and the emergence of new centers of power claiming legitimacy and legality of their actions, although for the most part the international community defines some of them as violations of international law. The crisis has shown that the new system of international security needs to renegotiate part of the international treaties, because to a certain extent not only the actions of the international community are legally limited by the existing legal framework, but the latter also contributes to the inefficiency in finding workable solutions to international crises.

Fourth, the crisis in Ukraine is also seen as a manifestation of the restructuring of international relations at the beginning of the 21st century. The dissertation draws an important parallel with the division during the Cold War, revealing some differences. The clash between Russia and the West is rooted in the contradiction of Moscow's supported conservative authoritarianism. This conservatism is an alternative to Western liberal democracy, which is described as decadent, immoral and unsuitable for Russian and many other societies. Analysed through the prism of geopolitics, the crisis in Ukraine is a struggle for spheres of influence, in which in defence of Russian interests in the so-called. Near and Far abroad, Moscow's actions are not limited to propaganda and disinformation campaigns and economic influence, but cross the border and violate international principles and norms.

Fifth, the dissertation explores the trend towards increasing the use of economic sanctions that replace military threats and interventions. This form of pressure is used to "punish" countries that do not comply with certain international standards and rules in order to motivate them to refrain from such actions. These pressure instruments have become particularly relevant since the Ukraine crisis of 2014, but they also reveal a number of problem areas in terms of their legitimacy and potential to impact.

From the perspective of international law, the dissertation explores sanctions as "countermeasures", a reaction of states or the international community to a violation of a legal norm. The imposition of sanctions can take two forms: decentralised by individual countries or the EU, for example, and centralised through the UN; unilateral or multilateral sanctions, respectively.

In response to the events in Ukraine in 2014-2015, the US, the EU and a number of other countries applied numerous sanctions measures against Russia, which can be conditionally systematized into two groups – before the annexation of Crimea, the international community limited itself mainly to the imposition of travel bans on certain citizens of Russia, or this is the so-called Crimea "First phase of sanctions." The annexation of Crimea, however, necessitates the adoption of a new sanctions package, known as the "second phase," which includes further freezing Russian assets in foreign banks and a travel ban on twenty-one senior Russian⁷ officials accused of undermining democracy, embezzlement of Ukrainian property and human rights violations. By July 2014, the sanctions covered three sectors: finance, oil and defence technology⁸, and for the first time the United States sanctioned four of Putin's cronies, namely Yuri Kovalchuk, Arkadi and Boris Rotenberg and Gennady Timchenko. In response, Russia imposed counter-sanctions on imports of food products from the United States, the EU and other countries that joined the initial sanctions against Russia⁹. What distinguishes the sanctions imposed in connection with the crisis in Ukraine

⁷ Попов, В., Външната политика на ЕС в контекста на кризата в Украйна. – В: *Научни трудове на Русенския университет*, том 53, серия 5.2, 2014, с. 81, <https://conf.uni-ruse.bg/bg/docs/cp14/5.2/5.2-7.pdf>, Достъпно на 29.12.2022 г.

⁸ Åslund, A., Western Economic sanctions on Russia over Ukraine, 2014-2019, *CESifo Forum*, Vol. 20 (4), p. 15, <https://www.cesifo.org/DocDL/CESifo-Forum-2019-4-aslund-economic-sanctions-december.pdf>, Accessed on 29.12.2022.

⁹ van Bergeijk, P.A.G., Russia's tit for tat, 25 April 2014, <https://cepr.org/voxeu/columns/russias-tit-tat>, Accessed on 29.12.2022.

is not their reciprocity, but the fact that to a large extent sanctions are not imposed for economic reasons, but are motivated mainly geopolitically.

Based on recent events in Ukraine and Russia's actions and the numerous sanctions imposed by the international community, the dissertation states that economic sanctions rarely achieve their goal: sanctioned political change in the country, suspension of military operations, democratization, change of dictatorial regimes, etc.

On the other hand, the dissertation also analyzes the controversial position regarding the legality of the sanctions imposed on Russia. From the point of view of the West, they are legitimate and certainly legitimate countermeasures against Russian military intervention against Ukraine. On the other hand, Russia maintains the position that they are "illegal", arguing that Moscow's actions in Ukraine are not internationally unlawful and arguing that only the UN Security Council can decide on sanctions and if there is no such decision, then all sanctions adopted are by definition unilateral and illegal.

In summary, it is pointed out that the crisis in Ukraine is the "sanctions war" between the West and Russia, which once again raises the question of the legitimacy of imposing economic sanctions without UN permission. Despite criticism from some countries, in the absence of an explicit ban on the use of unilateral economic measures under international law, the majority of countries consider unilateral economic sanctions to be a legitimate foreign policy instrument that allows economic and political pressure to be imposed on other countries independently of the UN Security Council. The legitimization of unilateral sanctions today is even stronger, especially since Russia, as a permanent member of the Security Council, and any other permanent member of the Council, can at any time block a decision of the UN Security Council when it concerns violations committed by a particular country.

