

ONGOING HUMAN RIGHTS AND SECURITY VIOLATIONS IN RUSSIAN-OCCUPIED CRIMEA



NOVEMBER 10, 2016

**Briefing of the
Commission on Security and Cooperation in Europe**

Washington: 2016

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ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 56 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

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ONGOING HUMAN RIGHTS AND SECURITY VIOLATIONS IN RUSSIAN-OCCUPIED CRIMEA

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Commission on Security and Cooperation in Europe Washington, DC

The briefing was held at 2 p.m. in room B-318, Rayburn House Office Building, Washington, DC, Orest Deychakiwsky, Policy Advisor, Commission on Security and Cooperation in Europe, moderating.

Panelists present: Orest Deychakiwsky, Policy Advisor, Commission on Security and Cooperation in Europe; Scott Rauland, Policy Advisor, Commission on Security and Cooperation in Europe; Alex Tiersky, Policy Advisor, Commission on Security and Cooperation in Europe; Oksana Shulyar, Minister-Counsellor, Embassy of Ukraine to the United States; Taras Berezovets, Founder, Free Crimea Project, Kyiv, Ukraine; John E. Herbst, Director, Dinu Patriciu Eurasia Center at the Atlantic Council and former U.S. Ambassador to Ukraine; and Paul A. Goble, Editor, Windows on Eurasia, and Professor at The Institute of World Politics.

Mr. DEYCHAKIWSKY. Good afternoon. On behalf of the Commission Chairman, Representative Chris Smith, and Co-chairman Senator Roger Wicker, welcome to this Helsinki Commission briefing focusing on the human rights, political and security situation in Crimea. My name is Orest Deychakiwsky, and I'm a policy advisor here at the Commission whose portfolio includes Ukraine.

We're very pleased to have with us today four truly distinguished speakers whom I'll introduce in a few minutes, but first I want to give some introductory comments and set the scene a bit, if I may.

With Russia's ongoing illegal occupation of Crimea and aggression in eastern Ukraine—where it continues to direct, arm and finance its separatist proxies—Russia continues to flout every single one of the core OSCE principles enshrined in the 1975 Helsinki Final Act, including territorial integrity, inviolability of borders, sovereignty, and respect for human rights and fundamental freedoms. The situation in Crimea is bleak, and continues to deteriorate both from a democracy and human rights, as well as a security standpoint, and other standpoints as well.

The Russian occupying authorities persistently violate the rights of the Crimean people, first and foremost those who are perceived to oppose the illegal annexation. The

Crimean Tatars have been especially targeted, as have been all those Ukrainians who do not remain silent in accepting Moscow's rule. Examples abound. Whether it's the banning of the Mejlis and persecution of individual Tatar activists or the unjust imprisonments of Oleg Sentsov and Oleksandr Kolchenko, Russia's demonstrating its contempt for human rights and democratic norms.

At the same time, the security situation in the Crimean Peninsula and surrounding Black Sea region becomes increasingly perilous with the militarization of the peninsula. And we'll be hearing more about this, including perhaps how the Black Sea region and NATO are responding.

Now, the international community has repeatedly condemned Russia's illegal annexation. Like many in Congress, the Helsinki commissioners have been very supportive of sanctions against Russia, including Crimean-related sanctions, and in providing assistance to Ukraine to help counter Russian aggression and strengthen Ukraine's efforts to become a successful democracy. I think it's important, especially now, to underscore that Congress' and the Helsinki Commission's strong support of Ukraine has been on a bipartisan basis.

The Commission's also been active on the international front. At the OSCE Parliamentary Assembly, for instance, shortly after the Russian invasion, our then-Chairman Senator Ben Cardin's resolution condemning, and I quote, "the clear, gross, and uncorrected violation of the Helsinki principles by the Russian Federation with respect to Ukraine" passed overwhelmingly over strident Russian objections, and similar resolutions have passed in the years since.

Now a bit of history: If you saw our press release, this briefing takes place on the 40th anniversary of the founding of the Ukrainian Helsinki Monitoring Group in November of 1976, the largest and most-repressed of the five Soviet Helsinki groups, and there were some affiliated groups as well. And these groups were formed to monitor the Soviet Government's compliance with the Helsinki Final Act.

The Soviet Government, not surprisingly, saw these groups as a serious threat. The men and women who participated in these groups were persecuted as a result of their courage and commitment, and four Ukrainian monitors sacrificed their very lives in the notorious Perm Camp #36. And this was as late as 1984 and 1985.

The members of the Ukrainian Group laid the groundwork for the events that were to follow, culminating in Ukraine's freedom and independence. And, indeed, Ukraine's independence movement, called Rukh, was led by members of the Helsinki Group.

In the West, there were numerous efforts by governments, parliaments, and NGOs to defend the Helsinki monitors. Congress and the Helsinki Commission were especially active.

Just one small example, but one that I hope will resonate with you: Thirty-five years ago this month, in November 1981, our Commission held a hearing on the fifth anniversary of the Ukrainian Helsinki Group. One of the witnesses was someone named Petro Grigorenko, a founding member of both the Moscow and Ukrainian Helsinki Groups. A giant in the Soviet dissident movement, he had also been a highly decorated veteran, a major general in World War II. Yet, he abandoned the comfortable life of the Soviet elite and became involved in the struggle for human rights. What was his reward? Repression, including nearly five years of psychiatric abuse at a Soviet psychiatric hospital. He eventually was allowed to the West for medical treatment, and stayed.

Well, why do I single out General Grigorenko? Because among the things he was best known for was his defense of the Crimean Tatar people, who had been forcibly exiled to Central Asia in 1944 by Soviet dictator Stalin. Tragically, decades after returning to their homeland as the USSR was dissolving—late 1980s, early 1990s—and living in an independent Ukraine, the Crimean Tatar people again face persecution at the hands of Stalin’s anti-democratic, imperialistic heirs. And in a frightening echo of what General Grigorenko went through, a Crimean Tatar leader, Ilmi Umerov, recently was put in a psychiatric clinic for three weeks, and others very recently—just last week—have been sent for forced psychiatric evaluations for their opposition to Russia’s occupation.

Now, as then, the principles and commitments enshrined in the Helsinki Final Act are under assault. Forty years later, Ukrainians of all ethnic and religious backgrounds continue to defend these principles in the face of Moscow’s egregious and unrepentant violations. And, just as the West did back then, so too now we need to keep shining the spotlight on violations taking place today, and hopefully this briefing will contribute a little bit to that effort.

With that, let me introduce our speakers. I’ll give shortened bios. There are handouts with their full bios that you can pick up outside if you haven’t already.

Our first speaker, Oksana Shulyar, is acting DCM, or deputy chief of mission, at the Embassy of Ukraine. She holds the class of minister-counsellor. She assumed the position of political counsellor at their embassy in D.C. in September 2015 after serving as deputy director for the Foreign Policy Department at the administration of the president of Ukraine. She’s also worked as a foreign policy advisor to candidate Petro Poroshenko in 2014 at the Ukrainian Ministry of Foreign Affairs and at the Ukrainian Parliament’s European Integration Committee.

Our second speaker, Taras Berezovets, is the founder of Free Crimea, an independent think tank established in 2014, and owner of Berta Communications strategic consulting company in Kyiv. He’s the author of many publications, and appears frequently on various media and other forums in Ukraine. Mr. Berezovets has served as a consultant for a number of Ukrainian state institutions over the years. Taras was born in Kerch in the Crimea.

Ambassador John Herbst, who’s known to many if not all of you, is director of the Atlantic Council’s Dinu Patriciu Eurasia Center. Ambassador Herbst served for 31 years as a Foreign Service officer at the State Department in numerous positions and at various embassies, many of them dealing with what I’d call our part of the world, Eastern Europe and Eurasia. And most notably for our purposes, he was U.S. ambassador to Ukraine from 2003 to 2006, so right before, during and immediately after the Orange Revolution. Prior to that, he served as our ambassador to Uzbekistan, and most recently he served as director of the Center for Complex Operations at the National Defense University.

And finally, Paul Goble is editor of Window on Eurasia blog and a professor at The Institute of World Politics, a longtime specialist on ethnic and religious questions pertaining to Eurasia. Frankly, you know, from my perspective, nobody knows more about these issues than Paul does. He’s held academic positions in Azerbaijan and at two universities in Estonia. Throughout his lengthy career, he’s served in various capacities at the State Department, at the CIA, at the International Broadcasting Bureau, at the Voice of America, at RFE/RL, and at the Carnegie Endowment for International Peace.

So, with that, I’m going to turn it over to our first speaker, Oksana Shulyar.

Ms. SHULYAR. Thank you very much, Orest. It is truly an honor to speak at these premises with such panelists and before such an audience.

First of all, let me start by praising the efforts of the Helsinki Commission and of Orest Deychakiwsky, who for many years has contributed a lot to the cause of human rights and to advancing the issue and cause of human rights in Ukraine.

As Orest mentioned, we are now observing the 40th anniversary of the Ukrainian Helsinki Monitoring Group. And so 40 years and one day ago, at a press conference in Moscow, Ukrainian writer and philosopher Mykola Rudenko announced about establishment of the Ukrainian Helsinki Monitoring Group. In two hours, windows in his Kyiv apartment were broken with stones and bricks. He then joked: this is how KGB salutes establishment of the Ukrainian Helsinki Group. And it is truly inspiring how these brave men and women, writers, philosophers, how much they contributed to the cause and how much they helped to bring down one of the most evil empires in the world, the Soviet Union, and how much they helped to restore the independence of Ukraine.

Today, it is needless to reiterate that the Russian illegal attempted annexation of Crimea has once again violated international law and is posing a threat to the human rights, and especially on this Ukrainian peninsula. A deliberate policy of the total ban of freedom of thought, freedom of speech and expression is being conducted by the occupying power. The Russian Federation has continuously demonstrated to the international community severe violations of basic rights of citizens of Ukraine who live in the temporarily occupied territories of Crimea.

Ukraine has notified Russia on its violation of international humanitarian law and Russia's obligation as the occupying power in relation to the Crimea and Donbas region. Russia responded that the so-called peoples of the Crimea have executed their right to self-determination, and thus accession of the Crimea to the Russian Federation is in accordance with international law. In this regard, Ukraine stated that the peoples of Crimea are not entitled to self-determination; that referendum of 17 of March 2014 is a fraud; and that, therefore, under international law, the so-called Crimea Accession Treaty done in Moscow in March 2014 is null and void, and does not create any legal consequences in regard to the territorial alterations. Despite obvious differences in positions of two sovereign states, Russia rejected suggestion to refer this dispute to an international court.

Nevertheless, Ukraine deems the Autonomous Republic of Crimea as the occupied territory of Ukraine. Ukraine condemns in strongest terms Russia's attempt to annex the occupied territory, and strongly rejects any attempts to legitimize this internationally wrongful act. In particular, Ukraine stated that elections of 18 September 2016, which have just taken place, to the Russian Parliament held in Crimea are illegal, and those elected are not legitimate representatives of people inhabiting the peninsula.

Overall, a few facts to describe a picture of Russian so-called authority over Crimea: 11 politically motivated assassinations; 15 people went missing for their political activities and for their public position; at least 30 persons arrested and sentenced for political reasons; kidnapping; attacks on media; intimidation; detention; interrogations; imprisonment of journalists and activists; searches; banning citizens from entering Crimea; restriction in access to meetings of the authorities, including the courts; placing pro-Ukrainian journalists on the so-called list of terrorists of the Russian Federation; censorship; the ban of the Mejlis of Crimean Tatars, which is the only representative body for these indige-

nous people of Crimea; and continuous pressure on the Crimean Eparchy of the Ukrainian Orthodox Church.

