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The Concept of 'Grey Zone's' in Public International Law: with Special Reference to the Russian-Ukrainian Conflict in Crimea

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ABSTRACT

The aim of this paper is to examine the three areas of public international law which Russia has undermined during the Ukrainian conflict are the acceptance of Russia's position in the conflict, the use of force against Ukraine, and the passportization in Donbass.

This paper intends to show that the assessing of the legality of Russian acts is not as challenging as perceived. Only the perseverance of public international law would allow for the declaration of Russian actions to be illegal and the prosecution of Russia. Ukraine has long played a significant if often underappreciated, position in global security.

Today, the country appears to be at the forefront of a resurgent great-power rivalry, which many observers believe would shape international relations in the coming decades. Since the Cold War, Russia's intervention in Ukraine has caused Europe's worst security crisis, owing to a variety of factors.

The first section of the paper delves into the meaning of the term "grey zone" in international law. The four parts that follow are devoted to analyzing specific Russian activities as examples of conduct conducted in international law's grey zones, the historical background—namely Russian participation in the Ukraine war, the legal classification of Russian actions, and passportization.

Keywords: *The Ukrainian crisis, grey zone, Russian federation, passportization, NATO.*

I. INTRODUCTION

Russia has been characterized as a revanchist force eager to reclaim its former power and reputation under Putin. In his book *Near Abroad*, Gerard Toal, an international affairs professor at Virginia Tech, writes, "It was always Putin's ambition to restore Russia to the role of a great power in northern Eurasia."² "The ultimate aim was not to resurrect the Soviet Union, but to

¹ Author is a student at St. Joseph's College of Law, India.

² *Ukraine: Conflict at the Crossroads of Europe and Russia* Council on Foreign Relations, <https://www.cfr.org/backgrounder/ukraine-conflict-crossroads-europe-and-russia> (last visited Mar 01st, 2021)

restore Russia's greatness."

Russia has solidified its possession of a strategic foothold on the Black Sea by capturing Crimea. Russia will project force deeper into the Mediterranean, Middle East, and North Africa, where it has historically had little influence, with a greater and more advanced military presence there. Meanwhile, Russia is bolstering its military and energy relations with Turkey, another Black Sea nation, to the south³.

Comparatively, the territorial advances made by Russia in the Donbas are more precarious. While supporting the separatists has restored Russia's negotiating power with Ukraine temporarily, the region's future remains unclear. Russia's goal could be to create political uncertainty in the region before other factors change in its favour⁴.

II. THE CONCEPT OF GREY ZONE IN PUBLIC INTERNATIONAL LAW, ISSUES AND HISTORICAL BACKGROUND

The word "grey zone" has grown in popularity in recent years, despite the fact that it is not a new concept. In general, it can be concluded that it applies to any circumstance in which states deliberately try to obstruct a legal evaluation of their acts by referring to legal rules that are subject to differing interpretations or exploiting international law's lacunae. Consequently, the rest of the international community can find it challenging to hold the wrongdoer accountable internationally. As a result of this broad description, 'grey areas' can be found in almost every area of public international law. Grey zones can arise in international economic law, in defence of individuals during armed conflicts, or in situations where one State uses cyberspace to intervene in the internal affairs⁵.

Instead of focusing on resolving violent tensions between states and preventing the further escalation of the situation, the international community becomes embroiled in debates over the law applicable and the legitimacy of legal arguments made by both sides⁶.

That is precisely the aim of targeting the 'grey zones' in public international law, a state that decides to take advantage of a lack of clarification in legal legislation expects to accomplish the political, military, or other objectives that it wished to achieve by using the 'grey zones'

³ *Ukraine: Conflict at the Crossroads of Europe and Russia Council on Foreign Relations, Supra note, 1.*

⁴ *How Ukraine's Crisis Threatens the EU The Balance, <https://www.thebalance.com/ukraine-crisis-summary-and-explanation-3970462> (last visited Mar 12, 2021)*

⁵ *How Ukraine's Crisis Threatens the EU the Balance, Supra note 3*

⁶ *William R. Slomanson, Crimean Secession in International Law, 3 Hungarian Yearbook of International Law and European Law, 303–329 (2015)*

before the international community can judge its activities as illegal and take steps to stop them.