In the third chapter "International Legal Problems of the Crisis in Ukraine" the analysis examines in detail the problems of territorial integrity, non-interference in the internal affairs of an independent state, the right to self-determination and the legality of referendums; analyse violations of bilateral agreements and international law and the possibility of protecting Ukraine's interests before international courts and arbitrations.

First, the dissertation explores the issues of Ukraine's territorial integrity and non-interference in the internal affairs of an independent state, including briefly clarifying the essence of humanitarian intervention used as a legitimization of certain actions in international law.

In view of the theoretical basis, and examining the specific situation in Ukraine, the dissertation concludes that Russia's actions in Ukraine from 2013-2015 constitute a violation of the principle of non-interference in the internal affairs of Ukraine and contribute to the violation of the territorial integrity of the state. This intervention is expressed in Moscow's purposeful policy of forming economic and energy dependence and informal support for certain political figures in the country; the provision by Russia of military equipment to self-defence units established in Crimea, Donbass, Luhansk; the entry and presence of Russian servicemen on Ukrainian territory. On the other hand, Russia justifies its military presence on the territory of Ukraine with two motives – Russian servicemen are on the territory of Ukraine at the invitation of the legitimate authorities in the person of President Viktor Yanukovich and the authorities in Crimea. This interference is made in order to protect Russian citizens abroad, in particular to protect citizens in Crimea from threats to their lives and property. In view of this, it can be concluded that taking advantage of the minimal international consequences for Russia's actions in Georgia in 2008, a dangerous precedent was created, which is repeated in the Kremlin's actions in Ukraine in 2014. as on the basis of unproven allegations of genocide (as evidenced by the ruling of the International Court of Justice¹⁰) tries to justify its intervention in Ukraine, thereby further undermining the moral core for humanitarian intervention in future conflict zones.

Once again, in an attempt to justify its actions regarding the annexation of Crimea¹¹, Russia resorts to argumentation based on existing international legal

¹⁰ Allegation of genocide under the Convention on the prevention and punishment of the crime of genocide (Ukraine v. Russian Federation), 16.03.2022, <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>, Accessed on 10.01.2023.

¹¹ More information about annexation of Crimea see: Задорожній, О., Анексія Криму — міжнародний злочин: Монографія, Української асоціації міжнародного права, Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка, Бібліотека кафедри міжнародного права, К.І.С., 2015. – 576 с., ISBN 978-617-684-123-4.

norms. The argumentation used by Russia in support of the legitimacy of the annexation of Crimea includes the following arguments:

1) The annexation of Crimea is a consequence of the right of self-determination of citizens living on the peninsula;

2) The events in Ukraine in February 2014 are an illegal coup d'état, as a result of which there is a collapse of the Ukrainian state, because of which the Crimean population, threatened with violation of its rights and freedoms, has the right to secede from Ukraine¹².

3) The concepts of humanitarian intervention and invitational intervention analysed above are also used as a legal justification for annexation.

Despite Russia's attempts to justify the annexation of Crimea, most public reactions to Moscow have been markedly negative, with almost all countries and a number of international organizations, including the European Union, the Organization for Security and Cooperation in Europe, the Group of Eight, NATO and the Visegrad Group categorically not recognizing the referendum in Crimea and the annexation of Crimea to Russia. According to them, the referendum and annexation of Crimea are the result of the unlawful use of military force by Ukraine's eastern neighbour, and not a consequence of a real right to self-determination by the people of the peninsula¹³.

The violation of the principle of territorial integrity of Ukraine finds clear support in the adopted Resolution 68/262, entitled "Territorial integrity of Ukraine", which states: Article 2 of the Charter of the United Nations requires Member States of the United Nations to refrain from the threat or use of force against the territorial integrity and political independence of any State and the peaceful settlement of any dispute; Resolution 2625 (XXV), which stipulates that the territory of one State shall not be subject to forcible acquisition by another State; the Helsinki Final Act (1975), in which Russia guaranteed respect for the borders of other states in Europe; The Budapest Memorandum (1994), the Treaty

¹² Merezko, O., Crimea's annexation by Russia – contradictions of the new Russian doctrine of international law, Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, 2015, p. 186, https://www.zaoerv.de/75_2015/75_2015_1_a_167_194.pdf, Accessed on 20.01.2023.

¹³ Fabry, M., How to uphold the territorial integrity of Ukraine, *German law journal*, Vol. 16 (3), 2015, p. 421, <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/9497E9D0A0CD453155290E048B5BB0AF/S2071832200020927a.pdf/how-to-uphold-the-territorial-integrity-of-ukraine.pdf>, Accessed on 18.01.2023.

of Friendship, Cooperation and Partnership between Russia and Ukraine (1997) and the Alma-Ata Declaration (1991)¹⁴, in which Russia officially recognized Ukraine's former Soviet borders, including Crimea's affiliation with Ukraine¹⁵.