All Crimean inhabitants were de facto forced either to become Russian citizens or to leave Crimea. As a result, we have 20,000 internally displaced persons from Crimea in other Ukrainian regions. And I would like to make a note that these people have decided to stay in Ukraine. They have moved to other parts of Ukraine—in western Ukraine, in central Ukraine, in Kyiv—and they feel solidarity and unity with the Ukrainian people, and remain to stay in Ukraine in order to come back once Crimea will be de-occupied.

One hundred of Ukrainian schools in Crimea have been closed. So Ukrainians have no longer right or possibility to get education in Ukrainian.

The occupation of Crimea is a crime against Ukraine and against the Ukrainian citizens. Today Ukraine again appeals to the international community to take urgent measures to protect the right of the people living in Crimea.

In March 2014, the United Nations Office of the High Commissioner for Human Rights established human rights monitoring mission in Ukraine. It regularly reports and identifies violations—numerous violations of human rights in Crimea. And today we once again urge that, according to the U.N. Charter, international community's absolute priority is to ensure fundamental protection of human rights and human freedoms.

Despite the occupation, residents of Crimea remain Ukrainian citizens and are treated as Ukrainians, and the Ukrainian Government takes all measures to protect them and to ensure that their rights are honored. Therefore, the government of Ukraine is committed to provide all possible means.

We are grateful to 100 nations that in March 2014 have voted for the U.N. resolution on Territorial Integrity of Ukraine, not recognizing the illegally attempted annexation of Crimea by Russia and testifying that Crimea is Ukraine.

Today, the democratic community of nations has taken action again. More than 30 nations have joined in co-sponsorship of the draft resolution Situation of Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine in the Third Committee of the 71st Session of the United Nations. The main goal of the resolution is to urge the Russian Federation to ensure full compliance with its obligation as an occupying power according to the international law, and to ensure safe and unfettered access for international human rights mechanisms to the temporarily occupied peninsula to monitor and report the situation in accordance with their mandate.

Crimea is not just a Ukrainian territory. Crimea is 2.5 million people suffering from the authoritarian regime, frightened and helpless, without any chance to defend their rights, to protest, or to be heard.

Another legal track Ukraine pursues is settlement of dispute under the 1982 U.N. Convention on Law of the Sea. Ukraine claims that Russia has illegally appropriated Ukraine's sovereign rights in waters adjacent to the Crimean Peninsula in the Black and Azov Seas, and illegally exploits natural resources of Ukraine's continental shelf.

Apart from Ukraine's sovereign rights, it is in the interests of the government to provide for a possibility for state-owned enterprises and private companies to seek remedies for illegally stolen property in Crimea. 1998 Ukraine-Russia Bilateral Investment Treaty, one of several documents violated by Russia, provides for both investor-to-state and state-to-state compulsory jurisdiction of an arbitral tribunal. Ukraine has adopted and is promoting a strategy to hold Russia accountable for massive theft of property during and

after occupation of Crimea. At this point of time, there are around eight investor-to-Russia cases pending at different stages of arbitration. Among them, two cases are filed by the state-owned oil and natural gas company Naftogaz, claiming over 15 billion U.S. dollar damages; and biggest state-owned bank, Oschadbank, claiming around 700 million U.S. dollars damages.

Ukraine has decided to pursue a peaceful diplomatic and legal way to reintegrate Crimea and to end the ongoing violence in Donbas triggered by the Russian aggression. But we need continuous support from the international community, and help to Ukraine to carry out its internal transformation to become an attractive model for the people living in Crimea and Donbas. We believe that a strengthened and democratic Ukraine will be the strongest remedy against the Russian aggression.

Thank you.

Mr. DEYCHAKIWSKY. Thank you very much, Oksana.

And now we'll turn it over to Taras Berezovets. Taras?

Mr. BEREZOVETS. Thank you. Thank you very much, Orest. Thank you very much, everybody. It's a pleasure, always, to be here in D.C., but it's not a pleasure to talk about violations of human rights conducted by Russian occupation forces in Crimea.

I've not been to Crimea since February of 2014. Unfortunately, since then I have been blacklisted, especially when we launched our initiative which is called Free Crimea. And Free Crimea is one of many Ukrainian think tanks, one of many Ukrainian initiatives which have been launched after illegal annexation of Crimea.

We are dealing mostly with information about human rights violations, militarization of Crimea, what's going on with property rights in there. We also deal both with Ukrainian Government and Ukrainian society and all IDPs who moved from Crimea.

According to our official statistics of our government, we have more than 50,000 IDPs from Crimea, mainly Ukrainian and Crimean Tatars. To compare, we have a figure of nearly 2 million people who escaped from Donbas, from Donetsk and Luhansk Oblast. So, to put it bluntly, the general figure of IDPs from Crimea is not that big. But since then we have a lot of information from peninsula which shows that a lot of people would be happy, actually, to leave peninsula because of both economic situation, situation of human rights, and situation in many different—many different spheres.

What happened just yesterday, it's one of the examples which shows off, ladies and gentlemen, what's going on in Crimea. Just yesterday, Russian law enforcement bodies in the city of Sevastopol in south of Crimea have arrested three citizens. They are both Ukrainian and Russian citizens, apparently, because after annexation of Crimea, Russia has assigned citizenship to all 2.5 million Crimeans. So Dmytro Shtyblikov, Oleksiy Bessarabov and Volodymyr Dudko, all three of them are employees of Ukrainian think tank Nomos, who used to work for many years as experts in this sphere; all of them, they are retired military officers. So they have been arrested and detained by FSB illegally. They have been severely beaten, according to information of even Russian independent media. And they have all been accused, all of them, they're so-called terrorists. So we expect that the Russian authorities would accuse all of them in organization of some terrorist acts whatsoever, similar to what happened to the other four Ukrainian citizens that have been detained by FSB by the end of August this year, just before illegal parliamentary elections to State Duma of Russia, which also have been conducted on the territory of Crimea.

By the way, our think tank, we prepared an independent report on illegal actions in Crimea, which I presented to Orest. I have only one more copy left, but it's still available in English on the website of our Ukrainian Institute for the Future. So just please feel free to share it.

This is just the last example which I will explain to you. Two days ago, on the 8th of November, six certain employees of so-called Property Fund of Crimea broke into the cathedral of Ukrainian Orthodox Church of Kyiv Patriarchate. And these attacks have been done for the last nearly three years on Kyiv Patriarchate because Russian authorities, they do not recognize the church itself. And they closed five out of six cathedrals of Kyiv Orthodox Patriarchate which had been operating on the peninsula before occupation.

Other figures which show off just general problems, they refer also to the fact of assigning of Russian citizenship, basically forceful and illegal, to 2.5 million Crimeans, which we saw very vividly on a criminal case of Oleg Sentsov and Alexander Kolchenko, two prisoners of conscience in Russia who have been arrested in May 2014, and both sentenced—Sentsov to 20 years of imprisonment and Kolchenko to 18 years of imprisonment. The problem with them is that Ukrainian Ministry of Foreign Affairs negotiating with their Russian colleagues about just doing the same procedure, what they've done to the—[inaudible]—basically they're returned to Crimea, but the Russian occupation—[inaudible]—Ministry of Justice of Russia said this is completely impossible because they said both Kolchenko and Sentsov, they are considered as Russian citizens.

The fact that Sentsov and Kolchenko have been given Russian citizenship is based—this is very important—on the testimony of a Russian FSB officer in Simferopol, who in custody just put in a protocol that Sentsov should be considered as a Russian citizen because he was living on the territory of Crimea, and because he did not write a letter—so the Russians made quite a stupid judicial procedure. They said: unless within one month you write a letter to official Russian authorities in which you say you do not want to accept Russian citizenship, you will be given it automatically. But because Sentsov and Kolchenko, they have been arrested, they literally didn't have any chance to write such a sort of letter, Russian Ministry of Justice considers them both as Russian citizens. And this has to do with a lot of other Ukrainians. Out of 2.5 million people, we have only nearly 4,000, only, people who kept their Ukrainian citizenship and who basically refused to get Russian passports.

And finally, what's going on with human rights violations, even according to the Russian statistics? Since February 2014, Russian local authorities, they fixed only 269 cases of violation of human rights. But, according to the Tatyana Moskalkova, a Russian ombudsman, she said that the number of human rights violations in Crimea has risen up to 75 percent since then. And according to Ludmila Lubina—she's a local Crimean ombudsman—she said that the number of appeals about violations of human rights in Crimea in 2014, and then actually Russians took control of the peninsula, was 680. But the last year, 2015, they fixed 4,200 violations of human rights, which is basically seven times more than it was a year before. We don't have so far statistics about this year, but we believe the general figure would be much, much higher.

Thank you very much, Orest.

Mr. DEYCHAKIWSKY. Thank you very much for that on-the-ground report. Thanks.

And now I'll turn it over to Ambassador Herbst. John?

Amb. HERBST. Orest, thank you.

Russia's seizure of Crimea is a major political and security challenge for the West. The political challenge is well understood. And we've heard about it already in this panel. Russia's taking of Crimea by military force violates international law, their own commitments under the Bucharest Memorandum, and numerous other agreements, and a serious blow to the post-Cold War order established in Europe. It also includes numerous human rights violations, as we've just heard from Taras, violations against Crimean Tatars, against the Ukrainian Orthodox Church, against any conscious Ukrainian who wants to assert that he or she is a Ukrainian citizen, against independent journalists.

I'm mentioning this or repeating this now because there's also some confusion about what's happening in Crimea. And there's confusion about the views of Crimeans regarding their takeover by Moscow. Sloppy journalism and sloppy scholarship is asserting today that a majority of Crimeans in fact want to be part of Russia. There is an article—and I will not embarrass the journalist—it was in the Financial Times at the end of September, talking about the bridge over the Straits of Kerch, which said that the Crimeans are just delighted, despite significant statistical—honest statistical evidence to the contrary.

I had lunch with an academic recently who was doing polls in Crimea and asserted the same thing, even admitting that Crimean Tartars are underrepresented in those polls, and taking into account my comment that, well, don't you think that maybe people who are asked by strangers what they think might not give an honest answer in a place that's run by the police? But again, these things are reported. And they provide a rationale for ignorant politicians to say, "See? People of Crimea are happy to be part of Russia and our policies can be adjusted." And I just wanted to highlight that so that we understand this is a problem, when sloppy professionals point politicians with ulterior motives in the wrong direction.

OK. American policy and western policy more broadly on Crimea, to my mind, is sound. It says we do not recognize Russian sovereignty or alleged Russian sovereignty there. We sanction those who are responsible for the Russian takeover, the military seizure. And we also sanction businessmen and others who go there. This last point requires a little bit more attention because I read articles about businessmen who have interests over there and I don't read articles about them being sanctioned. This is an area where people should be paying close attention, because if we implement the policy that has been laid down we will make sure that Russian-occupied Crimea remains an economic backwater. And that's very important.

Now, I was asked to speak about the military and security aspects of Moscow's control of Crimea. And in fact, the one-sentence line is that the Russians have turned Crimea into an armed camp. A peninsula that was—I won't say it was not—it didn't have arms. It did have the Russian navy as well as the Ukrainian navy there. But relatively low-grade armaments it is now receiving some of the world's most sophisticated hardware, if we can believe the press.

