

I. The Ukraine crisis: from popular protest to major conflict

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In the final months of 2013, Ukraine saw a series of popular protests in cities across the country, most notably in Kyiv at Independence Square. The initial protests were in response to the decision by the then Ukrainian Government to suspend plans to sign an Association Agreement with the European Union (EU).¹ However, the protests became the focal point for groups with diverse grievances and demands, leading to wider calls for more fundamental reform and a change in the system of governance.

As the size of the demonstrations grew, demonstrators stormed and took control of public buildings in Kyiv and elsewhere in the country. Confrontations with the security forces over control of public buildings and public spaces led to more than 120 deaths by the end of February 2014.

A major constitutional crisis led on 22 February to a vote in the Ukrainian Parliament to remove President Viktor Yanukovych from office. He subsequently departed for Russia, while still claiming to be the legitimate head of state. Oleksandr Turchynov, the newly elected Speaker of the Ukrainian Parliament, was appointed acting president of Ukraine in advance of new elections. Russia refused to recognize the change in president.

By 20 February, and possibly before, Russian military units based in Crimea were making preparations to intervene in developments in Crimea.² Three days after President Yanukovych was removed from office, unidentified armed men—allegedly members of the Russian armed forces working in cooperation with local paramilitary groups—began a takeover of strategic infrastructure in Crimea. At the time, the Russian Government denied that these forces included Russian personnel, while promising to take account of a request for intervention from Victor Yanukovych who was still recognized by the Russian authorities as the legitimate head of state in Ukraine.

On 1 March, the upper chamber of the Russian Parliament approved a request by President Vladimir Putin to authorize the use of Russian armed forces to protect the Russian-speaking population in Crimea. Armed men without military insignia took control of the administrative border between Crimea and the rest of Ukraine and laid siege to Ukrainian military bases in

¹ This was understood by many to reflect the intention of the Ukrainian Government to prioritize the transformation of the Eurasian Customs Union into a planned Eurasian Economic Union. Russia lobbied Ukraine to follow this course and opposed Ukraine's closer association with the EU.

² Lavrov, L., 'Russian again: The military operation for Crimea', eds C. Howard and R. Pukhov, *Brothers Armed: Military Aspects of the Crisis in Ukraine* (East View Press: Minneapolis, 2014).

Crimea. The Ukrainian authorities alleged that the armed men were Russian armed forces working with local paramilitary groups.

The legal context surrounding the incorporation of Crimea into Russia is contested by Russia and Ukraine. The Russian Prime Minister, Dmitry Medvedev, asserted that ‘the population of the Autonomous Republic of Crimea held a referendum and voted for self-determination and for joining Russia in accordance with the existing procedure. And that’s what they did. They started by proclaiming independence and after that, they asked to join Russia. We satisfied their request’.³

The United States and the vast majority of European countries characterized Russia’s actions in relation to Crimea as the illegal and illegitimate annexation of the sovereign territory of another European state.⁴ Apart from general obligations related to the imperative to respect the sovereignty of states, attention was also drawn to specific cases where Russia recognized Ukraine within borders that included Crimea.

The 1994 Budapest Memorandum was a particular reference point, because in it the co-signatories (Russia, the United Kingdom and the United States) promised to ‘respect the independence and sovereignty and the existing borders of Ukraine’, and ‘reaffirmed their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine’. Furthermore, the co-signatories also promised to ‘refrain from economic coercion designed to subordinate Ukraine to their own interests’.⁵

At the beginning of March 2014 Ukraine, the United Kingdom and the United States met for consultations, as called for in the Budapest Memorandum, but Russia, which was invited, declined to participate. At the meeting, the three participants referred to ‘Russia’s continued violation of Ukraine’s sovereignty and territorial integrity’.⁶ Russia subsequently rejected the allegation that the terms of the Budapest Memorandum had been violated.⁷

³ Russian Government, ‘Dmitry Medvedev’s interview with Bloomberg TV’, 20 May 2014, <<http://government.ru/en/news/12509>>.

⁴ On the circumstances surrounding the referendum in Crimea and its aftermath see chapter 6, section I, in this volume.