Moreover, these arguments in support of the annexation of Crimea and, respectively, the violation of the territorial integrity of Ukraine are in interesting contradiction with the actions and arguments of the Russian Federation on other similar crises around the world. For example, the Russian doctrine of international law, including the position of the Russian Constitutional Court, maintains that the right to self-determination does not include the right to secede from the state, that is, the right to self-determination cannot undermine the territorial integrity of the existing state¹⁶. Similarly, the argument of a coup in Ukraine and the disintegration of the state is rejected, stating that the result of a coup or revolution is not an argument for the disintegration of the state, therefore it cannot be used to justify the right to violate the territorial integrity of Ukraine¹⁷. The use of the third argument for legitimization of Russian actions in Ukraine is also interesting reflections, as Russia is one of the countries that generally does not support humanitarian interventions.

Therefore, once again in the crisis in Ukraine there is a use of international law and a more accurate interpretation of the norms of international law in favor of legitimizing the actions of the Russian Federation in Ukraine. Despite the attempts of politicians to justify their wrongdoing, however, it is indicative of the broad international response to the events of the crisis in Ukraine that all actions of Russia in Ukraine in practice constitute a serious violation of fundamental principles of international law, such as respect for the territorial integrity and sovereignty of Ukraine, as well as the principle of non-interference in the internal affairs of an independent state, which, in addition, makes it necessary to analyse

¹⁴ More details on the issue of the Bialowieza Agreements, the meeting in Alma-Ata and the collapse of the USSR see: Бояджиева, Н. Русия, НАТО и средата на сигурност след Студената война. Част I 1989-1999. София: Даниела Убенова, 2013, ISBN 9789547911680, с.68-75

¹⁵ Resolution 68/262 adopted by the General Assembly on 27 March 2014. Territorial integrity of Ukraine, <https://digitallibrary.un.org/record/767883?ln=en>, Accessed on 19.01.2023.

¹⁶ Merezko, O., Crimea's annexation by Russia – contradictions of the new Russian doctrine of international law, Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, 2015, p. 184, https://www.zaoerv.de/75_2015/75_2015_1_a_167_194.pdf, Accessed on 20.01.2023.

¹⁷ Ibid, p. 189.

the issue of the right to self-determination and the legality of the ongoing independence referendums.

Secondly, the crisis in Ukraine, the referendum in Crimea and the subsequent annexation of the peninsula put on the agenda of the international community the problem of the right to self-determination and the legality of the referendum as grounds for the secession of part of the territory of one country and its subsequent accession within another neighbouring country.

Special attention in the dissertation is devoted to analysing the illegality of referendums held in Crimea, Donbas and Luhansk. It is concluded that the Constitution of Ukraine does not allow any local referendum on the separation of territory from the state. This prohibition also applies to the Autonomous Republic of Crimea, based on the provisions of the Constitution of Ukraine. And the Constitution of the Autonomous Republic of Crimea, in turn, does not allow the Verkhovna Rada of Crimea to declare such a referendum. The only option is to hold a consultative referendum on increasing the autonomy of the Autonomous Republic of Crimea.

In addition to the unconstitutionality of the referendum held in Crimea, according to international law, this referendum also cannot have legal consequences, as it does not meet the minimum international standards that guarantee the free expression of the will of voters in Crimea. In this regard, in the case of Crimea, it can undoubtedly be proved that the referendum in Crimea is held under strong Russian influence, as has already been analysed in the presence of interference of the Russian Federation in the internal affairs of Ukraine, mediated by a purposefully conducted propaganda campaign aimed at arousing separatist feelings and provoking a reaction from the inhabitants of Crimea. In addition, undoubtedly at the time of the referendum in Crimea, the peninsula was actually under the control of the Russian military and paramilitary units that hold the territory of Crimea¹⁸. There are also serious concerns about the compliance of the referendum held in Crimea with the Constitution of Ukraine. These concerns also stem from a number of other circumstances related to its implementation,

¹⁸ Lavrov, A., Russian Again: The Military Operation for Crimea, In: Howard, C., Pukhov, R. (eds.) *Brothers Armed: Military Aspects of the Crisis in Ukraine*, Minneapolis, MN: East View Press, 2014, pp. 157-184.

including the lack of a law in Ukraine regulating the holding of a local referendum; concerns regarding freedom of expression in Crimea¹⁹.

In contrast to this widely accepted position, the dissertation also outlines the Russian position on the legal nature of referendums. Russia and Crimea are in favour of the referendum, saying it is an expression of the right to a "corrective secession" or a "just cause for secession"²⁰ because the central government has failed to protect the fundamental rights and security of the region's citizens.

In conclusion, it can be pointed out that the similarities between the referendum in Crimea and those in Donetsk and Luhansk are indisputable. They are illegal because Ukrainian law does not allow regional referendums. Therefore, the referendum on the change of Ukrainian territory can only be recognized by the parliament in the capital of Ukraine Kiev²¹. In addition, even if they are legal, the actual practice of holding them violates many democratic norms of the Code of Practice for referenda adopted by the Council of Europe in 2007. For example, there must be electoral rolls that are permanent or continuously updated, an impartial body organizes the referendum and allows national and international observers²².