President Putin took a decision well over a year ago to deploy two new nuclear-capable systems—the Iskander-M missile, which is a short-range ballistic missile with a range of, I think, up to 500 kilometers, and the Backfire bomber. Ukrainian intelligence has been reporting since August that those two weapons systems have been deployed. There's also talk of deploying the Iskander-K system ballistic missile, which has a range of up to 2,000 kilometers.

In addition to these nuclear-capable systems, the Russians have put at least 24 S-300 SAM systems, very sophisticated set of systems, anti-aircraft, as well as their Bastion anti-ship missiles. Between these two systems, they have coverage over most of the Black Sea. The nuclear missiles, even the smaller ones—excuse me—the lower-range ones, the Iskander-Ms, would give them the capacity to hit targets in southeastern Europe and, of course, across the Black Sea to Turkey.

All of this in total—referring to the seizure of Crimea by military force, the turning of Crimea into an armed camp—has significant geopolitical consequences. We've already seen since the Kremlin aggression in Ukraine, starting in, what, late February of 2014, Turkey responding in what I would consider to be a rather passive way. Turkey traditionally assumed the role of protectors of the Crimean Tartars. And Turkey has largely been silent on this issue, except in that six- or seven-month window between the Turkish shoot down of the Russian airplane on the Syrian front and Erdogan's almost inexplicable apology to Putin for shooting it down in June of this year—an apology which is quite uncharacteristic for Turkish politicians.

In that brief period where Turkey and Putin's Russia were at loggerheads, you saw interesting and potential significant coordination between the Turkish and Ukrainian navies in the Black Sea. That has disappeared in the wake of the new era of good feelings between Ankara and Moscow. You also have a NATO ally in the Black Sea, Bulgaria, which is less than stalwart in understanding the dangers represented by Putin's revisionist policies. So the arming of Crimea has strengthened Russia's position in the Black Sea, not just in terms of its military hardware and military capacity, but in its efforts to exert influence.

The question for us is, what should the United States and, more broadly, what should NATO be doing? Item one, this addresses specifically Crimea but it goes beyond Crimea, the West should do a much better job of meeting its Budapest Memorandum commitments by providing additional military support to Ukraine. And that additional military support for Ukraine should include, at an absolute minimum, lethal defensive equipment, anti-tank equipment, such as Javelin, which would blunt any further Russian offensive into Ukraine.

I think we should also do a serious study about providing Ukraine with anti-aircraft capacity. Now, Moscow has not used its air force in this war against Ukraine, and we want to keep it that way, but making them pay a price in hardware and blood for any such use by providing anti-aircraft equipment I think is completely legitimate and would probably be helpful. In addition, since the struggle in Ukraine, which is the front line in stopping Putin's revisionism—a revision designed to upend the post-Cold War order in Europe—we need to strengthen Ukraine not just to fight the Russians or to withstand Russian aggression, but also to reform themselves.

And while the United States, and the EU, and the various international financial institutions have played an important role here, it has not been important enough. The assistance we've given is a fraction of the assistance that the EU has given to Greece—a country of less importance than Ukraine, albeit a member of the EU. George Soros said and Larry Summers have said that, in one case, we should be providing \$50 billion of grant aid, not loans, to Ukraine. In the case of Summers, \$10 billion to start and see what else might be needed. In both cases, as a down payment on our security interests in Ukraine. Providing that support, that level of economic assistance, while pushing the

Ukrainian Government to make the reforms that the Ukrainian people want, is the smart play and the right play.

Three, of a similar kind, we should be strengthening other Black Sea powers that do not have NATO's protection. I'm thinking of Georgia and Moldova. Four, we need to increase the NATO presence in the Black Sea. The Warsaw Summit was a very serious effort to identify and respond to the revanchism of Mr. Putin's Kremlin. It laid out a strong response in the northeast of the alliance and in the Baltic States and Poland, putting battalions in each of those countries. It paid less attention to the southeast or the Black Sea area, although it did agree to provide a battalion for Romania, which does well understand the Kremlin danger.

We need to do more in terms of working with our other NATO partners in the Black Sea. The Turks who are, again, in a very strange place in this point in time. With the Bulgarians, they need a certain amount of persuasion and a certain amount of buffing up. Part of our effort should include greater ship visits into the Black Sea. We're already seeing some of that. We need to see more. I think those are the four areas where we need to do specific things.

I would just make one final point; that we have to pay special attention to Turkey, a major NATO partner, always strong in the past, somewhat ambivalent today, pursuing policies we don't like not just in Russia but also to a certain extent in Syria. We need to be able to somehow move them in the right direction. And that's going to require a great deal of diplomatic effort as well—very important—policies that are both wise and strong, something we haven't seen much of over the past 15 years.

Thank you.

Mr. DEYCHAKIWSKY. Thank you very much, John. Thanks for your excellent points, and hope they're taken to heart by relevant policy and other actors.

With that, let me turn it over to Paul Goble.

Mr. GOBLE. Orest, thank you very much.

It's terribly important to focus on the specific crimes and actions that have been unfortunately visited upon the people of Crimea and the people of Ukraine. But it is also terribly important to put those actions in a broader context and to recognize the extent to which they pose threats not just to Crimeans and Ukrainians but to the United States and to the international community.

And it is terribly important to recognize that when we talk about specific cases we not fall into the trap of thinking that if we address all the specific cases we've solved the problem, because we are confronted with an enemy in the Russian Federation, under Vladimir Putin, that is going to be a threat to Ukraine and the West for as long as it's in power. And that means that we need to start thinking not simply about addressing short-term problems, but about thinking about having a long-term strategy.

The United States, in my view, has as yet, despite all the good things it has done, failed to recognize the full extent of Vladimir Putin's aggression in Ukraine, and the threats it poses to the international system as a whole. It has treated this issue, as so many others, as if it can be addressed quickly and easily by talking to someone in Moscow and in isolation from these broader concerns—an approach that has played precisely into the Kremlin playbook and allowed Putin to behave outrageously in more and more places. Because we do not have a strategy, what we have are a set of tactics. Indeed, in my

experience recently, there are very few people in the District of Columbia who can define what a strategy is.

And in the American pursuit of a quick fix to deal with specific problems at a conflict on the edge of Europe, we have ignored that we are going to be involved in this conflict not for this month and next but for a very long time, because Mr. Putin's regime is not—as much as I would like it to—going away anytime soon, nor is Russian aggressiveness going to disappear. And that means you have to not only address particular issues now, but you have to put in place structures and policies that address that in the longer term.

Today—my whole paper's available to you—I'd like to talk about three things rather quickly. First, I'd like to point to the three challenges to the international system that Putin's aggression in Crimea and Ukraine represents. Those three challenges are vastly more serious in that they undermine the entire international order that our country has played a key role in creating over the last hundred years.

Second, we have to finally look at ourselves and recognize that we have vastly more resources to deal with the Russian threat than we have chosen to use, and they are not either do what we do now or increase military activity. There are a whole range of things that we have chosen not to do, for reasons that are not entirely clear to me. But we need to understand that.

And finally, while one can only welcome the continued statements of senior American officials that we will never recognize the forceful incorporation of Crimea into the Russian Federation, which was an act of illegality, an Anschluss. It is terribly important for us to recognize that such declarations by themselves are insufficient to put in place a genuine nonrecognition policy. Had American Baltic nonrecognition policy beginning in 1940 but limited it to such declarations, it would not have led to the recovery of the Baltic States of their independence in 1991, their membership in NATO and the European Union.

Too many people in the United States still believe that the current crisis is just about Crimea, which was Russian anyway. I completely agree with the view that the journalists in this country have done an absolutely appalling job. I almost put my car in the ditch driving up here today—[laughter]—when I heard one news broadcast on an NPR station, as is invariably the case, when the Ukrainians say something, they “claim”; when the Russians say something, they “say.” Forgive me; it's darn time to turn that around. But never mind. The fact is that what is going on in Crimea is a direct attack, not just at Ukraine but at the three founding principles of the international system that we put in place.

First, it is a violation of not only all the accords about the end of the Soviet Union and the recognition of Ukraine as an independent state, but it is a violation of the principle of the international order that force will not be used to change borders. And that's not something you can—you can be a little bit about. This is simply wrong. I am one of those who believed that some of the borders that existed in 1991 ought to have been talked about. Don't ever do that in your career. Bad things will happen to you. [Laughter.] I'm still not welcome in certain places because of what I wrote about Karabakh, but never mind.

The point is, we didn't do that. We decided that we would go with the borders. We would become the last defenders of Stalin's borders. And so we have to live with that. But you cannot have these as internationally recognized borders—which we have now

done as a principle of our international behavior since 1990—and then allow someone to trample on it by using military force. And you don't talk about whether the country that's being trampled on has engaged in enough economic reform. Forgive me, no one asked whether Warsaw had gotten its tax policy right in September of 1939. Forgive me, we're kidding ourselves by not focusing on that.

The second challenge that Putin has done is even worse, in my mind. Vladimir Putin has moved his aggression into Crimea on the basis of the principle that ethnicity is more important than citizenship, that Russian ethnicity is more important than anybody else's citizenship. The entire basis of the Western alliance in World War II was that that was wrong, because Hitler argued the same thing. And it is the basis of the United Nations, which is that citizenship is paramount over ethnicity. To allow Putin to get away with this is to challenge the entire basis of the post-1945 order.

And third, we are watching Mr. Putin make a mockery of the principle of self-determination by allowing him to present what he has done, which is open aggression, as somehow covered by the settlement of 1919. That is allowing him to move in directions which are truly ugly. Over the last several years, many in this town and elsewhere have argued that since we aren't prepared to use military force to make Putin back down, there's not a lot we can do, besides occasionally denounce what he does or talk about things at the margin. That's wrong.

First, it is terribly important always to speak out in defense of what is right. And second, even if you rule out the use of military force, there are whole lot of—there are a whole lot more arrows in our quiver than many people imagined. Let me give you a few. We can lift the visas of Russian elites and their children who want to study or live abroad. We can put Russian officials on an Interpol list for their criminal behavior. We can tie up the foreign holdings of Russian officials in courts by raising questions about the illegal gain—their illegal acquisition of assets. We can reduce the size of our diplomatic presence in Russia, and then force Russia to reduce the size of its diplomatic here. We can end Russia's access to the SWIFT program of banking settlements. And we can do all these things step-by-step, and make it very clear that they will continue to be raised.

Limiting ourselves to sanctions is in many ways unfortunate because this is hitting the Russian people more than hitting the Russian regime. And it should be a basis of American policy that our enemy is not the Russian people. Our enemy is the criminal regime of Vladimir Vladimirovich Putin. And that means you want to hurt him and his people, not the Russian people, who are as much victims of this as are the people in Ukraine.

All these things have to be done to deprive Putin of the legitimacy which he routinely claims. And that also means that you do not constantly fly to his capital to talk to him. If the Russians want to say something, let them come to Washington or New York or Geneva. Why are our diplomats not only going to Moscow on a regular basis, but allowing themselves to be insulted by Putin, making them wait two, three, and four hours? The last time somebody thought it was a great idea to fly to a totalitarian regime, his name became infamous for the rest of time—Neville Chamberlain. It is appalling the way we are behaving in that regard.

Now, one more thing I'd like to say, but let me focus on nonrecognition policy, because that's what I spent my life working on—Baltic nonrecognition policy. And I can tell you, that nonrecognition policies articulated by the United States in 1940 and imple-

mented from 1940 through 1991 set the stage for all the progress that Estonia, Latvia, and Lithuania have made. It is their birth certificate. It is a model of what can work for dealing with not only Ukraine but all countries that live in Moscow's shadow. And it is something that can send a message to Moscow of what will happen, why Russia will suffer if it violates these principles, and why it will ultimately benefit by the integration of Ukraine into the West—including in NATO.