(A) GREY ZONE IN CONTEXT OF THE UKRAINIAN CRISIS

To highlight core grey zone elements throughout the Ukraine crisis, we concentrate on the rapidity of events, the sophistication of actors, and the rise of new grey zone techniques. We can see how complexity and confusion lent themselves to a lack of action on the Ukrainian government and its Western backers by looking at key events⁷. Ukraine was poised to sign the Ukraine–European Union (EU) Association Agreement in November 2013, headed by the Yanukovich government. Russia has officially requested a postponement in the signing of the agreement to better determine the agreement's effect on Russian–Ukrainian–EU ties.

i) PRE CRIMEAN-CRISIS FACTORS

In late November 2013, President Yanukovich reacted favorably to Russia's demands, effectively halting the association agreement and reducing Ukraine's commitment. The largest organized demonstration in central Kyiv since the Orange Revolution of 2004 started on November 29, 2013, with protestors rallying against the government's decision. On February 22, 2014, Ukraine's foreign policy crisis started when Yanukovich fled to Russia following violent clashes between protestors and government forces⁸. The overthrow of Yanukovich's government has cast serious doubt on Ukraine's long-term stability. The leaders of several regions, including Donbas, Lviv, Odesa, and Crimea, have all expressed reservations about the remaining part of Ukraine. Both pro- and anti-Euromaidan protestors used common demonstrations and the occupation and takeover of municipal buildings and regional state administrations (RSAs) as main protest tactics. Mass activism began in Western Ukraine and quickly spread across the region, eventually reaching Eastern Ukraine. Protesters had taken charge of the RSA in Kharkiv, Poltava, and Dnipropetrovsk by February 26⁹. Mayors of several of the country's biggest cities resigned after Yanukovich was removed from office. Both national and local governments worked to restore public safety at the same time.

ii) COMPETING INTERESTS

In Crimea, the autonomous republic's territorial representatives were caught between competing interests. On the one hand, Sergey Konstantinov, the Speaker of the Regional Parliament, remained a staunch supporter of President Yanukovich. As the chief of the Party

⁷ *Timeline: Political crisis in Ukraine and Russia's occupation of Crimea Reuters, <https://www.reuters.com/article/us-ukraine-crisis-timeline-idUSBREA270PO20140308> (last visited Mar 12, 2021)*

⁸ *Timeline: Political crisis in Ukraine and Russia's occupation of Crimea Reuters, Supra note 6.*

⁹ *Timeline: Political crisis in Ukraine and Russia's occupation of Crimea Reuters, Supra note 6.*

of Regions' Crimea branch, Konstantinov was intimately involved in Yanukovych's business dealings¹⁰. On February 22, Konstantinov initiated a letter of parliamentary allegiance to Yanukovych as a show of political support. On the other hand, talks between Crimea's pro-Russian parties and the intelligentsia were still underway. With the situation unclear, Konstantinov allied with little-known pro-Russian Crimean MP Sergey Aksyonov, the leader of a micro-faction in the Crimean parliament, who quickly announced himself as Crimea's new leader¹¹. Massive pro-Russian protests soon followed in Simferopol and Sevastopol, supported by Cossacks, local militia, and unidentified soldiers on patrol.

iii) RISE OF CONFLICT AND IMPLEMENTATION OF MARTIAL LAW

Three people were killed in street fights between pro-Russian protests and pro-Ukraine demonstrators, as well as the Crimean Tatar Mejlis. The armed militia began encircling and capturing strategic buildings soon after. The protection and reputation of Russia's massive Black Sea Fleet in the Crimean Peninsula were critical. Russia deployed a clandestine military campaign, using special unmarked military units to seize and disarm Ukrainian soldiers stationed at strategic government and military locations, in conjunction with the 25000 Russian forces already stationed in Crimea (under a basing agreement). Unidentified soldiers captured Crimea's parliament on February 27. Despite this, parliament continued to work, and by the end of the day, a statement had been released announcing the appointment of a new premier, Minister Sergey Aksyonov. On May 25, 2014¹², a referendum on Crimea's status was held (subsequently moved to March 16, 2014).