In summary of the arguments put forward in this paragraph of the dissertation on the legality of the referendum and the right to self-determination of the citizens of Crimea, it is once again clear that the international practice on these issues is quite diverse. As the Bulgarian Ambassador Ivan Garvalov points out, in some cases the practice of the UN adheres to the spirit and letter of international law, and in others it applies this right selectively, giving priority to political arguments that do not always comply with its norm. This shows that the right of self-

¹⁹ Становище № 762/2014 на Венецианската комисия от 21.03.2014 г. относно референдума за присъединяване на Крим към Руската федерация, <https://bgalternative.eu/crimean-referendum/#easy-footnote-bottom-1-587>, Достъпно на 20.01.2023 г.

²⁰ Birch, A., Another Liberal Theory of Secession, Political Studies, Vol. 32 (4), pp. 21-31, <https://journals.sagepub.com/doi/abs/10.1111/j.1467-9248.1984.tb01548.x>, Accessed on 18.01.2023.

²¹ Pfafferoth, C., Secession referendums in Ukraine a "farce", 12.05.2014, <https://www.democracy-international.org/secession-referendums-ukraine-farce>, Accessed on 19.02.2023.

²² Code of good practice on referendums, Venice, 16-17 March 2007, pp. 6-16, <http://www.e-democracy.md/files/elections/venice-code-good-practice-referendums-17-03-2007-en.pdf>, Accessed on 19.02.2023.

determination of peoples can always be interpreted and implemented differently from the principle and norm²³.

A similar situation is the international community in terms of the crisis in Ukraine. On the one hand, Russia and Crimea defend the legality of the referendum and the right to self-determination and the secession and reunification of Crimea with Russia by the fact that this is an expression of a "corrective secession" that is conditioned by the gross violation of the rights and freedoms of ethnic Russians and Russian-speaking citizens in Crimea. On the other hand, Ukraine and the majority of other countries in the world advocate that the referendum is illegal, but at the same time the right to self-determination is not denied, but in order to have legal force, the holding of a referendum and a subsequent secession should be carried out in compliance with both the current domestic law in Ukraine, as well as international regulations.

Third, the crisis in Ukraine between 2013 and 2015 was accompanied by violations of a number of international and bilateral treaties signed by Moscow and Kiev. Due to Ukraine's inability to defend its territorial integrity and sovereignty over Crimea through military force, the country is actively beginning to use the mechanisms of the existing legal system to protect its rights on the international stage. In the scientific literature, these funds are known as "lawfare", developed by analogy with the term "warfare" by Charles Dunlop, who defined it as a legitimate strategy for the use or abuse of law as a substitute for traditional military means to achieve a particular operational goal²⁴.

With this in mind, Ukraine has taken advantage of all available legal leverage to hold Russia accountable for its actions in Crimea and other troubled areas in the country under international law, aiming to legally exert pressure on the Kremlin to stop violations of international and bilateral agreements²⁵. A

²³ Гарвалов, И., Правото на самоопределение на народите, изд. „Горекс Прес”, С., 2008.

²⁴ Dunlap, C., Lawfare Today: a Perspective, *Yale Journal of International Affairs*, Winter 2008, p. 146, https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5892&context=faculty_scholarship, Accessed on 25.01.2023.

²⁵ More information about “lawfare” project – the legal confrontation with the Russian Federation: <https://lawfare.gov.ua/about>, Accessed on 01.02.2023.

position that is largely based on the idea that in the activities of international courts, they accept the primacy of international law before national law²⁶.

In an attempt to protect its interests and violated rights, Ukraine is launching a battle against Russia in the field of international courts and arbitrations. In view of the restrictions on Kiev, due to the fact that neither Ukraine nor Russia have accepted the jurisdiction of the International Court of Justice, Ukraine has the opportunity to benefit only from filing a claim against Russia for violation of the provisions of two UN conventions - the International Convention for the Suppression of the Financing of Terrorism (ICBFT), adopted on 9 December 1999, and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), In fact, this is the only real possibility for Ukraine to hold Russia accountable for its actions in Crimea and Donbas during and after the 2013-2015 crisis.

The decision in the case of Ukraine v. Russia is important for a number of reasons both for Ukraine as a party to the dispute and for international law in general. First, it seems that Ukraine's strategy of using the "law" against Russia in various international courts has to some extent its positives, since through its use, Ukraine has so far achieved more than Georgia in its strategic litigation arising from the war between Georgia and Russia.

In addition to Ukraine's appeals to the International Court of Justice, the country also took the opportunity to bring legal actions against Russia before the European Court of Human Rights. Following Russia's intervention in Ukraine in 2014, Kiev filed several complaints against Russia's actions in Crimea and eastern Ukraine: Ukraine against Russia²⁷. In response to numerous complaints from Ukraine, on July 22, 2021, Russia filed a claim with the ECtHR against Ukraine on the grounds of Art. 33 of the ECHR, which addresses a range of issues ranging from violence during the anti-government protests on the Maidan in late 2013 and early 2014 to the downing of Malaysia Airlines Flight 17 (MH17) in 2014.