Nonrecognition policy specified what could and could not be done very clearly. There were real laws. There was no nonsense from 1940 to 1991 about an American government agency showing Estonia, Latvia, and Lithuania as being part of the USSR—unlike what has happened since 2014, where any number of U.S. Government agencies have shown maps showing Crimea as part of the Russian Federation. It is not just punishing people about what to do—whether you have business there or who travels there. It is about creating structures that punish you.

It is also critical to understand that the Baltic countries were subject to the same kind of genocide that Vladimir Putin is conducting in Crimea now. Genocide is not the same thing as the Holocaust. The Holocaust was a genocide, but genocide is defined in international law as the destruction or displacement of a group and its supplanting by another. We are watching that happen in Crimea right now. I think we ought to say it. And I think we need to create structures and laws that make this clear.

Now, it is terribly important at the same time to remember two other things. First, nonrecognition policy never meant that we couldn't talk to Moscow in Soviet times. It was a way of putting down a marker that would not be challenged even if we did. With respect, we have a system now where sanctions will be lifted as part of a conversation rather than remaining in place. And second, it is a way of avoiding the consequences of a collapse that a lot of us in this room have lived with. During the Cold War the Western opposition to Soviet Communism was the reflection of an alliance of people committed to democracy and people committed to economic freedom. That alliance has collapsed as of 1991, and it has meant that those of us concerned about democracy and freedom have less support.

Now, why are people opposed to such a policy? Well, there are three main objections, none of which withstand examination. First, it is said that the United States has not always lived up to its doctrines. Golly gee, who has? But that doesn't mean you don't try. Second, it is said that Crimea is only part of a country, and therefore nonrecognition policy couldn't look the same. No, it wouldn't look exactly the same, but it would be based on the same principles. And third, it is maintained that Putin isn't Stalin, and that the U.S. shouldn't anger him because we have so many concerns in common. That was the exact same argument by American diplomats in Moscow who believed that somebody had put ground glass in the butter supply. Just wrong.

Nonrecognition policy was an assertion by the West that what Stalin did in 1940 and again in 1944 violated the international order so fundamentally that when Estonia, Latvia, Lithuania did recover their independence they would be continuing states, not new states. It's a fundamental difference. It determines their rights on citizenship law and much else. But it also set the stage for having them join Western institutions, NATO and the European Union. It is my view that Ukraine ought to have been given NATO membership preemptively in 2014 as a way of extending the message to the Kremlin: You are getting involved in something much bigger than you understand. And nonrecognition policy, with the carrot that you could, if you behaved well, get into the EU and NATO,

generated greater respect for minorities, for economic reform in the Baltic countries than would otherwise have been present.

It seems to me, to conclude, that if we follow in our dealings with Ukraine that approach, we will be realizing two slogans that all Europeans of good nature have long committed to. The first is, nothing about us without us. There should be no talks about Ukraine or Crimea without the participation of Ukraine at the table—ever. That, unfortunately, has been ignored. And second, the great Polish principle, for your freedom and ours, because what we are—what we will put in place to—with a nonrecognition policy and a tougher approach to Moscow, in defense of the freedom of Ukraine and Crimea, will ultimately be a defense of our own freedom and the international order that makes possible the things we desire.

Thank you.

Mr. DEYCHAKIWSKY. Thank you very much, Paul. Much food for thought there. Thank you all for your excellent presentations. And why don't we turn this over right now—unless any of the panelists have questions or comments on anything—to question and answer.

But what I'm going to do first is allow my colleagues at the Helsinki Commission with very relevant portfolios to go first with any questions they may have. I'm going to briefly introduce them for those who may not know them.

The first question will be from Scott Rauland, who is the Commission's State Department senior advisor since August. His responsibilities include Russia. And he's done a lot of things in the foreign service, but immediately before coming to the Commission he served for two years at our chargé at Embassy Minsk. And as we don't have an ambassador, that means Scott was our top diplomat at Belarus.

And my second colleague is Alex Tiersky. Alex was appointed as the Commission's global security and political-military affairs advisor in May. In that capacity, he has responsibility for a broad portfolio of what we call first-dimension, in OSCE lingo, issues throughout the OSCE space and beyond. So obviously it's very understandable why this security portfolio and Ukraine overlap considerably these days, unfortunately.

So with that, let me turn it over to Scott or Alex, whichever one of you goes first. And what I also want to say, after Alex and Scott, circumstances beyond our control, there's no standing mics. So you'll have to go up to the podium with your questions. If you want, you could just make your way over there and line up. And also, when you do, identify yourself and please try to keep it relatively brief. So with that, we'll turn it over to the question-and-answer session.

Mr. RAULAND. I'd like to thank all the panelists for very thought-provoking presentations. And I admire your restraint. I know you prepared these, I'm sure, days and weeks in advance.

But my question is directed towards what you can tell us about how you see things moving forward given the rather major events that took place just a couple days ago here in Washington, D.C. And I know this is difficult because, of course, we know who the president-elect is, we know very little about who will be stepping in to take over the important portfolios, the national security portfolios.

And specifically, I'd also like you to look not just at U.S. policy, but at what we might expect from Russia in reaction to this result, in Crimea in particular, in Ukraine as well. Are there opportunities here? Are there any that you see at this point? And are there pit-

falls that we should all be looking for as we move ahead into this transition to a new U.S. regime?

Mr. DEYCHAKIWSKY. OK. Oksana, do you want to——

Ms. SHULYAR. Thank you for a very interesting question. Well, first of all, I would like—also using this opportunity that we are now in one of Congress' buildings, to thank the U.S. Congress, specifically the House of Representatives, for recently voting on legislation called Stand for Ukraine Act. And now it's been submitted to the Foreign Relations Committee at the Senate for consideration.

And we very much hope that it will be considered and hope that it will become a very, very strong signal in support of Ukraine that will include several very strong mechanisms, let's say, specifically in relation with Crimean recognition, including mechanism of sanctions with regards to Crimea. And this legislation, if passed with bipartisan support, which Ukraine enjoys in the U.S. Congress, would also serve as a guideline, perhaps, a beacon for the new administration, because that also expresses the bipartisan support of the American people. And we think it would be strong signal.

And on the other note, I would like to just maybe inform you that yesterday President Poroshenko expressed his congratulations to the American people on expressing their will. And once again showing that America is a very strong democracy. He had a productive meeting with the new U.S. ambassador in Ukraine, Marie Yovanovitch. I think there's a public statement available online, and it shows some of the belief and good faith in the future of U.S.-Ukrainian relations.

Mr. DEYCHAKIWSKY. Taras, I think you wanted——

Mr. BEREZOVETS. Yes, sure. Thank you very much, Orest.

Well, we strongly believe that election of President Trump won't change the general course of United States foreign policy, especially in terms of nonrecognition of occupation of Crimea, and we don't see any sort of change of policies in this connection. But, of course, we understand that until president-elect, he will be inaugurated in the White House, in here, this is something that Vladimir Putin always sees as a window of opportunity.

What does it mean for him? It means literally that until 20th of January there is a clear and present danger that Russia would escalate its war against Ukraine in Donbas, that it would escalate its war of terror in occupied Crimea. We saw it recently, like I said, just yesterday with the arrest of these three innocent experts from a think tank who have been accused in terrorist attacks which have never been committed so far. The same to do with the previous arrest of four Ukrainian citizens. One of them, he has been kidnapped from the territory of Zaporizhia Oblast, which is neighboring Crimea literally. So this is something that Vladimir Putin always uses in his favor, what he sees.

Just explaining what's going on in occupied Crimea in terms of general atmosphere, I would say this is something very much similar which we might have seen in Soviet time during—Gen. Sec. Leonid Brezhnev. Then the power of KGB and law enforcement bodies were completely without any sort of borders. And the atmosphere of terror, and what we see nowadays especially in Crimea, well, gives a full understanding of what Vladimir Putin is trying to build.

The general situation with violations of human rights on the territory of occupied Crimea is even much worse than on other territories. For instance, Chechen Republic, where we always saw just an escalation of violation of human rights. But even comparing

to these regions, Crimea seems to be just on the top—unfortunately, it tops the list of regions with highest rate of violation of human rights.

Mr. DEYCHAKIWSKY. Thank you, Taras.

Paul?

Mr. GOBLE. It's a matter of historical record that the first 90 days after an American election there is always going to be a testing period. And it's going to consist of two ways: One is going to be a charm offensive, and the other is going to be use of force. And we will see both, and we will see people overread each.

But there is something much more important that you need to understand, that was the subject of a major article in *Nezavisimaya Gazeta* yesterday, and that is that the upper reaches of the Russian Government have finally woken up to the fact that, while they may be very pleased with some of the things they heard Donald Trump say during the campaign about recognizing Crimea as a part of Russia, about ending sanctions, that Mr. Trump's policies, if implemented, would do more harm to the Russian Federation than any sanctions regime that has ever happened before to it. Mr. Trump has committed to the reindustrialization of America. He's committed to destroying many trade agreements. He's committed to drilling as much oil as possible in the United States, which will send the price of oil down. People are talking now about oil prices being at \$20 a barrel within a year's time. The Russian Federation cannot survive with oil at \$20 a barrel.

And therefore there are, I would suggest, two periods of time that we need to worry about. The first is the usual 90 days, but the second is six months. If we see actions by the new Trump administration to really disorder international trade or start a trade war with China; and we see an opening up by releasing regulation—environmental regulations and other regulations of oil and gas drilling in the United States; and we see, as is likely, a raising of interest rates by the Federal Reserve, Russia will be in much worse shape, even if sanctions are lifted.

What that means if you're sitting in Moscow, as the commentators in *Nezavisimaya* suggested, is that the Russian Government may find that the person they bet the farm on in this election will end up delivering a threat to them far greater than his opponent, because all of these consequences will undermine the economic foundation of Putinism. And I think the fact that people in the upper reaches of the Russian State are thinking in those terms now, tells us that they may think they have to act sooner rather than later, or they may not be able to act. And I say that not saying that troops are about to march into Kyiv. I'm not saying that.

I'm only saying that the challenges to their economic system that Mr. Trump's economic policies suggest are vastly more severe than people in the United States are taking seriously yet, and are only beginning to be taken seriously by senior Russian economists and officials. But if that's true, then it puts Mr. Putin between a rock and a hard place because it seems very difficult, at least to me, to imagine whatever Mr. Trump does with respect to Crimea that he would change his policies on all those other grounds, because that was the basis of his campaign.

And that means that those of us who are concerned with how Russia will behave toward its neighbors have got to start paying a whole lot more attention to international trade agreements, oil prices, and the Federal Reserve interest rate—because those things are probably going to drive Kremlin policy more in the first six months or so of the new American administration, than whether sanctions are lifted or softened or whether there

is any declaration on Crimea. And I say that hopeful there will be no declaration on Crimea.

But I think these other things—the West is not yet paying attention to the fact that Trump and Russia are not one issue, they are a range of issues. And a lot of them work very much against Russia's interests as it understands them. And Russia has less cushion now than it did 10 years ago. So these things could really bring down the Putin regime within six months to a year.