The flag of Ukraine was taken down from the Crimean parliament. At the same time, the Council for National Security and Defense convened an emergency meeting in Kyiv. Only the acting president Oleksandr Turchinov voted to enforce martial law on Crimea, according to meeting minutes, and with the rest abstaining or preferring diplomatic talks with Russia. Furthermore, as a means of thwarting Russia's geopolitical aims, the Kyiv government seemed unwilling to participate in talks with Moscow. Alternative scenarios for resolving the crisis were seemingly entertained by politicians in Kyiv and the West, but they refused to even consider increased autonomy for Crimea, let alone the prospect of its secession¹³.

¹⁰ *How Ukraine's Crisis Threatens the EU the Balance*, <https://www.thebalance.com/ukraine-crisis-summary-and-explanation-3970462> (last visited Mar 03, 2021)

¹¹ *Timeline: Political crisis in Ukraine and Russia's occupation of Crimea Reuters*, *Supra* note 6.

¹² William R. Slomanson, *Crimean Secession in International Law*, 3 *Hungarian Yearbook of International Law and European Law*, 303–329 (2015)

¹³ Slomanson, *Crimean Secession in international law*, *Supra* note 5.

It was too late before plans for greater freedom eventually made it to the table. Around 96 per cent of voters approved entering the Russian Federation on March 16, 2014. Three days later, Russia's State Duma's lower chamber voted in favour of the referendum results in Crimea. Parallel to events in Crimea, pro-Russian demonstrations and major marches erupted across Ukraine's East, South, and Center regions as the conflict's focal point moved to Eastern Ukraine.

iv) RUSSIAN COUNTER NARRATIVES

Russia continued to promote the narrative that Russian-speaking citizens in Eastern Ukraine were de facto marginalized by the Kyiv government, initially assisting activists through diplomatic pronouncements and then humanitarian aid. Russia successfully aided local uprisings by taking this stance. In April 2014, less than two months after the crisis began, Crimean separatists, including Russian Cossack brigades, mobilized in the Donbas region. The action moved at a breakneck pace. Municipal and regional authorities with firm pro-Russian stances have called a referendum on their own status for early May¹⁴.

Anticipating a rise in separatist sentiment ahead of the referendum, Ukraine's acting president Oleksandr Turchinov declared the start of an anti-terrorist operation (ATO) in Donbas to restore Order. Kyiv's military response was inadequate and insignificant in light of increasing civilian protests in the Eastern regions, as well as the interim central government's extremely low credibility and an army in disarray after years of neglect and stagnation. Volunteer battalions of Ukrainians were quickly organized, supported by public and diaspora donations and oligarchs with regional business interests (Karpyak 2014). Pro-separatist forces took control of towns, enterprises, and state factories and warehouses carrying ammunition and military equipment between April and June 2014¹⁵. The area under separatist military control was relatively small by the beginning of June, consisting of a 15–20 km region of unregulated border with Russia.

On both sides, there were a few hundred casualties. The situation changed drastically after separatists gained control of the frontier, beginning with Russian shelling. The army of Ukraine was forced to withdraw. Separatists occupied the entire stretch of land in Eastern Ukraine from the Russian border to the coast of the Azov Sea by September 19¹⁶. By this time, there were estimated to be 15000–20000 separatist forces in Donbas, with a significant number of them

¹⁴ *Timeline: Political crisis in Ukraine and Russia's occupation of Crimea Reuters, Supra note 6.*

¹⁵ *Mark Lattimer & Philippe Sands, The grey zone: civilian protection between human rights and the laws of war (Hart Publishing) (2018).*

¹⁶ *Timeline: Political crisis in Ukraine and Russia's occupation of Crimea Reuters, Supra note 6.*

recruited from Russia, as well as Russian regular forces.