²⁶ Гозанска, Г. България и юриспруденцията на Постоянния съд за международно правосъдие и Международния съд на ООН, Университетско издателство "Паисий Хилендарски" Пловдив, 2019, с. 40-41.

²⁷ Case of Ukraine v. Russia No 20958/14, Decision 16.12.2020, <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=60016cad4>, Accessed on 26.01.2023.

Russia's denunciation of the European Convention on Human Rights in 2022 severely limits the possibility of effectively executing the penalties that may be imposed on Moscow in connection with violations of the provisions of this Convention. Although the European Court of Human Rights retains its competence to hear complaints and violations committed before Russia's withdrawal from the Council of Europe, this fact has two important consequences – first, not only will Russia not be allowed to be complained of after its withdrawal from the Convention, but secondly, even if it is convicted and penalties, their implementation is impossible.

Another judicial way to protect violations of Ukraine's rights by Russia as a result of the escalation of the crisis after 2014 is the case brought before the Hamburg-based International Tribunal for the Law of the Sea by Ukraine against Russia on the occasion of Russia's illegal detention of three Ukrainian naval ships.

Another rather widely used opportunity by Ukraine in the protection of its national interests by Russia is the use of a number of other arbitral tribunals in search of protection and finding a solution to violated bilateral agreements between Russia and Ukraine, with special attention in this regard being the investor-state dispute settlement mechanism under the signed bilateral investment treaty between Ukraine and Russia from 1998. This allows companies to sue governments if a policy or its implementation negatively affects the profitability of their investments.

In summary, it can be pointed out that as a result of the crisis in Ukraine of 2013-2015, Kiev launched a targeted campaign, using all possible legal means to find a solution to problems between the two countries, through the mechanisms of international courts and arbitrations. To a large extent, this "lawfare" aims to undermine the legitimacy claims of Russia's actions in Crimea and in eastern Ukraine through the use of legally regulated offensives both in the sphere of international public law and in the sphere of private international law. Ukraine's actions extend from the referral to the International Court of Justice of the United Nations for crimes against the rights of the local population of Crimea, for the ongoing targeted campaign by Russia for ethnic and cultural discrimination in violation of the Convention on the Elimination of All Forms of Racial

Discrimination, as well as violations of the International Convention on the Suppression of the Financing of Terrorism.

Last but not least, a number of private companies are actively involved in the fight to protect the rights of investors in Crimea. This is because international law actively protects investors' rights and allows them to go to arbitration court for protection from arbitrary expropriation of investments and fair and equitable treatment of investments, through the ability for investors to file claims arising from contractual obligations directly against a sovereign state, as if it were an ordinary party to a trade dispute. It is important to point out that these arbitral tribunals between investor and state do not have jurisdiction to determine whether the occupation of Crimea itself is illegal. However, repeated independent findings that Russia has "effective control" over Crimea have an impact on strengthening the legitimacy of Ukrainian demands in the dispute between the two states, as well as reinforcing the findings in the international community that Russia's actions in Crimea can be interpreted as aggression, interference in the affairs of a sovereign state and a state that violates the principle of territorial integrity of an independent and sovereign Ukraine. A position that is of great importance today, in the era of communications and digital society, because, in addition to the mechanisms analysed above for the protection of violated international treaties and bilateral agreements between Ukraine and Russia, Kiev is also targeting the protection of its national interests through the mechanisms of the International Criminal Court.

Fourth, an attempt to find a solution to the crisis is also made by referring Russia's actions in Ukraine to the International Criminal Court. In this regard, the clarification of the jurisdiction of the International Criminal Court²⁸ over the crimes in Ukraine resulting from the 2014 crisis is essential, as neither Ukraine nor Russia are parties to the Rome Statute. Although Ukraine has not ratified the Rome Statute, under it any non-member state may recognize the ICC's jurisdiction over a crime through statements submitted to the ICC Secretary. The recognising State undertakes to cooperate with the Court without any limitations or exceptions. However, the recognition of the jurisdiction of the International

²⁸ More information about the jurisdiction of the International Criminal Court see.: Ковачева, Д., Международният наказателен съд: Учредяване и допълваща юрисдикция, УИ "Св. Климент Охридски", 2018 г., ISBN 9789540745220.

Criminal Court does not automatically lead to the initiation of an investigation, but provides an opportunity for Kiev to submit two declarations in accordance with Article 10 of the Convention. 12, para. 3 of the Rome Statute, recognising the jurisdiction of the ICC in respect of crimes committed on the territory of Ukraine in the period from 21 November 2013 to 22 February 2014.

Based on the evidence gathered in the case, on February 28, 2022, the prosecutor announced that he was launching an investigation into the situation in Ukraine, as there was reason to believe that both alleged war crimes and crimes against humanity had been committed in Ukraine. In addition, in view of the expanded time coverage of the second declaration, the prosecutor's statement states that the investigation will also cover all new alleged crimes falling within the jurisdiction of the ICC, which were committed by any party to the conflict on the territory of Ukraine, on an ongoing basis.

