

International Consequences of Russian-Ukrainian Conflict

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1. Introduction.

All polls showed that a majority of people in Russia could not accept the dissolution of the Soviet Union and the independence of Ukraine. Russians generally say they have a more negative attitude towards Ukraine than vice versa. Polls in Russia have shown that after top Russian officials made radical statements or took drastic actions against Ukraine the attitude of those polled towards Ukraine worsened every time (Popescu & Wilson, 2009). The issues that have hurt Russians' view of Ukraine are: Possible Ukrainian NATO membership; Ukrainian attempts to have the Holodomor recognized as genocide against the Ukrainian nation; Attempts to honour the Ukrainian Insurgent Army.

Russian governments always tried to use these perceptions like instrument in their foreign policy. The turning point came with the Orange revolution in 2004, when Russia's clumsy tactics of interference in support for Viktor Yanukovich backfired, triggering a serious Russian tactical rethink. Drawing its lessons from the central role played by civil society groups and NGOs in the Orange revolution, Russia began developing a rival "counter-revolutionary" ideology, supporting "its" NGOs, using "its" web technologies, and exporting its own brands of political and economic influence. Gleb Pavlovskii describes the Orange revolution as "a very useful catastrophe for Russia. We learnt a lot" (Popescu & Wilson, 2009).

Russian troops are often placed in areas blighted by secessionist conflicts – allowing them to be branded as "peacekeepers". Let's remember summer war in 2008 between Russia and Georgia. Russian point was that "Saakashvili left peoples of Abkhazia and South Ossetia no other choice but to ensure their security and the right to exist through self-determination as independent States". At a conceptual level, the doctrine of remedial self-determination concerns cases where a population is excluded from political participation in the state or is severely mistreated, on grounds of its ethnic appurtenance. The states of the EU demanded "that a peaceful and lasting solution to the conflict in Georgia must be based on full respect fro the principles of independence, sovereignty and territorial integrity recognized by international law, the Final Act of the Helsinki Conference on Security and Cooperation in Europe and United Nations Security Council resolutions". The rejection of Russian claims, muted though it was, did not address the existence or otherwise of the doctrine of remedial self-determination. Instead, it appeared to focus on the absence of facts in this instance that might warrant its application. And this serves well Russian foreign politics.

The official Moscow perceives independence of Ukraine as something abnormal and temporary. At the meeting in Sochi after the NATO summit in Bucharest in April 2008, V. Putin said to the US President George W. Bush, "You know, George, Ukraine - is not even a state! What is Ukraine? Part of it territory is Eastern Europe, and a part, and big enough, we gave!" (Volovych 2014).

Putin could not accept the loss of Ukraine, and began to act in accordance with the previously prepared plan. The proponents of "Eurasianism" claim that there exists a separate civilization and historical community in the territory corresponding to the area of the former Russian Empire. They ascribe a cultural meaning to the Russian-speaking community (so-called Russian world). The concept of "nation" is expanded to include areas where the Russian language and culture are dominant (Popescu & Wilson, 2009)

This ideology has become an instrument for managing the conflicts in the post-Soviet area (Abkhazia, South Ossetia, Crimea, and Novorossiia). In Ukraine tensions remain high in the Crimean peninsula, particularly over the presence and operations of Russia's Black Sea fleet. The lease agreement for the fleet is due to expire in 2017 but the Kremlin has expressed a clear desire to keep the base going after this date, even against Ukraine's clearly expressed wishes to the contrary. Russia claims that it has a responsibility to ensure the security of Russian citizens, ethnic Russians and even mere Russian-speakers in "near abroad". But the war in Georgia led to allegations that Russia deliberately

handed out passports to foreign nationals in order to create or bolster minorities it could then claim the right to protect. Estimates for Crimea range from 2,000 to 100,000 (Popescu & Wilson, 2009).