The use of heavy artillery, tanks, and aircraft by both sides increased civilian casualties, including the shooting down of a Malaysian plane, killing all 298 people on board¹⁷. In August 2014, the bloody battle of Illovaysk moved the Ukrainian army even further back, giving the separatists near-total control of the city. During the fall of 2014 and early winter of 2015, separatists strengthened their positions and retook control of a few major cities in the area that had previously been under Ukrainian control. Ukrainian army and volunteer battalions were once again forced to withdraw in Debaltseve after being surrounded by separatists¹⁸.

v) GLOBAL REACTION

Fearing a separatist assault on Central Ukraine, Kyiv pursued and received immediate peace talks. The Organization for Security and Cooperation in Europe (OSCE) facilitated a meeting of the leaders of Russia, Ukraine, Germany, France, the DNR, and the LNR on February 12, 2015, at which the parties agreed to a truce that would begin on February 15, 2015¹⁹. The OSCE will be in charge of facilitating the withdrawal of heavy military equipment and fighters on all sides, as well as ongoing monitoring of the situation under the agreement (known as Minsk II). The separatist leadership had firmly established itself in Eastern Ukraine by this time, while other players played a role in shaping the situation's instability. For at least a decade, the fruitful "union" between Renat Akhmetov's business group and Yanukovich's Party of Regions had ensured shared influence over the Donbas.

(B) AKHMETOV AND PRIVATE INTERFERENCE CONTRIBUTING TO THE CONCEPT OF GREY ZONES

However, pro-separatist protests in the Donbass posed a threat to Akhmetov's business empire. As a result, Akhmetov took a more neutral stance, urging a negotiated settlement by negotiation. Akhmetov's relative inaction, as Ukraine's richest and most powerful oligarch, was a key factor in separatist forces' eventual takeover of Donetsk and Luhansk (Olearchyk 2014)²⁰.

The status of another oligarch, Ihor Kolomoyskyi, whose PrivatBank conducted business in Central Ukraine while relying on its close links with European financial institutions, was in

¹⁷ *Ukraine: Conflict at the Crossroads of Europe and Russia* Council on Foreign Relations, <https://www.cfr.org/bac/kgrounder/ukraine-conflict-crossroads-europe-and-russia> (last visited Mar 12, 2021)

¹⁸ U.S., *EU set sanctions as Putin recognizes Crimea "sovereignty"* Reuters, <https://www.reuters.com/article/us-ukraine-crisis-idUSBREA1Q1E820140317> (last visited Mar 12, 2021)

¹⁹ U.S., *EU set sanctions as Putin recognizes Crimea "sovereignty"* Reuters, <https://www.reuters.com/article/us-ukraine-crisis-idUSBREA1Q1E820140317> (last visited Mar 12, 2021)

²⁰ U.S., *EU set sanctions as Putin recognizes Crimea "sovereignty"* Reuters, *Supra* note 18.

stark contrast. Kolomoyskyi put a lot of money into volunteer battalions, which were later used by the Ukrainian authorities as a credible force against separatist forces in Donetsk and Luhansk Taub 2015(Kolomoyskyi). We see that, well before the war, Russian-language television solidified established social networks within the Russian-speaking diaspora in Eastern Ukraine, adding to the region's social cohesion²¹. After the Euromaidan protests in 2014, Russian media has labelled opponents of Yanukovich as nationalist radicals and criminals. This explanation contrasted sharply with the noble and glorious portrayals of the same individuals on Ukrainian television and online media. This propaganda war aided the ethnic-linguistic fragmentation of the Ukrainian population, with a significant portion of the Russian-speaking population in Eastern Ukraine being markedly sympathetic to Russia's point of view, while the ethnic Ukrainian population.