On 2 March 2022, on the basis of reports received from a number of countries, the Prosecutor announces the opening of an investigation, in accordance with the general parameters of the court, following the referral to the State, and without prejudice to the focus of the investigation, the scope of the situation includes all past and present allegations of war crimes, crimes against humanity or genocide, committed on any part of the territory of Ukraine by any person from 21 November 2013 onwards²⁹.

In summary, it can be concluded that the ICC's jurisdiction in Ukraine covers crimes such as genocide, crimes against humanity and war crimes, but excludes aggression. Responsibility for these crimes is not limited to those who commit the acts, but also to those who order, assist or otherwise are accomplices in the crimes. This includes liability on the basis of command responsibility, whereby military and civilian officials to the top of the chain of command can be held criminally responsible for crimes committed by their subordinates; when they knew or should have known that such crimes were being committed but did not take reasonable steps to stop them.

As Russia is not a party to the Rome Statute, it is not obliged to cooperate with the ICC, which poses a number of challenges to the investigation – difficulty gathering evidence, especially in the territories occupied by Russia and under its

²⁹ Information for victims, Ukraine, 2023, <https://www.icc-cpi.int/victims/ukraine>, Accessed on 19.01.2023.

control; hampers the court's efforts in issuing an arrest warrant against Russian citizens, as the ICC relies mostly on the assistance of national authorities to detain the suspects and turn them over to a court in The Hague. In practice, at present, all efforts of the ICC to conduct an investigation into events in Ukraine are either confronted by Russia's refusal to respond to the court's formal requests for cooperation or are followed by hostile statements by press officials.

Fifth, international attempts to find a solution to the crisis in Ukraine are also examined. In view of the situation in Ukraine, as early as early 2014, the international community took active diplomatic action to find a way out of the political crisis, which resulted in the signing of the Agreement on the settlement of the political crisis in Ukraine of February 21, 2014, by the President of Ukraine Viktor Yanukovich and the leaders of the opposition. Unfortunately, diplomatic efforts by Germany, Poland and France, although they ended with the signing of an agreement³⁰, his life was extremely short and did not achieve the desired result.

With the development and escalation of the crisis, especially after the inclusion of Russia as a party to it as a result of the actions taken in Crimea, Donbass, Donetsk and Luhansk regions, the responsibility of the international community for finding a solution to the crisis is growing, along with the attempts at a diplomatic solution of a number of countries, a number of international and regional organizations are involved in the settlement of relations between Ukraine and Russia. The latter, depending on the specific scope and capabilities, are trying to prevent, limit and solve the crisis in Ukraine.

The UN's attempts to find a way out of the crisis by adopting special resolutions on the issue are analysed. As a result of the analysis, it is concluded that while the UN is still the main international agent with sufficient capacity to conduct multilateral negotiations, achieve security and resolve conflicts in an increasingly uncertain world, the crisis in Ukraine and the inability of the organization to have an effective role in finding a solution to the conflict reveals the need to implement a number of reforms. This is so that the organization can be more effective in its actions and reflect contemporary geopolitical and

³⁰ Состоялось подписание Соглашения об урегулировании кризиса в Украине. Пресс-служба Президента Украины Виктора Януковича.
<https://archive.is/20140223081530/http://www.president.gov.ua/ru/news/30117.html#selection-437.0-437.49>,
Доступно на 20.12.2022 г.

economic realities. Therefore, attempts to find solutions to the crisis in Ukraine in 2013-2015 are concentrated mainly in some regional organizations.

In this regard, the Organization for Security and Cooperation in Europe (OSCE) plays a major role in seeking a way out of the crisis in Ukraine, which is the main tool for early warning, conflict prevention, crisis management and post-conflict reconstruction³¹. Unlike the UN and the Security Council, where the crisis in Ukraine is only discussed but no follow-up measures are taken to resolve it, the OSCE is making significant efforts to resolve various aspects of the crisis, including the signing of the Minsk agreements³².

The Council of Europe also expresses its position on the crisis in Ukraine. In view of the specific functions and tasks of this political intergovernmental organization, the possibility of influencing the de-escalation of the conflict is not great. In this regard, the approach to influencing the behaviour of states in the crisis is expressed mainly by the adoption of a resolution stating the need to respect democratic standards and human rights in Ukraine. In addition, the Parliamentary Assembly of the Council of Europe (PACE) does not recognize the result of the referendum in Crimea and points out that Russia's actions pose a threat to Europe's security and stability. In view of this, the only action the Council of Europe can actually take is to suspend Russia's voting rights in PACE³³, and from 2022 Russia is expelled from the Council of Europe.

The EU's actions related to finding a way out of the crisis in Ukraine are also analysed. Ukraine, as an Eastern Partnership country, has been pursuing European integration since 2007. After President Viktor Yanukovich cancelled

³¹ Борисов, О., Илиева, И., Драгиев, А., Регионални международни органи, УИ „Св. Климент Охридски“, С., 2012, с. 108.