11 March 2014 the Crimean parliament and the city council of Sevastopol adopted a resolution to show their intention to unilaterally declare themselves independent as a single united nation with the possibility of joining the Russian Federation as a federal subject. 16 March 2014 Crimea's government claimed that nearly 96% of those who voted in Crimea supported joining Russia. 17 March 2014 the Crimean parliament officially declared its independence from Ukraine and requested to join the Russian Federation. 18 March 2014 President Putin declared Crimea as a part of Russia. But 27 March 2014 the U.N. General Assembly passed a non-binding resolution 100 in favor, 11 against and 58 abstentions in the 193-nation assembly that declared invalid Crimea's Moscow-backed referendum. In fact, Crimean annexation was never recognized by the international community, instead it was proclaimed illegal by the UN General Assembly which supported the territorial integrity of Ukraine. The referendum results were recognized only by several developing countries that have close ties with Russia.

There are several circumstances when a secession may be regarded as legal: (1) it shall concern people in territories that are subject to decolonization; (2) it shall be envisaged by the national legislation of the parent state concerned; (3) the territory inhabited by a certain people should be occupied or annexed after 1945; (4) the secessionists shall be "a people"; (5) their parent state shall flagrantly violate their human rights and (6) no other effective remedies under national or international law may exist, if any of these conditions are met.

Firstly, Crimea is not subject to decolonization. Under Article 134 of the Constitution of Ukraine "The Autonomous Republic of Crimea is an integral part of Ukraine and all issues delegated to its authority are resolved within its framework of reference as determined by the Constitution of Ukraine." Secondly, secession is not envisaged by the Constitution of Ukraine as a parent state. Generally, all political systems insist on legality of secession only through constitutional means (for instance, the Supreme Court of Canada in the Quebec case, the Supreme Court of Alaska in the Kohlhaas v Alaska case). The Ukrainian legislation is not an exception. Article 73 of the Constitution stipulates that any "alterations to the territory of Ukraine shall be resolved exclusively by the All-Ukrainian referendum", not by the local one. Thirdly, the territory of Crimea was not occupied or annexed after 1945. Fourthly, the secessionists (i.e. Russian population of the Crimea) may not be regarded as "a people". As it follows from the Quebec case "a people" shall be governed as "part of a colonial empire", be "subject to alien subjugation, domination or exploitation", be "denied any meaningful exercise of its right to self-determination within the state of which it forms a part". And in all other circumstances, "peoples are expected to achieve self-determination within the framework of their existing state". And finally, there is no evidence that the rights of the Russian population in Crimea have ever been subject to flagrant human rights violations from the government of Ukraine. The OSCE High Commissioner on National Minorities found no evidence of violations or threats to the rights of Russian speakers during her visit to Kyiv and Crimea in 2014. Thus, all claims that the Russian-speaking population of Crimea was facing oppression are groundless (Stepanowa, 2014).

International law cannot be neutral regarding the unilateral secession of Crimea as the declaration of independence of Crimea was effected through the Russian military assistance. This argument is supported by the ICJ in the Kosovo Advisory Opinion. In particular, in paragraph 81 the following is stipulated: "The illegality attached to [some other] declarations of independence ... stemmed not from the unilateral character of these declarations as such, but from the fact that they were, or would have been, connected with the unlawful use of force or other violations of norms of general international law, in particular those of a peremptory character (jus cogens)." In other words, a unilateral declaration of independence will be recognized as illegal where a violation of jus cogens principles took place. Here, an unlawful secession in violation of jus cogens occurred as Russia violated jus cogens principle of non-use of force under Article 2(4) of the UN Charter. And where a declaration of independence is adopted in such manner, foreign states are under obligation to withhold recognition (Stepanowa, 2014).

The mutiny in the Donbas had been prepared by Russian special services for many years and was only possible due to Russia's direct military aggression. "People's Republic of Donetsk" and "People's Republic of Lugansk" were declared, and May 11, 2014, was held a "referendum" on their independence.

Separatists' leaders had reached an agreement to unite these "republics" into a federal state "Novorossiia" ("New Russia"). Putin first called this part of Ukraine "Novorossiia" on 17 March, 2014 after the annexation of Crimea (Volovych, 2014).