Amb. HERBST. Paul's response was brilliant, bringing up an issue which I'm not sure many people—anyone in this town has been thinking about. I'll be more conventional and look at Trump's possible response to Russia. If you parse what he said—and I wouldn't actually suggest that because I'm not certain what he said will be his policies—but if you do, you come to the conclusion that we'll see a distinct softening in Washington's approach to Kremlin aggression—aggression which, as Paul highlighted, is a direct threat to the international order that we have created and thrived in.

Now, I'm not sure that we will see those sorts of policies from Trump, because if you look at the people who are around him and who are likely to wind up in major positions, they don't fit that position. Whether you talk—now, some of these names have interesting associations. But they're basically advocates of a strong policy towards Russia, a strong policy for NATO, and recognizing Ukraine deserves major support. I'm thinking of people like Newt Gingrich, Senator Corker, even Senator Sessions. They're talking now about Steve Hadley. These are all folks who'd be very good. Of course, the vice president-elect has very sound views, very strong views on these questions.

So I think that what we've heard in the campaign maybe will not wind up being the policies. But just to come back to Paul's insight, it is true that probably the most effective thing that the West has done vis-à-vis the Kremlin over the past couple of years was the made-in-America shale gas revolution. That, rather than Saudi Arabia, drove down global hydrocarbon prices. And, yes, thank you.

Mr. DEYCHAKIWSKY. OK. Very thought-provoking and interesting. Thank you.

Alex, please.

Mr. TIERSKY. Thanks, Orest. I'll be brief. For the purposes of discussion, I'll target my question to Ambassador Herbst.

First of all, thanks to all the presenters for your extraordinary compelling interventions. Given this time of transition, we seem to be in a time where basic principles are at least up for discussion. And in that context, I would like you to be very explicit about why the Black Sea matters as a strategic space for us and for NATO. I would like you to be very explicit about that. And I would also ask you how confident you are that the additional deployments in resources that you call for might actually be undertaken in the coming months.

Secondly, to the extent that those additional deployments do occur, the counter argument has been floated that these types of additional deployments are likely to be escalatory as opposed to deterrent, that they could potentially lead to unintended accidents or incidents that could lead to conflict. Could you give us your perspective on that?

Thank you.

Amb. HERBST. It's absolutely true that the Kremlin aggression against Ukraine is part of a broader approach which is meant to undermine the order we've created in

Europe, including the weakening if not the dismantling of NATO and the EU. If you understand that, and you if you understand that the security that NATO has provided to Europe for now almost 70 years has been essential to work order, not just European order, and world prosperity—because when countries are fighting each other they are not producing wealth—then you understand that we have a vital interest in maintaining the integrity of NATO in order to maintain stability in Europe and prosperity globally.

Therefore, the Black Sea is important because the Black Sea is an area where the Kremlin is currently pushing forward. And we have to make it clear to them that pushing forward will come at a great cost. Of course, they can escalate, just as they can escalate in the Baltic States. The decision taken at Warsaw to send a well-armed battalion to the Baltic States would not beat a Russian invasion, if they chose to invade. What it would do is impose on Russia the prospect of a war with the United States for its aggression in the Baltic States. The same logic applies in the Black Sea.

I think Putin is a risk taker. I don't think he's a lunatic. And I think he understands that the United States is not a country he wants to be at war with. I heard recently—not in a classified briefing—but an off-the-record briefing elsewhere in this town to a small group, that Putin believes that Obama does not understand or like great power politics. That's the conclusion I came to on having spent two days with President Obama—excuse me—Senator Obama in 2005 in Ukraine. And he thinks he's weak.

And I think his perception—Putin's perception of not just that Obama's weak, but that European leaders are weak, is a major factor when he decides to go to war in Ukraine and to commit serious provocations in the Baltic States. If he's confronted with leadership he thinks is not weak, that is willing to use the vast resources that the United States has vis-à-vis Russia, he would be more cautious. And that's our reason for going into the Black Sea, and to establishing a clear line—you can't draw in the water, a line you can see, but you can offer counter force.

Mr. GOBLE. Could I put two footnotes to that, please? The first is, it ought to be remembered in this room in particular that one of the things that Donald Trump said about Ukraine doesn't get quoted as much as his solicitous attitude toward Putin, is that it's his belief that Putin acted the way he did in Ukraine because of a perception that the President of the United States was weak, and that if, in his perception, the President of the United States is not weak, he would not have acted the same way.

The second is, the Black Sea is a geographic nexus of a whole bunch of things we're concerned about. One of the great tragedies of this city in particular, but this country more generally, is that we no longer study geography or look at maps. But if you look at a map which has the Black Sea in the middle of it, as opposed to the edge, which is the way it's usually displayed in this city, you will realize that the Black Sea determines what happens in Central Asia, what China can and cannot do in Central Asia, what happens to the Middle East, what happens not only to Turkey but to Greece and the Balkans.

And there's a tendency to treat this as an isolated thing because the maps that people in this city operate under always have the Black Sea at the edge. I spent a lot of time in the Baltic States in the early 1990s. And one of the great things that happened was that when you got to the Baltic countries in 1990s, all the maps they had on their walls showed Estonia, Latvia, Lithuania, at the extreme left edge of the map, with this huge place of Russia. By 10 years later, they had a map of the world with Estonia, Latvia, and Lithuania at the extreme right edge of the map—[laughter]—linked to Europe, and this large entity, pink on those maps, called the Russian Federation wasn't there.

And some of us spent a great deal of time explaining that if you're going to think about your position in the world, you got to look at maps that allow you to look in all directions. It tells you a lot that you need to know, that within three miles of this place, at an American military base, there's a large map in one of the lecture rooms that still shows the Union of Soviet Social Republics in it. And you would think that that would have been done away with. But it's in some people's hearts, apparently, entirely too much. [Laughter.]

Mr. DEYCHAKIWSKY. OK. Now we'll open it up to questions from the audience. But please come to the podium, to the mic, it helps the transcribers. Do we have any takers? And please identify yourself.

QUESTIONER. My name is Nikolay Vorobiov, a Ukrainian political journalist. I travel back and forth between the two countries, so I am aware of what's happening here in the United States and Ukraine, including on the front lines. Thanks very much for your view, for your voice about Ukraine, and standing for Ukraine and especially for Crimea. And actually, I have a couple questions.

Of course, the first one will be a political one about the Trump inner circle. And if you know Mr. Carter Page, he traveled to Moscow several times. And he's originally—[inaudible]. So he criticized the Obama administration over the sanctions against Russia, and he has stressed so-called Crimea. So what do you think about his position in the future in Trump's circle?

And the second question is what we can do about the prisoners, Crimean prisoners, who were kidnapped either on the territory of Crimea or Ukraine. How we can bring them back to Ukraine as we together, with the West, we succeeded with Savchenko, with her release? What can we do over Kolchenko, Sentsov, and other prisoners?

Thank you very much.

Mr. DEYCHAKIWSKY. Does anybody want to respond to either of those questions?

Amb. HERBST. I'll take the first.

Mr. DEYCHAKIWSKY. OK.

Amb. HERBST. And we don't know who's going to be in the Trump administration. We know we get reports in the press and sometimes privately.

Carter Page clearly has had some association with the Trump campaign. How much, it's hard to tell. And how influential he will be, if he'll have any position in a Trump administration, we still can't say. But it's clear his instincts are very favorably inclined to Russian policies, as defined right now by the Kremlin.

Mr. BEREZOVETS. I believe some people involved in this issue don't understand until they then do so. Well, what is Vladimir Putin doing? He's not actually trying to find his own place in history. He really wants to restore Soviet Union. Soviet Union, in a sense, well, it existed like an empire of evil, as it was described by President Ronald Reagan. And the biggest problem about this is this is not only Mr. Putin's idea; this is the idea of the majority of the Russian people—84 percent of people supporting policies of Vladimir Putin. This is not from science fiction. This is absolutely true, and this is the biggest problem of Russia, and this is the biggest problem of this regime, because they have complete full support from Russian citizens.

And Mr. Putin now has his political prisoners, like the regime of Leonid Brezhnev once had. So they have their war nowadays, as they had in Afghanistan. Remember, it

was 10 years, and what it finished with. And still, Vladimir Putin is seeking for now a sort of confrontation with United States and NATO.

And I believe the biggest problem which the administration of Donald Trump might have is the underestimation of how far Vladimir Putin's expansion might go to. If we are talking about here which countries he might go to, it's not only Kazakhstan, it's not only Belarus. We should also consider as an option a country like Estonia, for instance, with two Russian-speaking cities, Kohtla-Järve and Narva, where the Russian-speaking population is more than 90 percent—90 percent in each of them. And if you're considering if this is something absolutely impossible, I think you should go back to 2014 and consider as an option the occupation of Crimea, which at that point should have been considered absolutely impossible as well.

Ms. SHULYAR. Well, Nikolay, thank you for the questions. Just two brief points.

The issue of prisoners, hostages, is a part of Minsk Agreement, and it's an ongoing process. And it's a part of the security component of Minsk. And it is very important, really. Thank you for highlighting this issue. And it's very important for other partners—United States, the European Union, other nations who are involved in watching and coordinating and in different extents involved in this process—to really continue putting pressure on Russia to make Russia comply with Minsk, because this is one of the issues.

And you're right, there are many like Nadiya Savchenko. Again, Nadiya from last year was released from Russian captivity. However, still many people remain, both in Donbas, kept in cellars in inhuman conditions, and in Russian prisons, and undergoing tortures and being subject to major violations of human rights. So it's a really sound issue, and we cannot take it off the agenda.

I cannot comment on the other issue. But everyone has had the chance to look at the platforms of the candidates, which were public, and which were approved when the candidates became nominees of the parties. And looking into the Republican national platform, it actually is pretty strong. It has very strong language on Russia and has very supporting language on Ukraine. So, once again, I think it's a good sign, and it can signal a possible future supportive position on Ukraine.

Mr. DEYCHAKIWSKY. Thanks.

Paul?

Mr. GOBLE. I think the most important thing that can be done for the political prisoners is to give them faces. Stalin and Hitler's observations that one person is a tragedy, a million people is a statistic, works very much so right now. Every time you can make someone with a—give them a face, that's why Savchenko was—there was an international focus on her as an individual. We did that on a few cases, not nearly enough, but there's important things tactically to use the individual as the way of getting the focus, talking about statistics, talking about how many there are. Yes, that's true, but if you want to mobilize people, you mobilize them with somebody who has a face. That's the first thing.

The second thing, with respect to Mr. Putin's goals and the amount of support he has, three quick thoughts. The Russians have a wonderful expression in their language, *khitrun*—clever, but not especially intelligent. I think Putin falls in that category. He's very clever, but he's not very bright. The fact is that he couldn't—that the USSR is not his goal, because the USSR would gut his regime overnight, because the old basis of the Soviet regime was state ownership of property. And what he wants is private ownership by a tiny 1 percent of the elite. So going back to the Soviet Union is not what he wants.

What he wants to do is something very much worse, which is to create a Russian nationalist empire ruling by force and violence over all non-Russians and over all ethnic Russians too. That's not the same thing. It's also terribly important to recognize that if you live in a police state, answering a pollster is not necessarily going to—you're going to be careful what you say. And we have lots of evidence that there are lots of Russians who are not terribly thrilled by their government's policies in various ways. Are those people a majority? No. I would guess that opposition to the war in Ukraine and Crimea is probably about 15 percent. Opposition to the war in Syria is probably twice that.