In contrast, the rest of the country overwhelmingly accepted the opposition to Yanukovich's narrative. Few people recall that approximately 1 million civilians from Eastern Ukraine fled the war spontaneously to Russia rather than Ukraine. These facts demonstrate that many people in Eastern Ukraine remained loyal to Russia. Information warfare techniques, on the other hand, aren't the only type of "soft power" employed by states in grey zone conflicts. Economic coercion is a key component of grey zone wars, as it erodes adversaries' economies in the hopes of persuading them to change their policies. Despite the fact that NATO used economic weapons against Russia, such as sanctions, Russia's pressure on Ukraine has been fine-tuned. During the ongoing war in Eastern Ukraine, Russia used its energy industry to suffocate the Ukrainian economy²².

(C) TRANSIT TAXES AND PRE 2014 RUSSIAN-UKRAINIAN COOPERATION, CONTRIBUTING TO GREY ZONES

Prior to the events of 2014, Russia and Ukraine had been cooperating in the energy sector extensively. Ukraine had been buying Russian natural gas at a discount, and pipelines connecting Russia and the EU had been built through Ukraine, which had benefited from the transit tax. But, most notably, Russia had become Ukraine's single largest source of oil and gas for domestic consumption. Russia stopped exporting gas to Ukraine in 2015, saying that it will seek upfront payments for natural gas²³.

²¹ William R. Slomanson, *Crimean Secession in International Law*, 3 *Hungarian Yearbook of International Law and European Law*, 303–329 (2015)

²² Mark Lattimer & Philippe Sands, *The grey zone: civilian protection between human rights and the laws of war* (Hart Publishing) (2018)

²³ Ramesh Ganohariti, *Politics of Passportization and Territorial Conflicts*, *The Palgrave Encyclopedia of Peace*

Despite the fact that this situation between Russia and Ukraine appears to be an energy conflict, Russia appears to benefit from the timing and severity of this energy-related crisis. For decades, Russia has kept Ukrainian energy debt without engaging in significant conflicts over it. In the end, neither Western sanctions against Russia nor Russian exploitation of gas deals in relation to Ukraine can be categorized as traditional conflict tools or declarations of war and thus fall outside the basic toolkit available to states in grey zone conflicts. However, without the use of cyberspace, effective manipulation of economic and political pressure points against the adversary is challenging to achieve²⁴.

(D) CYBERWARFARE IN CONTEXT OF GREY ZONES

In December 2015, Russia was accused of using cyberwarfare to target Ukraine's power grid. Despite the Kyiv government's and some NATO officials' claims to the contrary, this event can only be attributed to Russia on a probabilistic basis. Cyberspace, on the other hand, is not solely under Russian control²⁵. The US has used cyber-attacks against Russia in retaliation, but little is known about the details. Direct support for sub-state criminal and militant elements fighting on behalf of opposing parties is another critical and less vague aspect of a grey zone conflict.

Given that 35 per cent of the Ukrainian economy operated "in the dark" prior to the war, the climate is ideal for a covert supply of underground and separatist groups and factions²⁶.

(E) WAR BY PROXY

In August 2014, for example, a T-72 main battle tank with unique specifications was discovered in the hands of separatists in Eastern Ukraine. This tank has never been exported outside of Russia, and the Ukrainian Armed Forces have never used it. As a result, only Russia could have supplied the separatists with the tank. Despite the circumstantial evidence, it is uncertain how much power Russia has over the LNR and DNR separatists' behavior.

There is some indication that Russia will continue to exert a heavy impact²⁷. For example, Victor Medvechuk of the pro-Russian organization Ukrainian Choice demanded that Putin speak with the leaders of Luhansk in order to facilitate the exchange of prisoners of war with Ukraine on November 17, 2017. On November 30, 2017, two weeks after the Order, the exact

and Conflict Studies, 1–8 (2021)

²⁴ Mark Lattimer & Philippe Sands, *The grey zone: civilian protection between human rights and the laws of war* (Hart Publishing) (2018)

²⁵ Zen Chang, *Cyberwarfare and International Humanitarian Law*, SSRN Electronic Journal (2017)

²⁶ Zen Chang, *Cyberwarfare and International Humanitarian Law*, SSRN Electronic Journal (2017)

²⁷ David Shlapak, *Deterring Russian Aggression in the Baltic States*, *Supra Note 25*.

number of prisoners Medvechuk demanded were ready to be exchanged between separatists and Ukraine²⁸.