Some commentators and even some Ukrainians suggested a radical solution: abandoning Donbas altogether. This would free Kyiv so it could focus on reforms and spare it a real economic and political burden. But independence for Donbas is probably unrealistic: many forces in Ukraine would be against it, and so would the West. And it is an option that Moscow neither expects nor wants. Russia wants leverage over Ukraine, not burdensome new obligations. Being left with Donbas instead would feel like a bitter disappointment. So, the task is not to annex "Novorossiia" as a result of large-scale invasion of Russian regular troops, but to achieve a change of government in Kiev. For this it is enough to support separatists in "Novorossiia" in various ways: military, economic, political, and informational. This is a war for exhaustion, and terrorist operations will be conducted as long as necessary in order to cause general indignation of the Ukrainian population and to bring it to a point where joining Russia would seem incredible happiness (Liik & Wilson, 2014). Ukrainian authorities need to realize that because of their pro-Western policies, the economy may completely collapse. In other words, if Ukraine is turned into Iraq, it will completely ripen for becoming part of Russia. And for fulfilling this task, Russia has all resources: weapons, ammunition, money and militants for whom the military campaign in the South-East of Ukraine will become a source of earnings and an opportunity to acquire combat experience. The goal of Russia is to preserve the trouble spot in the territory of Ukraine; it needs to have a criminalized region, undermining the state development. That is why, if one suggests Russia to take Donbas in, it will reply saying: "No, thanks, it's yours". Moscow treats Donbas the same as South Ossetia or Transnistria. Besides Novorossiia Project there are number of territorial disputes between Russia and Ukraine: Tuzla Island (the Tuzla conflict exists since at least 2003); strait of Kerch; and Sea of Azov. According to the Russian logic, Ukraine and other Eastern Partnership countries should accept the status of buffer zones.

Why did Moscow decide to go for it? Because it understood that if nothing changed within the system of international relations, it would be slowly losing its positions and further politics would become senseless. So, the important problem and the aim of the paper is to reveal the international consequences of Russian-Ukrainian conflict.

2. The Literature Review.

The paper based on the analysis of international mass media (Newsweek, beyondthe.eu, bintel.com.ua, eustudy.at.ua), analytical articles (Jolanta Darczewska, Kadri Liik & Andrew Wilson, Nicu Popescu & Andrew Wilson), and several interviews, first of all with Russian and Ukrainian political scientists (Dmitrij Danilov, Myhajlo Gonchar, Vitalij Martynjuk, Tatjana Parhalina, Myhailo Pashkov, Armin Staigis, Mihail Subbotin, and Andrej Zagorskij).

2. The Methodological Map.

The Methodological Map of the paper included both theoretical conceptions of well-known critical social theory of international politics (Ashley, 1987) and Critical discourse analysis of the statements made by the representatives of the Russian Federation and Ukraine.

Critical discourse analysis (CDA) is the part of the second generation of discourse theories. Norman Fairclough, who is considered to be the main developer of this approach, views discourse as one of the modes of domination or regulation of subordinate relations of social actors. Jacques Derrida's maximalist formula: "Everything is a discourse" is taken as the basis. Poststructuralist discourse analysis intellectually originates from the works of Antonio Gramsci, Mikhail Bakhtin, Michel Foucault, Roland Barthes, Julia Kristeva, and Jacques Lacan in which discourse is analyzed as the total of social practices, within which senses and meanings are reproduced. Social practices formulate discursive event, and at the same time, discursive event formulates them. The notion of "speech act" is central to CDA and it disproves the understanding of language and action as being separately existent. Current theory accepts the statement of Richard McKay Rorty, who said that truth was not the characteristic of the outer world but it was the characteristic of language. Truth is the product of discursive constructing.

Methodology of CDA consists of three stages. On the first stage (description) a researcher divides a text into sentences / propositions and groups them defining the links. On the second stage (interpretation) the researcher correlates the text with the activities making assumptions about the details. On the third stage (explanation) he/she makes an evaluation, taking into account a social context of the speech acts.

Comparing with other approaches, CDA method doesn't have any strictly defined procedure of data collection and analysis; these two processes are determined personally by the researcher. Thus interpretation of the data entails potential subjectivity of the scientist.