When body bags start coming home, people stop being enthusiastic about military campaigns. And when people realize—as you see in the local press across the Russian Federation—we don't have schools because they're spending money in Crimea, we don't have hospitals, we don't have cancer care because they're spending money on military operations in Syria. The Russian Government has ended the supply of the kind of cancer drug that's keeping me alive, OK? And what that means is that people are going to die in large numbers. When it hits that, you suddenly discover people are not nearly as enthusiastic for Putin's regime. We need to instead of assuming that the Russian people are on Putin's side, to try to go after getting the support of the Russian people against Putin.

I believe most Russians don't want a country that would be ruled by a fascist pig like Vladimir Putin. I believe that. It's why I get up every morning at 4:00 to read the press from that part of the world. I believe that. And I think that the Russian people deserve a better shake than they've been given. Have they made some terrible mistakes? Yes. But I'm an American and I know about making terrible mistakes. Recent events provide certain evidence of that. [Laughter.] Having said that, you've got to understand that this 86 percent is a meaningless number.

Does Putin have majority support for what he does? Yes. Right now, he does. But that doesn't mean he has unanimous support. And we need to reach out to those people who are in those critical minorities rather than assuming Putin's already got them, because I don't believe that for a minute. And I certainly don't think it's a matter of standing—from the point of view of the United States—that we should ever suggest that people are enthusiastic for a totalitarian-aspiring dictator.

Mr. DEYCHAKIWSKY. Thanks, Paul. You know, when you mentioned putting a face on individuals, tying it back and looking at some of the old timers in the audience, veterans of the 1980s movement, like Cathy Cosman and Bob Hand—colleagues and former colleagues—that's what we tried to do, and I think with some degree of success, with those Helsinki monitors that I talked about in my introduction.

But anyhow, do we have any more questions? Please.

QUESTIONER. Anastasia Popova, Russian political activist, the chief of staff and political aide to Mr. Ilya Ponomarev, who was the only MP in the previous parliament to vote against the annexation of Crimea.

So I have two questions. The first one is regarding recent Duma elections in Russia. The elections were conducted also in the territory of occupied Crimea. My question is that fact that the recognition of current Russian province means the recognition of Crimea occupation for those countries who are willing to work with current Russian parliament.

And the second question is on sanctions. Don't you think that the sanctions should be more widely imposed on Putin's government and Putin's officials, because he very

easily reimbursed those officials under the sanctions with new positions in the government, and their families still can enjoy a good Western education and good Western resource, like Miami. Lots of Russians have families and assets in the U.S. So why not impose sanctions, say, on all Putin's authorities, all the people who are in government, all the United Russia Party? When you stop being in the United Russia Party, the sanctions are lifted from you and your family. So just an idea to top it off.

Thank you.

Mr. DEYCHAKIWSKY. OK. Paul?

Mr. GOBLE. One quick thing. Your question about the illegitimate election from Russian-occupied Crimea is exactly why I make my point that you need a real, formal non-recognition policy. Between 1940 and 1991, the question repeatedly came up: How can the United States Government deal with the USSR's Supreme Soviet? Because there were representatives of the Supreme Soviet from Estonia, Latvia and Lithuania. And the position of the U.S. Government consistently over that period was that that was an illegitimate act. You need to have that in place so that officials will know what to say every time. So I completely agree.

QUESTIONER. Thank you.

Amb. HERBST. In a sense, Paul just foreshadowed my answer to your first question. I think it's quite possible to acknowledge that you work with and you accept that the Russian parliament is—I hesitate to use the word "legitimate" because we know that the elections are not necessarily wonderful, but nonetheless represents the Russian country to the extent that it can in these circumstances without recognizing that the Crimean portion of the parliament has any legitimacy whatsoever. So I think that's possible to do.

Regarding sanctions, I certainly have been among those who have been calling for more sanctions on Russia for its aggression in Ukraine. Certainly we could do more on sanctions on individuals, although I think that simply sanctioning them is a problem—sanctioning them economically is a problem because they could always be reimbursed. But if we were to stop permitting visas for them and their families to go to the West, that's great.

Or, if we're unwilling to do that, if we simply make one part of the work of our own intelligence agencies to collect all the information on the elite Russian family members who are living in the West and enjoying the life in the West and publish it in a way that the Russian people will see it, I think that would also be a very useful activity. And, in fact, we should be working with organizations—

Mr. GOBLE. Yes.

Amb. HERBST. —that you represent to do things like that.

Mr. BEREZOVETS. Thank you for the question.

Well, of course I believe the matter of sanctions is still on the table. And we saw recently what is more effective about all the sanctions: it's more personal sanctions. And of course, sanctions against commercial companies, for instance, just the recent case with German company Siemens, which was cooperating with the Russian Government on supplying energy stations on the territory of occupied Crimea, and after that those sanctions have been imposed on the Czech company Skoda, one of its divisions, Siemens just rejected to supply these—to the energy plants, excuse me, on the territory of Crimea. So they just broke off this contract with the government of Russian Federation.

If we are talking about these illegal elections which have been conducted on the territory of Crimea, I mean, these elections to the State Duma directly in five constituencies, there was a decision made by Ukrainian Verkhovna Rada which does not recognize the Russian State Duma of 7th session as a whole—not only these particular MPs which have been elected on the territory of Crimea, but State Duma as a whole—because not only five constituencies, so they have not only five MPs, but as well Crimean voters, they voted for another 225 MPs which have been elected according to the proportional system. So this is our particular decision, and Verkhovna Rada addressed the parliaments of all other countries, and the United States as well, and they asked for just doing the same decision. But this would be completely in the independent decisions made by any national parliament.

Ms. SHULYAR. Just two notes.

The United States has made strong statements regarding the elections in Crimea. It was a statement by Vice President Biden and by the State Department not recognizing representatives elected from Crimea. Also, Mustafa Dzhemilev, who is the leader of the Crimean Tatar people and special representative of the president, was basically questioning the whole legitimacy of Russian Duma if it is sort of infected with the representatives who have been elected illegally. So there is, of course, a question.

Regarding sanctions—they do work. They keep Russia engaged in a dialogue. They keep Russia on the table. And it has been proven that it's a durable mechanism. So we expect that.

Mr. DEYCHAKIWSKY. Thanks, Oksana.

Now a question from Cathy Cosman, please.

QUESTIONER. Hi. I guess I can speak both as a former Helsinki Commission member, and I'm also now working with another commission, the Commission on International Religious Freedom.

Certainly I agree with Paul about Putin's annexation, or attempted annexation of Crimea based on ethnic grounds, but I think it was also on religious grounds. I mean, he specifically cited it as the place where Prince Vladimir or Volodymyr was baptized. So I think he's trying to build not only a Russkiy Mir, a Russian world, but also an Orthodox-based world, which has important implications also for the Balkans—and I believe some recent events have shown that—as well as, of course, major portions of Ukraine, Belarus, et cetera, and possibly Kazakhstan. So that's one thing.

Also, as far as the indigenous nationalities and/or religions of Crimea, there are at least three that have very good claim, which I believe unfortunately Ukraine did not recognize their request for that status at a time when it would have been more important, namely the Crimean Tatars, the Karaim, and there's another small Jewish group that has lived in Crimea for a very long time. I believe now it might be useful to grant them indigenous status and along with what that means under U.N. obligations.

And finally, to hearken back to the old Helsinki Commission days, I recall not only did we translate all the documents and publish all the documents of all the Soviet-era Helsinki groups and hold hearings with various members, to Paul's point about personalizing individual stories, but we also held a hearing with Aishe Seyitmuratova, former imprisoned woman Crimean Tatar activist. So I think it would be great if various groups in this town would do something similar, not only for Crimean Tatars of course, but I

think they quite clearly are bearing the major brunt of Russian threat, intimidation, and worse.

Mr. DEYCHAKIWSKY. Anybody want to comment on that? Paul.

Mr. GOBLE. Could I just take one thing? I think that Mr. Putin is—his understanding of what Russians are and what Russia is is one of the subjects that we don't explore very deeply. I think that he's not very clear as to what the boundaries are between ethnicity, religion, and statehood. And the latest upsurge of absurdity with this Russian *rossiska natsia*, which is a contradiction in terms if one understands anything about ethnicity, shows that it's very difficult to talk about what the relationship is.

Clearly, he'll use religion, as Stalin did, if that serves his purpose. And given that he's got a KGB officer as patriarch, why not? I mean, Kirill will do what Kirill is told to do, and has become nothing more than an adjunct of the Putin regime.

So I think—I agree that religion is part of this, but it's part of it in terms of this undefined Russianness. Putin has never given—that's one of the things that's interesting. We use the Russian world—*Russkiy Mir*—all the time, but nobody can give you a definition that very many people agree to. Is it people who speak Russian? Is it people who identify as Russian? Is it people who don't identify as Russian, but that you think are Russian? You know, there are a whole bunch of definitions out there, and Orthodoxy is one of the things. But it's only one, and it comes in and goes away.

Clearly, Putin has total contempt for everybody else. He's just stolen a Ukrainian figure and put the statue up in Moscow, which has, as far as I can tell, had only one good consequence, which is the best joke I've heard to come out of Moscow in the last six months. It is said, now that the statute of Prince Vladimir has gone up in Red Square, that Red Square now has three Vladimirs: one who stands, the statue; one who lies, Vladimir Lenin; and one who sits and watches all of this, Vladimir Putin. [Laughter.]

Mr. DEYCHAKIWSKY. All right, thank you. Anybody else want to comment on that? OK.

Mr. BEREZOVETS. Vladimir Vovochka is one of most popular heroes of Russian anecdotes since Soviet times, so I'll just—I think this one is quite popular not only in Moscow as well, but hopefully in Washington.

As for the persecution of religious communities, I would absolutely agree with your question because it's not about the nationality. It's not about religion itself. But we should also pay very much attention to the fact that, in Crimea before the occupation, there was a huge Protestant community, huge; I mean, more than 200,000 people who were either Jehovah's Witnesses or Baptists or so on. And we have quite a big community of Kyiv Orthodox Patriarchate, 25,000 people, and these people are experiencing the biggest problems. Like I said, five out of six cathedrals of Kyiv Orthodox Patriarchate have been closed. The same to do with local Protestant community. The majority of ministers, they have been ethnic Ukrainian. They have been banned from visiting Crimea, and so Russia literally sent the ministers from Russia, like Yekaterinburg oblast, Kazakhstan and others, just replaced the Ukrainian ministers. And these people experience huge problems with premises because some of their churches have been also closed. And some Protestant churches are experiencing huge pressure from Russian law enforcement bodies like FSB.

Mr. DEYCHAKIWSKY. Thanks. Are there any other questions? We only have time for one more, at most. OK. Going once, twice, three times. OK.

Well, with that, I think we'll conclude. Thank you all for attending. I hope you enjoy the long weekend, and you were patient in not getting a head start on it like many have. [Laughter.] And thank you, speakers, for your truly interesting, informative, insightful, thoughtful presentations.

And most of you may know this, but if not, we always put up transcripts—unofficial transcripts. It'll be up on our website. Because tomorrow's not a working day, it should be up on Monday. And our website is [www.CSCE](http://www.CSCE.gov)—for Commission on Security and Cooperation in Europe—.gov; CSCE.gov. Thank you all very much.

Amb. HERBST. Thanks.

Mr. BEREZOVETS. Thank you.

[Whereupon, at 3:45 p.m., the briefing ended.]