III. LEGAL CLASSIFICATION AND PASSPORTIZATION

Russia attempted to dismiss allegations of its involvement in the Crimean events and the conflict in Eastern Ukraine. Article 2 (4) of the United Nations Charter²⁹, which prohibits the use of force, reads as follows:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations"³⁰.

To begin with, it's worth noting that President Putin said there was no case of force being used at all, because, as he put it in his State Duma address, "I cannot remember a single case in the history of an attack without a single shot being fired and no human casualties." Thus, according to President Putin, a certain level of violence and injury, as measured by the number of casualties, is needed to establish that force was used; to put it another way, what counts are the observable results of the alleged use of force³¹.

There was no violation of the ban on the use of force since this test was not met in the case of the events in Crimea. Even though the activities in the Crimean Peninsula in 2014 were distinct from other military interventions conducted by states after 1945, both in terms of course and means employed, the Russian involvement can still be classified as a use of force against Ukraine. In this case, Russia's goal was to gain control of Crimea, which resulted in the peninsula's annexation; therefore, the seriousness of Russia's intentions and consequences is undeniable. Second, it is important to remember how Russia justified its involvement in Crimea, relying on reasons like those used by states to justify the use of force³², such as intervention by invitation and intervention to rescue nationals abroad.

A majority of academics concluded that Russia used force against Ukraine on these grounds. Following the determination that Russia's participation in Ukraine involves the use of force, two elements of the prohibition must be examined³³. To begin with, Russia denied sending

²⁸ Slomanson, *Crimean Secession in international law*, *Supra note 5*.

²⁹ Article 2(4) *Charter of the United Nations 1945*

³⁰ *Id.* 28

³¹ Mark Lattimer & Philippe Sands, *The grey zone: civilian protection between human rights and the laws of war* (Hart Publishing) (2018)

³² Ramesh Ganohariti, *Politics of Passportization and Territorial Conflicts*, *The Palgrave Encyclopedia of Peace and Conflict Studies*, 1–8 (2021)

³³ William R. Slomanson, *Crimean Secession in International Law*, 3 *Hungarian Yearbook of International Law*

troops to Ukraine, neither to Crimea nor to Donbas; to put it another way, Russia denied using force against Ukraine directly. Second, Russia admitted to providing unspecified, but ostensibly minor, assistance to militias fighting the Kyiv government.

As a result, Russia denied the use of force in an implied manner against Ukraine, which, despite not being expressly stated, is protected by the ban on the use of force. Given Russia's attempts to hide its links to the Ukraine's militias, attribution based on the successful control test may be impossible, though using the "overall control test" may also raise some doubts³⁴. Finally, a state of military war results from the use of force by one State against another. Russia has never acknowledged the presence of international military war between Russia and Ukraine, just as it rejects the use of force against Ukraine³⁵.

To summarize, Russia is using various elements of the *jus in Bello* and *jus ad Bellum* doctrines to escape accountability for the use of force against Ukraine and to deny immunity to the Ukrainian people during an ongoing international armed conflict. As a result, it may serve as another example of Russia's grey areas in international law in relation to the Ukraine conflict³⁶.