The CDA has a number of advantages: 1) it can eliminate the contradiction between qualitative and quantitative orientation of scientific methods; 2) it does not require complicated procedures for the data collection; 3) it is very economical; 4) any other analytical tool allows you to check its results; 5) it involves large amounts of textual material, which allows direct analysis of data, eliminating from allegations of secondary data analysis and interpretation. In the discipline of International Relations using CDA gives an opportunity to convert the study from meta-level to the level of discursive practices. Also it gives a possibility to overcome the artificial division of spheres of internal and foreign policy.

3. Findings.

International law after Russian aggression toward Ukraine. Russia's expansion into Moldova, Georgia, and Ukraine and especially its formal annexation of Crimea have shattered the foundations of the international law, first of all 1975 Helsinki Accords and the 1990 Paris Charter of the CSCE. Russia has been undermining the reputation of the OSCE by its covert boycotting of the Ukraine Special Monitoring Mission and selective cooperation in the implementation of the Minsk Accords.

Russia and Ukraine share 2,295 kilometres of border. But this border till now is pores and Russian troops easily are going to Ukraine and returning back. But the current border-monitoring mission led by the Organisation for Security and Cooperation in Europe is only symbolic. The mission may even do more harm than good, since the OSCE presence lends legitimacy to an unacceptable situation (Martynjuk, 2016).

Following the signing of the Budapest Memorandum on Security Assurances among the U.S., the U.K., and Russia, as well as similar agreements with France and China, Ukraine agreed to destroy the rest of its nuclear weapons, and to join the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (Budapest Memorandum on Security Assurances (5 December 1994). The Budapest Memorandum collapsed after Russia annexed the Crimea. Despite that both European and American leaders called on Russia to stop – at first by terminating support to the “men in green”, later by ceasing conflict escalation and supply of weapons, and not carrying out unilateral humanitarian operations – withdrawal from all these “red lines” was made, because the West avoided getting into a direct confrontation with Russia (Gonchar, 2016).

Moscow is also subverting a core function of the United Nations by using its Security Council veto power to defend territorial gains. This is done at the expense of a founding member of the UN (the Ukrainian Soviet Republic had, unlike the Russian Federal Soviet Republic, its own seat in the UN in 1945-1991).

Crimean annexation was never recognized by the international community, instead it was proclaimed illegal by the UN General Assembly which supported the territorial integrity of Ukraine. On 27 March, the UN General Assembly passed a non-binding Resolution 68/262 that declared the Crimean referendum invalid and the incorporation of Crimea into Russia illegal. The referendum results were recognized only by several developing countries that have close ties with Russia. Given all the abovementioned, claims on legality of the annexation of Crimea have nothing to do with international law (Sviatnenko, 2014; Stepanowa, 2014).

While most of these international institutional links are formally still in place, it is unlikely that they will again become fully functional in terms of Russia's inclusion any time soon. The issue of Crimea's annexation will still remain open, and may persist as a matter of contention for decades.

At the 26 June 2014 session of the Parliamentary Assembly of the Council of Europe Ukrainian President Petro Poroshenko stated that bilateral relations with Russia cannot be normalized unless Russia undoes its unilateral annexation of Crimea and returns its control of Crimea to Ukraine

(Volovych, 2014). In February 2015 Ukraine ended a 1997 agreement. On March, 15, 2017, in Verhovna Rada a bill about a break in diplomatic relation with Russia was incorporated. But until now Ukraine does not recall the diplomatic representatives from Russia, while that carries out direct aggression against Ukraine.

Minsk Agreements (February 12, 2015) foresee, among other things, the removal of military hardware from the separatist regions and the monitoring of the Russia-Ukraine border.

The best thing Ukrainian government can do now is to cease any clashes and withdraw the military forces. At the same time, the Minsk Protocol is impossible to implement. Neither for the separatists, nor for the Kremlin, agreements haven't any profit.

Russia not only violated numerous bilateral treaties, especially with Ukraine; it has also devalued important multilateral networks and organizations within which it had been integrated or cooperating for years, if not decades.

Russia – EU tensions. This has been the source of many difficulties in Russia's relations with the West.