A P P E N D I X

PREPARED STATEMENT OF PAUL A. GOBLE

NEEDED NOW: A LONG-TERM POLICY TO COUNTER PUTIN'S ACTIONS IN UKRAINE

The United States has yet to recognize the full extent of Vladimir Putin's aggression in Ukraine and the threats it poses to the international system. It has treated the issue as if it can be dealt with quickly and in isolation from these broader concerns, an approach that has allowed the Kremlin leader running room to cause trouble elsewhere. And in its pursuit of a quick fix to end a conflict on the edge of Europe, Washington has ignored the need to craft a long-term policy for Ukraine not only in support of that country but also as a way of supporting others that may face Russian aggression in the future.

This afternoon, I would like to address each of these three issues: the three challenges to the international system that Putin's aggression in Ukraine represent, the failure by the US to recognize that it has far more resources than denunciations and sanctions to compel Russia to return to the norms of international law, and one example from the American diplomatic playbook—American non-recognition policy regarding the Soviet occupation of the three Baltic countries—that can and should be put in place as soon as possible.

Why Putin's Actions in Ukraine are Such a Threat to the International System

Many in the US believe even now that the current crisis is “just about Crimea, which was Russian anyway”—and that isn't true either, given that Stalin deported the Crimean Tatars from there in 1944, prevented their return, and supported the introduction of ethnic Russians in their place—as all too many in the West are doing. It is critically important to understand just what is at stake and why Russia's actions in Crimea represent the gravest threat to the rules of the game that the United States has taken the lead in establishing and maintaining since the end of World War II.

There are three reasons for what will seem to many a far too sweeping judgment, reasons that lie in the history of the area and of international decisions and that are to be found as well in the statements of Vladimir Putin and other Russian leaders during the lead up to what can only be described as the Anschluss of Crimea.

First, Putin has violated the basic foundation of the international system by redrawing borders and transferring the territory of one country into another. He and his supporters claim that they are doing no more than the United States did in Yugoslavia, but that is simply false. The United States did not organize the transfer of Kosovo to Albania. Instead, what we are seeing is naked aggression, covered by a trumped up “referendum” and a massive propaganda effort in Russia and the West.

There is one aspect of Putin's argument, however, that does deserve attention although it is not compelling under the circumstances. As few in the West have been pre-

pared to acknowledge, the borders of the republics in the USSR were drawn by Stalin not to solve ethnic problems but to exacerbate them. In every case, including most famously Karabakh in Azerbaijan but also Crimea and much of eastern Ukraine, Stalin drew the borders so there would always be a local minority nationality whose members would do Moscow's bidding against the local majority. That had two benefits for the center. On the one hand, it meant that inter-ethnic tensions in the Soviet Union were primarily among non-Russian groups rather than between Russians and non-Russians, a far more explosive mix. And on the other hand, it justified the kind of repressive system that Stalin imposed. Indeed, it meant that the USSR could continue to exist only with such repression. As I wrote in 1986, Mikhail Gorbachev was likely going to discover that a liberal Russia might be possible, but a liberal Soviet Union was a contradiction in terms. When the last Soviet leader liberalized in the hopes of getting that country's economy to expand, the USSR fell into pieces.

Those borders might have been changed by negotiation. Indeed, as few recognize, republic borders within the USSR had been changed more than 200 times, with land and people being transferred from one republic to another. However, in 1991 and 1992, the United States decided that these lines must not be changed by negotiation or violence. The rest of the world went along with the idea. The reason for that was the fear that the dismemberment of the Russian Federation, a country that is more than a fifth non-Russian, would exacerbate the problem of control of nuclear weapons and could lead to, in Secretary James Baker's memorable phrase, "a nuclear Yugoslavia."

For more than 20 years, this view has guided American and Western policy. The most prominent example of this was the insistence that Armenia end its occupation of Azerbaijani lands and return them to Baku's sovereignty. So far that has not happened. But it is also the case that our decision to accept Stalin's borders as eternal did not remove the tensions that he introduced as a kind of poison pill should his empire ever come apart. Putin's move into Ukraine's Crimea is an indication of just how strong those tensions remain.

Second, and related to this, Vladimir Putin has done something that overturns not just the 1991 but the 1945 settlement as well. He has argued that ethnicity is more important than citizenship, a reversal of the hierarchy that the United Nations is predicated on and a position that has the potential to undermine many members of the international community. While some may see this as nothing more than a commitment to the right of nations to national self-determination, the Kremlin leader's approach suffers from a fatal flaw, a defect that unless denounced and countered could lead the heads of other states to take similar and equally dangerous steps. At the very least, Putin's ideas will lead to massive instability in a large part of Eurasia.

Put in simplest terms, Putin has insisted that ethnic Russians living beyond the borders of the Russian Federation, in this case in Ukraine, have the right to self-determination. Putin has made his career by denying that right to nations within the borders of the Russian Federation, most famously the Chechens against whom he launched and has conducted a brutal campaign that has cost tens of thousands of lives. Consequently, what Putin has done is to say that in Eurasia, ethnic Russians have rights that other peoples do not, a hyper-nationalist, even racist view that will bleed back into Russian society and also spark greater nationalism among the non-Russians both in the non-Russian post-Soviet states and in the Russian Federation as well.

By his actions, Putin has already guaranteed that no Ukrainian state and no Ukrainians will be sympathetic to Russia ever again. Instead, they will view Moscow as a threat. As many people have pointed out since the occupation of Crimea, Putin has done something no Ukrainian leader has ever achieved: he has united Ukrainians and united them around an anti-Russian agenda. Indeed, Ukraine now joins Poland and the Baltic countries as victims of Soviet and Russian actions and will do everything it can, as those countries have done, to escape from the Russian orbit. Some Ukrainians may be suborned or intimidated into saying otherwise, all the more so because some Western countries, including our own, will insist on that. But the underlying geo-psychology has shifted in the region against Russia because of Russian action.

And third, Putin's annexation of Crimea has been accompanied by the most sweeping crackdown against civil society in the Russian Federation since the end of the Cold War. News outlets have been harassed and suppressed, and opposition figures have been threatened. Putin himself has talked about the existence of "national traitors" and "a fifth column" within Russia, terms that to many Russian ears are not very far removed from the Stalin-era term "enemies of the people." Indeed, some of Putin's more rabid supporters are already drawing that conclusion: xenophobia in Russia is at an all-time high, attacks on ethnic and religious minorities are increasing, and many Russian democrats—and we should not forget that they are numerous and our allies—are invoking the words of Pastor Niemöller, fearful that what Putin is doing now will spread to ever more groups, including ominously Jews in that country.

Many in the West have self-confidently assured themselves that this is not a return to the ugly past and that the Internet will block Putin's efforts. But that may be whistling in the dark. Only one in five Russian homes has a computer, and far fewer have links to the World Wide Web. If Russians can sign on only at work, the ability of the authorities to shut Russians off from the rest of the world is still far greater than one would like. And that allows messages to be sent to the Russian people by the state-controlled media that are truly disturbing, including the recent suggestion that Russian forces could incinerate the United States in a nuclear exchange if Washington does not

There are More Arrows in Our Quiver than We Imagine

Over the last two years, many have argued that since we cannot force Putin to back down on Crimea, we should not speak and act against what he has done. That is wrong. On the one hand, we have a moral obligation and a geopolitical interest in speaking out clearly as to why what he has done will not be tolerated. And on the other, we need to recognize that the use of military force having been ruled out, there are more arrows in our quiver than just denunciations and sanctions. Indeed, the latter are far from the best way to achieve our goals not only because there is sanction fatigue that makes it likely they will be lifted eventually even if Moscow does nothing—a fact of life that Putin understands perfectly. And in some respects they distract from the kinds of actions we can and should take to impose direct costs on Putin and his entourage rather than on the Russian people as a whole. Indeed, it should always be our policy to stress that we have no fight with the Russian people; we have one only with the current criminal occupant of the Kremlin.

Below I discuss one policy in particular with regard to Ukraine and Putin's illegal annexation of the Ukrainian peninsula of Crimea. But here I would just like to list some of the other mechanisms we should be employing or at least considering as means of put-

ting pressure on Putin. This is just a list and it is far from complete, but it is something we should keep in mind for the longer term.

We can lift visas of Russian elites and their children who want to travel abroad. We can put Russian officials on an Interpol watch list for their criminal behavior. We can tie up the foreign holdings of senior Russian officials in the courts by raising questions about the provenance of the funds used to pay for them. We can end Russia's access to the SWIFT system of banking settlements. We can reduce the size of our diplomatic presence in Russia and then force Russia to reduce its personnel in the United States. We can stop sending senior officials to negotiate in Moscow: if Russia has something to say to us, let it send its officials in this direction. And we can suspend various exchanges when they involve members of Putin's entourage or other near-elite groups.

All these things and others besides have the following purpose: They call attention to the illegality of Putin's action and serve notice that we will not be doing business as usual with him until he changes and that he is not legitimate in a fundamental way. For all their criticism of the West, Putin and his cohort are desperate to be recognised as equal "partners" of Western leaders. That will hurt him and his standing with Russians far more than the broad-gage sanctions we have imposed.

Non-Recognition Policy as Model for the US on the Crimean Anschluss

Estonia, Latvia and Lithuania have been supportive of Ukraine in a variety of ways since the Maidan; but their most important role in that regard may be as a model of what works and what doesn't for countries that live in the shadow of Moscow's realm and of what the West should do, what Kyiv should assume, and what Moscow should expect. Those three things—the power of non-recognition policy, the critical importance of NATO membership, and the fact that Moscow will ultimately benefit from Ukraine's eventual integration in Europe just as it has benefitted from the integration of the Baltic countries already—are my subject here.

The US Department of State has declared that Washington will never recognize Russia's annexation of Crimea, but such declarations, important as they are, need to be given real content to ensure that no part of the government, intentionally or otherwise, takes steps that undermine that policy.

In short, what is needed now is a new and formal non-recognition policy. That is all the more important now given continuing Russian meddling in Ukraine and elsewhere in the former Soviet space.

Given all that has happened since Moscow's seizure and annexation of Crimea, it may seem to some that any such call has been overtaken by events. But in fact, continuing Russian aggression in Ukraine and elsewhere in the former Soviet space make it even more important.

The immediate danger of not having such a clearly defined and articulated policy was highlighted when the Voice of America put up on its website—and then fortunately took down—a map showing Crimea not as an internationally recognized part of Ukraine but as part of the Russian Federation whose government under Vladimir Putin has engineered its annexation by force and the threat of force.

But the larger dangers are even greater. Since at least 1932, it will be recalled, the United States has maintained as a matter of principle that it will not recognize changes in international borders achieved by the use of force unless or until they are sanctioned international agreement. That doctrine was enunciated by Henry L. Stimson, the US sec-

retary of state at the time, in response to Japan's seizure of China's Manchuria province and subsequent creation of the puppet state of Manchukuo.

While the US has not always adhered to this doctrine has not always been followed, it has never denounced or disowned it. And in one case, its articulation and maintenance helped right a terrible wrong and contributed to a most positive outcome.

The most forceful expression of the Stimson Doctrine was US non-recognition policy regarding the Soviet seizure of Estonia, Latvia, and Lithuania in 1940 under the terms of the secret protocols of the Molotov-Ribbentrop Pact between Hitler and Stalin.

On July 23, 1940, US Undersecretary of State Sumner Wells declared that the Baltic countries had been "deliberately annihilated by one of their more powerful neighbors" and that the US would continue to stand by its principle in their defense "because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice and of law—in other words, the basis of modern civilization itself—cannot be preserved."