³² Дюлгерова, Н., Минските споразумение между пропагандата и реалността. – в. Труд, 24.02.2022 г., <https://trud.bg/%D0%BC%D0%B8%D0%BD%D1%81%D0%BA%D0%B8%D1%82%D0%B5-%D1%81%D0%BF%D0%BE%D1%80%D0%B0%D0%B7%D1%83%D0%BC%D0%B5%D0%BD%D0%B8%D1%8F-%D0%BC%D0%B5%D0%B6%D0%B4%D1%83-%D0%BF%D1%80%D0%BE%D0%BF%D0%B0%D0%B3%D0%B0%D0%BD%D0%B4%D0%B0%D1%82%D0%B0-%D0%B8-%D1%80%D0%B5%D0%B0%D0%BB%D0%BD%D0%BE%D1%81%D1%82%D1%82%D0%B0/>, Достъпно на 23.01.2023 г.

³³ Resolution 1990 (2014). Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation, <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=20882>, Accessed on 20.01.2023.

the signing of the Association Agreement with the EU³⁴ and the crisis in Ukraine occurred, the Council of the EU gradually began to impose restrictive measures against Russia in response to its actions against Ukraine. To some extent, the EU's role in finding a solution to the 2015 crisis in Ukraine is very close to the model adopted by the Union regarding the crises developing in the South Caucasus. There has been a specific but ineffective approach to resolving conflicts in Nagorno-Karabakh, Abkhazia and South Ossetia, with relevance being: the 2003 European Security Strategy, the Union Strategy Paper on the European Neighbourhood Policy of 2004. Unfortunately, once again the EU relies heavily on its traditional 'civil' and 'normative' approach, based on "soft power", which is of little help in finding an effective solution to the crisis in Ukraine.

For understandable reasons, NATO and the Collective Security Treaty Organization (CSTO) are not taking concrete measures in an attempt to find a solution to the crisis in Ukraine, but are limited only to expressing a position on the escalation of the conflict.

The dissertation concludes that the crisis in Ukraine revealed to the international community that the existing mechanisms for finding solutions to international crises by international and regional institutions are rather inadequate and not effective enough and require the development of in-depth cooperation.

Sixth, the dissertation also examines the reaction of the Bulgarian public to the crisis in Ukraine. Given the complex and difficult to predict international environment, Bulgaria's initial position on the crisis and the ways to resolve it cannot be definite. In this regard, the reactions of the government in the Republic of Bulgaria are not united. Three different attitudes are taking shape regarding the crisis in Ukraine. The first is in support of the common position of the European Union by not recognizing the annexation of Crimea and imposing sanctions on Russia. The second is a call for the withdrawal of Russian military forces from Crimea, but does not argue against the sanctions imposed on Russia, highlighting their possible unintended consequences for European countries. The third is entirely in support of the Russian actions and calls on Bulgaria to recognize the results of the referendum held on March 16, 2014 in Crimea.

³⁴ More on the issue of Ukraine's association negotiations with the EU see: Рабохчийска, М., Политиката за съседство като инструмент на външните отношения на Европейския съюз. С., Сиела, 2016. 256 с., ISBN: 978-954-28-2064-2.

In conclusion, several main conclusions can be drawn in the dissertation:

First, the basic prerequisites for the crisis are laid down in the Soviet geographical heritage, Russia's interests in the so-called. "Near Abroad", the changes in the civilizational choice of Ukrainian citizens to Europe and NATO; the eastward enlargement of NATO and the EU and Russia's perception of these actions as a threat to its national security.

Secondly, in view of the signed multilateral and bilateral agreements and treaties between Ukraine and Russia, the historical claims to the Russian belonging of Crimea are not based on legal arguments, in accordance with modern norms of international law, but are largely based on archaic legitimation for the correction of a historical injustice, based on the Roman principle of *Rebus sic stantibus*.

Third, the crisis shows that the new system of international security needs to renegotiate part of the international treaties, because to a certain extent not only the actions of the international community are legally limited by the existing legal framework, but the latter also contributes to the inefficiency in finding workable solutions to international crises. This is particularly evident in the impossibility of imposing an effective solution to the crisis in Ukraine in the Security Council, due to Russia's veto, as well as in the impossibility to apply the instruments for a solution to the crisis at the disposal of other international and regional organizations to the maximum extent.

Fourth, the nature of the Ukrainian crisis differs significantly from past conflicts in Europe. Proceeding from the position that the crisis in Ukraine can be qualified as hybrid warfare, this raises a number of questions for the international community about how much the existing legal norms of international humanitarian law include the concept of hybrid warfare.

Fifth, undoubtedly in the first decade of the 21st century, the steps taken to develop cooperation between Russia and the West began to yield to the growing tensions between them. The crisis in Ukraine is a symbol of the restructuring of international relations and the emergence of new centers of power claiming legitimacy and legality of their actions. The crisis undermines European security, raising questions about NATO's future and puts an end to possible cooperation with Russia.