Referring to the origins of the Russian-Ukrainian conflict, Putin explained that it had been caused by the haste with which the European Union pushed for association with Ukraine. "That was unacceptable for Russia, because it infringed on its interests in a neighbouring state" (Darczewska, 2014, 4). Nikolai Patrushev, the Secretary of the Security Council of the Russian Federation, interprets the events in eastern Ukraine as "next steps in the plan to disintegrate the Soviet Union and Russia" (Darczewska, 2014, 4). In this context, the annexation of Crimea and the conflict over "Novorossiya" are just other incidents in Russia's information war on the West. This is primarily a "war" of narratives and interpretations. One's own interpretation is being multiplied in all possible ways, while the "foreign" interpretation is being pushed to the margins where it poses no threat. The aim is to neutralise the enemy, support the allies and win over the undecided ones (Darczewska, 2014).

The Russian doctrinaires argue that by fighting liberal globalisation, Russia is primarily confronting anarchism ("the global Mайдan", the negation of all hierarchic rules), and defending the sovereignty of the nation state and the right of nations to choose their own values (Darczewska, 2014).

Difficulties in Russia's relations with the West are triggering internal aftershocks in the world's largest country, permanent UN Security Council member, and second nuclear power – Russia – with implications for world politics. Russia's major trading partner and foreign investor, the EU, has become its main political criticizer and geopolitical competitor in Eastern Europe.

Before the "Ukrainian Crisis", about 75% of foreign direct investment into Russia came from, and almost 50% for Russian foreign trade was with, EU countries (Subbotin, 2016). In 2014, Russia was excluded from the G8 and stripped from its voting rights by the Council of Europe's Parliamentary Assembly. The negotiations about Russian membership in the OECD and New Agreement with the EU are suspended. The Strategic and Modernization Partnerships with the EU only exist on paper. The Foundation Act and NATO-Russia Council are dead, and may never be resurrected.

The EU's restrained initial reaction to Ukraine's first territorial loss may have encouraged Kremlin adventurism in Eastern Ukraine. The merely symbolic dimension of the first round of sanctions in spring 2014 encouraged Moscow to continue its assault on Ukrainian territorial integrity. Unimpressed by the West's initially minor punishments, the Kremlin began its purposeful escalation of existing inner-Ukrainian tensions, thereby consciously triggering a putatively "civil war" in the Donetsk Basin. In violation of the spirit of both the Budapest Memorandum and its own partnership policies in Eastern Europe, the EU continues on a large scale to trade with Kremlin-controlled Russian energy companies. It is reliably and massively filling the Russian governmental coffers with its oil Euros. By continuing its immense energy imports from an increasingly aggressive Russia, the EU is violating the spirit of its Association Agreements with Moldova, Georgia and Ukraine.

Only the mass killing and obvious Russian responsibility for it generated, for the first time during the Ukraine Crisis, fear among ordinary Europeans of Moscow's increasingly reckless behavior. This psychological factor, rather than the numerous Ukrainian victims of Russia's covert proxy war in the Donbas already by July 2014, changed the European public's mood.

Russia is seeking to acquire an informal veto right over further EU and NATO enlargement to the east.

The Ukraine crisis has altered Europe's security structure. Europe is now much less secure, and its security architecture altogether less stable, less predictable.

Factor of China in the Russian-Ukrainian conflict. Concerning of PRC, the personal interest in relations with Ukraine lies in a military-technical sphere. Beijing was interested in up to approximately 30 directions of collaboration in this military-technical sphere, including aircraft carriers, large transport aircrafts, supersonic training jet planes, tanks, the "air-to-air" and "air-to-ground" missiles. Without a collaboration with Ukraine, it would be difficult to bring into an action an aircraft-carrier "Liaoning" (ex-"Varyag" is equipped with the Ukrainian gas turbines), to score a success with the development of new warships, tanks, airplanes, especially aero-engines (20 лет стратегического партнерства Пекина и Киева. Роль Украины в военной модернизации Китая).

But Ukraine admits the roughest error substantially complicating bilateral relations. In August 1996 a prime minister of Taiwan Lien Chan arrived with a private visit to Kyiv. His visit was widely lighted up by the press of the Republic of China, doing the special support on that Ukraine for Taiwan can become a "gate to Europe". The reaction of Beijing was extremely sickly. Kyiv admits very unfriendly foreign-policy step giving out in 2005 a visa to the representative of Taiwan Huang Zhifang to arriving in Ukraine for participating in the meeting of the International Crisis Group. China at once abolished set on beginning 2006 meeting of the commission on a trade and economic collaboration (Brusylovska, 2015).