That declaration was given content by a policy that the United States followed until 1991 when Estonia, Latvia and Lithuania escaped from Soviet occupation and recovered their de facto independence, a policy that included among other things, provisions that the US would maintain ties with the diplomatic representatives of the pre-1940 Baltic governments and that the Baltic flags would continue to fly at the State Department, that no map produced by the United States government would show the Baltic states as a legitimate part of the USSR but would carry the disclaimer that the US did not recognize their forcible incorporation, and that no senior US official would visit the Baltic countries while they were under Soviet occupation.

It is important to remember what such policies did not mean. Neither the Stimson Doctrine nor Baltic Non-Recognition Policy called for American military action to liberate occupied territories, but both provided enormous encouragement to the peoples of these occupied areas that they would at some point once again be free and thus reflected the principles and values of the American people.

Why shouldn't such a policy be announced now? There are three main objections, none of which withstands examination. The first is that the US has not always lived up to its doctrines either in its own actions or in its willingness to denounce the use of force to change borders. Washington did not issue such a policy after the Soviet invasion of Georgia in 2008, for example; why should it do so now? But arguing that past mistakes should be repeated just because they were made once is hardly compelling.

Second, it is said that Crimea is only part of a country and therefore a non-recognition policy regarding it couldn't look exactly like Baltic non-recognition policy. That is true. A new non-recognition policy would not include maintaining ties with any pre-occupation government but it could keep senior American officials from visiting the peninsula and include continuing US recognition of Ukrainian passports of the residents of that peninsula, much as the US did in the case of holders of pre-1940 Baltic passports. Arguing that you can't get everything and therefore should do nothing, a suggestion made all too often of late, isn't very compelling either.

And third, it is maintained that Putin isn't Stalin and that the US shouldn't anger him because we have so many concerns in common. Tragically, some US officials have even insisted that Putin shouldn't take anything we say or do about Ukraine "personally."

That is absurd. Putin is the aggressor in Crimea and Ukraine more generally. If we make him uncomfortable, we are only doing the minimum to live up to our principles.

Moreover, despite what Moscow suggests and some of its supporters in the West say, some future Russian leader or even Putin himself will cooperate with us when he or they see it is in their interest. US non-recognition policy regarding the Baltic countries did not prevent the US and Stalin's USSR from becoming allies against Hitler or the US and later Soviet leaders from cooperating. Again, the objections fall away.

It is thus time for a new non-recognition policy so that at a minimum no one will ever see a map of Ukraine put out by the US government that shows part of that country belonging to another.

In the 1990s, experts and politicians in Tallinn, Riga and Vilnius debated whether it was more important to gain membership in NATO or to join the European Union. In the event they were able to do both. But since Vladimir Putin's campaign of aggression against Ukraine began, it is clear that the former membership is more important than the latter. After all, one can't be a liberal free market country if one is not a country.

Since Moscow's annexation of Crimea and its continuing subversion of other parts of Ukraine, many have asked whether one or another of the Baltic countries might be Vladimir Putin's next target, given that his strategic goal is clearly the breaking apart of Europe and the United States and discrediting or even destroying NATO.

That lies behind the question, "Are you prepared to die for Narva?" a reference to the predominantly ethnic Russian city on Estonia's eastern border, a city some have suggested Putin might seek to occupy temporarily or permanently and thus a possible flashpoint in a post-Ukraine world.

Andres Kasekamp, a political scientist at the University of Tartu, argues in an essay for the Estonian Foreign Policy Institute that there are compelling reasons to think that Narva will not be Putin's next target, reasons that reflect how different Estonia is from Ukraine (evi.ee/wp-content/uploads/2015/05/EVI-mottepaber21—mai15.pdf).

Although Russia has engaged in expanded military activity in three Baltic Sea region and although "at first glance there might be some superficial similarities" between Ukraine and NATO, Kasekamp points out, there are a large number of "clearly more significant" differences between the two.

Estonia, like her two Baltic neighbors, is a member of NATO and the EU, thus any action against them would have "immeasurably graver consequences. Moreover, "the success of the Crimean operation depended on surprise, the existence of Russian bases on Ukrainian territory and the defection of Ukrainian officers, and "a unique post-revolutionary situation" in Ukraine.

Moreover, Moscow was able to exploit a situation in which "the border with Russia in eastern Ukraine was lengthy, porous, and weakly guarded." None of those things is true in the Estonian case, Kasekamp says. And Estonia not only has "a state capacity to respond immediately" to any Russian challenge but a commitment based on experiences that it must "always offer military resistance."

Additionally and importantly, the Estonian political analyst argues, "Hybrid war is not something new for the Baltic states. They have already experienced elements of hybrid war—cyberattacks, economic pressure, disinformation campaigns. Even the Soviet-sponsored failed Communist insurrection of 1924 in Estonia had many common features with events in 2014, as did the Soviet annexation in 1940."

No Russian move against Estonia would allow Russia “the deniability of direct military involvement” it has exploited in the case of Ukraine. And “there is no historical territorial bone of contention” like Crimea. “Narva has always indisputably belonged to Estonia,” Kasekamp points out. And “even Putin understands that Estonia ... is a completely distinct nation,” something he does not believe Ukraine to be.

But the crux of arguments that Putin might move against Estonia or her Baltic neighbors, especially Latvia, involves the ethnic factor. “Putin has justified aggression against Ukraine with the need to ‘protect’ Russian speakers” and pointed to the better economic conditions in Russia as compared to Ukraine.

Neither of these factors works for Moscow in the Estonian case, Kasekamp points out. Few Russian speakers in Estonia, even those who support Moscow’s occupation of Crimea, have any interest in becoming part of Russia themselves. They know how much better off they are in an EU country than are the Russians in Ivangorod and Pskov, two extremely poor areas.

Instead of asking the Russian speakers of Estonia about how they feel about Crimea, it would be far more instructive, Kasekamp says, to ask “whether they would prefer rubles to euros ... the Russian health care system to the Estonian one ... [or giving up] the right to freely travel and work within the EU.”

“There is a sharp contrast between Estonian and Russian-speakers on support for NATO and perception of a threat from Moscow,” he acknowledges, but he points out that “there is little difference” between the two groups “regarding the will to defend their country.”

After Estonia recovered its independence in 1991, many believed that the ethnic Russian minority there would be integrated over time, that “Soviet nostalgia would fade with the passing of the older generation.” That has not happened as quickly and thoroughly as such people had expected.

In part, that is because “Russia has instrumentalized its ‘compatriots’ in order to under societal integration and to maintain a sense of grievance and marginalization,” an effort that reflects Moscow’s use of Russian television in order to ensure that “most Estonians and Russophones live in separate information spaces.”

But that is not the irresistible force that many assume, Kasekamp says, noting that “the Baltic states were among those who proposed that the EU take countermeasures” And Estonia itself has “decided to fund a new Russian language TV channel— not to provide counter-propaganda but to strengthen the identity of the local community.”

Vladimir Putin has pursued the policies he has in Ukraine in order to block Kyiv from joining Europe, but his policy is short-sighted in the extreme because Europe has been the main force working for the just treatment of ethnic Russians in the Baltic countries and thus the integration of Ukraine into Europe will benefit both ethnic Russians living there and Russia itself, despite what some in both places may currently believe.

On the one hand, Konstaantin Ranks, a Latvian who lives in Siberia, argues, Europe has exercised a powerfully restraining influence on anti-Russian nationalism. And on the other, the EU has made relations between the Baltic countries and Russia far better and far more beneficial than would otherwise be the case (slon.ru/world/baltiyskie—kamni—na—ukrainskom—puti-1051018.xhtml).

Consequently, an article which begins as a warning to ethnic Russians in Ukraine not to believe the promises of Ukrainian opposition leaders that “in principle they are not

against Russians but only against the regime in Russia,” concludes that the best possible outcome for them would be Ukraine’s integration in Europe rather than its subordination to Moscow.

Ranks starts by noting that Russian speakers in the Baltic countries—and he focuses on Latvia almost exclusively—fear that ethnic Russians in Ukraine may suffer some of the same problems they have had because they were misled by the promises of Baltic leaders and believe they’ve done as well as they have only because Europe has forced the Baltic leaders to restrain their nationalist impulses.

Latvia, Ranks suggests, “is a very good example for assessing the situation in Ukraine for several reasons.” The two countries have “much in common historically.” They were victims of Molotov-Ribbentrop, they fought against Soviet power in World War II and after, and although both “had played a big role in the success” of the Bolshevik revolution, they each had at the time of the recovery of independent enough people “who had preserved the habits of life in market conditions.”

Obviously, there were important differences as well, he continues. The size and ethnic balance of the two were very different. And unlike Ukraine, Latvia had a far more recent experience of independence to look back to and revive, and it had the experience of the departure of an entire ethnic community, the Baltic Germans in 1938, who had played a disproportionate role in Latvian life prior to that time.

The Latvian drive for the recovery of independence at the end of Soviet times also is instructive for ethnic Russians in Ukraine, Ranks argues. Not only did the Latvians create “parallel” state institutions at that time as the Ukrainians are doing now, but they told the ethnic Russians there that they would be treated equally after independence.

That reinforced the desire of many Russians to move to Latvia as their way to Europe, an attitude that continues, it should be said, and it led many ethnic Russians to discount statements of Latvian nationalists about them and to back Latvian independence. The same thing appears to be happening in Ukraine now, Ranks says.

After Latvia became independent, he continues, the situation changed dramatically. Latvia’s citizenship law, which was based on succession from the pre-war republic rather than ethnicity as such worked against ethnic Russians, a large share of whom had moved there in Soviet times. As a result, many ethnic Russians—about a quarter of the population—became non-citizens and suffered as a result.

“The ethnic Russian believes not in law but in justice,” Ranks says, and ethnic Russians in Latvia responded by leaving—150,000 have done so—many back to the Russian Federation and others like many Latvians to Europe, and others have organized to call attention to their plight and press Riga to change its approach.

Both the European Union and NATO required Riga to commit to the simplification of naturalization procedures, although Ranks says that despite Latvia’s admission to both Russian speakers in Latvia continue to have problems. But nevertheless, he writes, “Europe was and remains the single hope for the Russian-language diaspora.”

At present, there is “almost no exodus of Russian speakers” from Latvia to Russia, Ranks notes, “because life in Latvia is better,” although he argues that many young Russian speakers in Latvia are upset that “instead of uniting for the achievement of common goals, the communities [of Latvians and ethnic Russians there] exist as it were in parallel worlds.”

What should ethnic Russians in Ukraine take from the Latvian case. First of all, they need to remember, Ranks says, that “nationalist ideas can be much more deeply rooted in the consciousness of Ukrainian elites than it might appear at first glance” and that their commitment to civic identities may be less than many ethnic Russians want to believe.

Second, they and others need to understand that any dramatic rise in ethnic Ukrainian nationalism will not only lead to the exodus of “several million” ethnic Russians from Ukraine but also undermine the chances for “the flourishing of democratic ideas” in Russia by heightening “suspiciousness and a desire for revenge” against Ukraine.

And third, the ethnic Russians in Ukraine and Russians in Russia as well, Ranks suggests, need to see that the spread of European values in Ukrainian society is “the strongest medicine against nationalism which like everywhere else”—and he implies this includes Russia as well—pushes people “toward conservative religious-ethnic values.”

“The ideas of tolerance and respect for the rights of ethnic minorities,” Ranks concludes, “will assist both the European integration of Ukraine itself and the gradual liberalization of Russian public life by destroying the siege psychology” that exists in both places. A more powerful argument for Ukrainian inclusion in Europe can hardly be imagined be it in Ukraine itself, in the Russian Federation, or in EU capitals.

These are three lessons the Baltic experience offers to the West, Kyiv and Moscow: none of them should be ignored.



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