Sixth, the Ukrainian crisis puts on the agenda the debate in international law doctrine and in international relations about the need to reassess and rethink the basic principles of international law, due to the growing tension and contradiction between the right to self-determination and the protection of territorial integrity. As a consequence, the question of the use of the provisions of international law to pursue the national interests of individual states is increasingly raised in international legal literature, at times even concluding that there is a distortion of fundamental international norms.

Seventh, the sanctions imposed on Russia, as well as the legal battles launched by Ukraine against Moscow's actions on the territory of Crimea and Donbass, not only do not achieve the desired effect, but, on the contrary, further widen the gap between the West and Russia.

Eighth, there is a strong limitation on the ability of international courts – the International Court of Justice, the International Criminal Court, the European Court of Human Rights, as well as a number of international arbitrations – to influence Russia's misconduct and reduce and/or limit the negative effects of the crisis in Ukraine.

Ninth, despite the efforts of a number of international organizations to find a solution to the crisis in Ukraine, the results are quite discouraging – some of them are limited to acting and, although expressing a position on the problem, remain observers rather than facilitators of finding a solution; others are limited because of the scope of action. Regardless of the cause, the crisis in Ukraine is indicative that the existing mechanisms for finding solutions to international crises by international and regional institutions are rather inadequate and insufficiently effective and require the development of deep cooperation.

Therefore, the crisis in Ukraine between 2013 and 2015 has serious consequences for international law and international relations. It is common ground that the crisis in Ukraine brings to the fore some of the most contentious issues relating to international law concerning the use of force (and both in its aspects *ius ad bellum* and *ius in bello*), the right to self-determination and the protection of territorial integrity, as well as the legal consequences of serious violations of the imperative norms of general international law (*ius cogens*). Today, more than ever, especially in view of the evolving actions between

Ukraine and Russia, these issues should be discussed among the international community in order to find an adequate solution that will not only help to find a solution to crises and conflicts, but would also have a preventive restrictive effect on states in terms of violation of international norms.

MAIN CONTRIBUTIONS OF THE DISSERTATION

1. A thorough theoretical analysis of the nature and characteristics of an international crisis has been carried out, deriving its own definition of the concept.

2. An in-depth study of the causes and consequences of the crisis in Ukraine has been made, revealing the impact of the crisis on international relations and international law.

3. The Ukrainian crisis has been thoroughly analysed through the prism of the problem of territorial integrity and non-interference in Ukraine's internal affairs and the right to self-determination.

4. The legality of the referendum in Crimea and the other self-seceded regions of Ukraine is studied by comparing the contradictory motives of Ukraine and Russia.

5. The use of the so-called "lawfare" has been thoroughly studied. Lawfare from Ukraine, in an attempt to protect its territorial integrity in response to violations of international law and bilateral agreements.

6. The attempts to find a solution to the crisis by the international community are traced and conclusions are drawn about the ineffectiveness of the current international legal framework and international organizations to deal with the problem.

7. The reaction of the Bulgarian public to the crisis in Ukraine is analysed.

8. The conclusions reached in relation to the crisis in Ukraine can contribute to the development of the international legal framework for crisis prevention and resolution.

LIST OF PUBLICATIONS ON THE TOPIC OF THE DISSERTATION

1. Dukova, Desislava. "Constitutionality of the referendum of 16.03.2014 in the Autonomous Republic of Crimea" – In: Proceedings of the Annual University Scientific Conference 2019, Vasil Levski National Military University, Volume 8, Veliko Tarnovo, 27-28 June 2019, pp. 199-203, ISSN 1314-1937;

2. Dukova, Desislava. "The Budapest Memorandum and the Security Guarantees for Ukraine" – In: Specialized online legal journal Studia Iuris of the Faculty of Law of Plovdiv University "Paisii Hilendarski", no. 2, 2019, pp. 112-117, <http://studiaiuris.com/> , ISSN 2367-5314;

3. Dukova, Desislava. "Legal Analysis of the Agreement on the Settlement of the Political Crisis in Ukraine" – In: Proceedings of the Annual University Scientific Conference 2020, National Military University "Vasil Levski", Volume 3, Veliko Tarnovo, 22-23 October 2020, pp. 256-267, ISSN 2367-7465;

4. Dukova, Desislava. "The Jurisdiction of the International Criminal Court with Respect to Crimes in Ukraine" – In: Proceedings of the Annual University Scientific Conference 2021, Vasil Levski National Military University, Volume 8, Veliko Tarnovo, 27-28 May 2021, pp. 55-62, ISSN 1314-1937;

5. Dukova, Desislava. "The Reaction of the Bulgarian Public and the Ukrainian Crisis: International Legal Aspects" – In: Proceedings of the Annual University Scientific Conference 2021, National Military University "Vasil Levski", Vol. 8, Veliko Tarnovo, 27-28 May 2021, pp. 63-73, ISSN 1314-1937.