⁵ Memorandum on Security Assurances in Connection with Ukraine’s Accession to the Treaty on Non-Proliferation of Nuclear Weapons (Budapest Memorandum), signed on 5 Dec. 1994. The Budapest Memorandum was part of a package of measures put together to persuade Ukraine to transfer all nuclear weapons on its territory that had previously belonged to the Soviet Union back to Russia, and to join the NPT as a non-nuclear weapon state.

⁶ US Department of State, ‘U.S./U.K./Ukraine press statement on the Budapest Memorandum meeting’, 5 Mar. 2014, <<http://www.state.gov/r/pa/prs/ps/2014/03/222949.htm>>.

⁷ Russian Ministry of Foreign Affairs, ‘Statement by the Russian Ministry of Foreign Affairs regarding accusations of Russia’s violation of its obligations under the Budapest Memorandum of 5 December 1994’, 1 Apr. 2014, <http://www.mid.ru/brp_4.nsf/0/B173CC77483EDEB944257CAF004E64C1>.

US President Barack Obama and other leaders emphasized the military dimensions of Russian actions, including the deployment of Russian troops in Crimea, military activities along the Ukrainian border and aggressive actions in other parts of Ukraine by Russian personnel acting alone or in concert with others (see below).⁸

As the political crisis in Ukraine deepened, violent clashes became more frequent and serious, and the security situation rapidly descended into open conflict in the eastern part of the country. By mid-April intensive fighting was taking place in eastern Ukraine between government forces and armed forces in the regions of Donetsk and Luhansk. Donetsk and Luhansk declared themselves to be separate republics in April 2014 and subsequently joined a confederation that called itself Novorossia, or New Russia, in June 2014.⁹ The Office of the Prosecutor General of Ukraine declared both ‘republics’ terrorist organizations on 16 May 2014, and the Ukrainian Government described its subsequent actions to recover control over its territory as an anti-terrorist operation.¹⁰

Fighting intensified after a ceasefire, announced at the end of June in conjunction with mediation efforts (discussed below), broke down. A government offensive met with initial success, but was followed by a counter-offensive by opposition forces with significant support from Russia. In an interview recorded in mid-August Alexander Zakharchenko, leader of the Donetsk People’s Republic, noted the arrival of 1200 fighters, trained for four months in Russia, together with heavy equipment as a critical moment.¹¹ At the end of August, Zakharchenko said that between 3000 and 4000 Russian citizens were fighting in eastern Ukraine.¹²

The type and scale of foreign support received by the armed groups fighting in eastern Ukraine is contested. In 2014 the groups themselves asserted that they sustained operations using equipment captured from local formations of Ukraine’s military and security services. However, the military bases of the Ukrainian armed forces are concentrated in the western part of

⁸ In Feb. 2014 President Obama expressed deep concern about reports of Russian military movements inside Ukraine. White House, Office of the Press Secretary, ‘Statement by the President on Ukraine’, 28 Feb. 2014, <<http://www.whitehouse.gov/the-press-office/2014/02/28/statement-president-ukraine>>.

⁹ International IDEA, ‘Ukraine: Luhansk, Donetsk republics ratify constitution’, Constitutionnet, 27 June 2014, <<http://www.constitutionnet.org/news/ukraine-luhansk-donetsk-republics-ratify-constitution>>.

¹⁰ ‘Nineteen more senators ask Obama to recognize DPR and LPR as terrorists’, Ukrinform, 4 Aug. 2014, <http://www.ukrinform.ua/eng/news/nineteen_more_senators_ask_obama_to_recognize_dpr_and_lpr_as_terrorists_324765>.

¹¹ Chernenko, E., [DPR leader on arrival of forces], *Kommersant*, 16 Aug. 2014 (in Russian). A similar account was provided by Igor Strelkov, a Russian citizen who helped to organize the participation of foreign fighters in Ukraine. Dolgov, A., ‘Russia’s Igor Strelkov: I am responsible for war in eastern Ukraine’, *Moscow Times*, 21 Nov. 2014.