The line of the behaviour of Beijing in regard to a crisis on Ukraine was formed with an account both actually "Ukrainian" and geo-economic and geopolitical interests of PRC. The produced position had to reflect "fundamental neutrality" of China in conflict situations.

Beijing accused "intervention from the West prevented to the dialogue between a government and opposition, sowing the seed of further social and political discords up country" (Китай недоволен вмешательством Запада в дела Украины).

The activation the USA and EU on Ukrainian political space corrected position of China. On the UN Security Council conference on March 3, 2014 the permanent representative of PRC at the UN Liu Jie expressed a "large concern in connection with a situation in Ukraine". He added that "China paid attention to the headily kindled Russophobe moods" (Выступление Лю Цзеи на совещании СБ ООН 3 марта 2014 г.).

After voting in UN Security Council on a question about Crimea on that China restrained, and Russia imposed a veto on the corresponding resolution, Ukrainian MFA demanded from the Chinese diplomats of clarification on PRC position. An ambassador in Ukraine Zhang Xiun declared that one of base postulates of the foreign policy of China is a principle of non-interference. This explanation dissatisfied Kyiv because that to interpreted the statements of PRC about the support of "sovereignty and territorial integrity of Ukraine" as support of his position in controversy with Moscow on the Crimean question (Brusylovska, 2015). Chinese position at its visible neutrality contained a "heel" toward Russia. In parallel with the development of official position in China, wide public opinion was formed in behalf on Moscow.

By demonstratively not supporting Ukraine, a country that 20 years ago agreed to dismantle a larger nuclear arsenal than China then and currently possesses, Beijing contributed no less than the West to the 2014 subversion of the international non-proliferation regime. Neither in cultural nor economic terms can China constitute an adequate replacement of the West as Russia's prime partner. Instead, the risks stemming from conflicting interests and the geographical proximity of the two large countries outweigh the opportunities for a close alliance. The current conflict opens a new page in international relations. The lesson that politicians around the globe may draw from the "Ukrainian Crisis" is that if a neighboring state is questioning its borders, your country needs the Bomb. And once your country has the Bomb, you, remembering Ukraine, will never give it up again.

4. Conclusions: possible scenarios

The neutrality status imposed on Ukraine at the international level would first of all mean that Russia's ability to use its own tools to affect the current *status quo* in this country would be much more influential compared with the EU's leverages. The status of a buffer state would certainly be the factor causing a stalemate in the current situation.

The situation after the 2008 conflict in Georgia allows Russia to assume that after the end of the conflict in Ukraine, relations with the West will eventually revert to the "business as usual" situation. Russia hopes to repeat this scenario again. It is important to emphasize that the "business as usual" concept includes not only normalization of economic relations, lifting of sanctions, and renewal of the political dialogue, but also recognition of Russia as a veto holder in the security architecture of Europe. The practical manifestation of such recognition could be that the expansion of the transatlantic institutions further to the post-Soviet space would not be possible without Russia's approval.

Previous Western attitude toward Russian political regime was absolutely wrong. This regime is not only dangerous for Russians, but also for all post-Soviet area. And finally we see how fast can change political and geopolitical situation in Europe. This is big challenge for Europe but at the same time this might be big hope for modern situation.

Eminent Yale historian Timothy Snyder has recently added an argument why the European Council should, after all, officially recognize a future membership option for Ukraine. A formally announced EU entry option would not only strengthen and energize today's reformers in Ukraine, an argument made before. It would also motivate potential foreign investors to come to Ukraine in order to gain a foot in this future EU member country. By encouraging foreign direct investment (FDI) via an EU membership possibility as well as some other measures proposed below, the West could effectively intervene into Ukraine's economic affairs, with little costs – at least during the next years. Without much effort, the EU could help to balance the current discouragement of investment activities by Russia-promoted military and political instability. In combination with other steps outlined here, Brussels' official membership perspective would especially encourage multi-national conglomerates to start building up already today a presence in this large East European market scheduled to become one day an integral part of the EU economy.

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