Pro-Russian demonstrations erupted in three eastern Ukrainian cities Kharkiv, Luhansk, and Donetsk – shortly after Crimea was annexed. The protests were allegedly funded by Russia, which provided separatist forces with uniforms and weapons; however, as previously mentioned, Russia never acknowledged the extent of its support for the protesters in Eastern Ukraine. Separatists held self-rule referendums on May 11, 2014, in which a majority of voters backed the regions' independence from Ukraine. As a result, separatist leaders proclaimed the creation of the Donetsk People's Republic and the Luhansk People's Republic the next day. Russia did not recognize the "republics," but after the referendum on self-rule, Russian Foreign Minister Sergei Lavrov said that his country would "respect the will" of the Ukrainian people³⁷. Moreover, despite the fact that both 'republics' immediately demanded that Moscow consider annexing the regions, President Putin officially asked the separatists to postpone holding a referendum, and he maintained that Russia did not want to annex the 'republics' after the declaration of independence. Nonetheless, Russia began to help the new "republics", since 2014, Russia has continued to send humanitarian aid convoys to Donbass, raising fears that Russia is using the name of "humanitarian convoys" to provide military support to the

and European Law, 303–329 (2015)

³⁴ Toru Nagashima, *Russia's Passportization Policy toward Unrecognized Republics*, 66 *Problems of Post-Communism*, 186–199 (2017)

³⁵ Slomanson, *Crimean Secession in international law*, *Supra note 5*.

³⁶ Slomanson, *Crimean Secession in international law*, *Supra note 5*.

³⁷ Toru Nagashima, *Russia's Passportization Policy toward Unrecognized Republics*, *Supra Note 33*

"republics."³⁸

The most serious objection was posed by President Putin's Executive Order on April 24, 2019, which identified categories of people who are entitled to a fast-track process when applying for Russian citizenship on humanitarian grounds. According to the Order, residents of Donbass may receive Russian passports (or, to put it another way, Russian nationality) via a fast-track process without having to move to Russia. The Order was denounced by Ukraine, the European Union, and the United States as yet another assault on Ukrainian sovereignty³⁹. During the UN Security Council meeting, a Russian delegate said that the Order was about the 4 million people who had been "outlawed" by Ukraine and "whose life had been obstinately ignored by the Western sections of the international community." In response to international criticism, he said that the Order does not violate international law because it does not require anyone to give up their Ukrainian citizenship in order to acquire a Russian one, and therefore it does not violate any of the so-called Minsk agreements⁴⁰.

The steps taken by Russia under the 2019 Order are referred to as "passportization", which is described as "the large-scale conferral of nationality by one state to citizens of another state who reside outside the conferring state's borders." Since passportization is not illegal in and of itself, a case-by-case analysis is often needed⁴¹. To summarize, Russia's passportization of Ukrainians is another example of Russia leveraging international law's "grey zones" – although passportization is not in principle illegal, and Russia cited humanitarian reasons for the 2019 Order, it could turn out to be a smokescreen for more Russian intervention in Ukraine's internal affairs. From this viewpoint, Russia's passportization of Donbass residents may be considered a breach of international law⁴².

IV. CONCLUSION

From the standpoint of public international law, this paper has addressed the meaning of international law, and its sources continued by explaining what the Ukraine crisis is all about, Russia objective in Ukraine, three forms of activities carried out by Russia in relation to the conflict in Ukraine: participation in the conflict; legal classification of Russian actions; and passportization carried out in Donbass. While Russia attempted to hide the true nature and

³⁸ Toru Nagashima, *Russia's Passportization Policy toward Unrecognized Republics*, *Supra Note 33*

³⁹ Toru Nagashima, *Russia's Passportization Policy toward Unrecognized Republics*, *Supra Note 33*

⁴⁰ Ramesh Ganohariti, *Politics of Passportization and Territorial Conflicts*, *The Palgrave Encyclopedia of Peace and Conflict Studies*, 1–8 (2021)

⁴¹ *Supra note 39*

⁴² *Supra note 39*

extent of its activities in Ukraine, as well as establish certain international legal norms in a highly secretive manner, careful data analysis and multilayer review of legal rules enable all of these actions to be labelled as illegal. Despite Russia's efforts to muddy the legal evaluation of its behaviour, international law offers mechanisms to evaluate Russia's conduct, demonstrating the law's resiliency, which must also be applied in the circumstances involving new threats and challenges.

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