¹² ‘Only Russian volunteers fighting with anti-Kiev forces: Donetsk Republic leader’, *Russia Today*, 28 Aug. 2014, <<http://rt.com/news/183308-russian-volunteers-ukraine-fighting>>.

the country, and there are very few formations armed with heavy equipment in eastern Ukraine.¹³

Throughout the year there were many reports that the armed groups fighting in eastern Ukraine were being sustained by external support, including supplies of lethal equipment (see below).¹⁴ Western governments believe that regular soldiers have either been seconded or resigned their posts to fight in Ukraine while remaining under Russian instruction and command. Senior North Atlantic Treaty Organization (NATO) officials have also alleged that approximately 1000 Russian soldiers, including Special Forces, are operating inside Ukraine in key technical support functions.¹⁵

There is no doubt that foreign fighters have participated in the conflict in eastern Ukraine, including foreign citizens supporting the Ukrainian Government. However, the degree to which any external support was with the knowledge and consent of foreign governments was contested during 2014.

In July, the International Committee of the Red Cross (ICRC) described the fighting as a ‘non-international armed conflict’. This classification reflected the lack of clarity over the situation on the ground in mid-2014. A new classification as an international armed conflict would require evidence that foreign citizens were fighting under a foreign chain of command, or that local fighters were under foreign command.¹⁶ As noted above, Western officials believe that the threshold for proof of a clear Russian chain of command over forces fighting in eastern Ukraine had been passed by the end of August 2014.

The ICRC urged all parties to comply with international humanitarian law—including humane treatment to prisoners of war who should not be subjected to humiliation or abuse.¹⁷ Attacks directed against civilians or civilian targets, such as homes, schools, medical facilities and vehicles, community shelters or places of worship, are illegal. Reports produced by

¹³ Ukrainian units armed with heavy weapons are concentrated in military districts around Kyiv, Lviv and trans-Carpathia. Denisentsev, S., ‘The Soviet inheritance of Ukrainian armed forces’, eds Howard and Pukhov (note 2).

¹⁴ The Atlantic Council, ‘NATO warns of Russia moving artillery units and Special Forces into Ukraine’, NatoSource, 22 Aug. 2014, <<http://www.atlanticcouncil.org/blogs/natosource/nato-warns-of-russia-moving-artillery-units-and-special-forces-into-ukraine>>.

¹⁵ Croft, A., ‘More than 1000 Russian troops operating in Ukraine: NATO’, Reuters, 28 Aug. 2014, <<http://www.reuters.com/article/2014/08/28/us-ukraine-crisis-nato-idUSKBN0GS1D220140828>>.

¹⁶ The criteria for conflict classification are described in International Committee of the Red Cross (ICRC), *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts* (ICRC: Geneva, Oct. 2011). The difficulty of applying the criteria in the case of Ukraine is discussed in Quenivet, N., ‘Trying to classify the conflict in eastern Ukraine’, IntLawGRRRLS, 28 Aug. 2014, <<http://ilg2.org/2014/08/28/trying-to-classify-the-conflict-in-eastern-ukraine>>.

¹⁷ ICRC, ‘Ukraine: ICRC calls on all sides to respect international humanitarian law’, News release, 27 July 2014, <<https://www.icrc.org/eng/resources/documents/news-release/2014/07-23-ukraine-kiev-call-respect-ihl-repatriate-bodies-malaysian-airlines.htm>>.

the United Nations Office of the High Commissioner for Human Rights (OHCHR) drew attention to multiple attacks during the year involving the use of heavy weapons in heavily populated and built-up areas, producing large numbers of civilian casualties, and recorded a growing number of reports of other violations of humanitarian law.¹⁸

The single incident that probably attracted the most global attention during 2014 was the downing of Malaysian Airlines flight MH17 over eastern Ukraine on 17 July with the death of all 298 people on board. Without allocating blame for the incident, UN Security Council Resolution 2166 made clear that the aircraft did not crash as a result of mechanical failure. The preliminary report by investigators from the Dutch Safety Board determined that ‘the damage observed in the forward section of the aircraft appears to indicate that the aircraft was penetrated by a large number of high-energy objects from outside the aircraft. It is likely that this damage resulted in a loss of structural integrity of the aircraft, leading to an in-flight break up’.¹⁹

By the end of November 2014, the OHCHR reported that, in what it called a very conservative estimate, the total number of casualties had reached at least 4364 killed and 10 064 wounded. In addition, OHCHR estimated that, as of 30 November, there were approximately 500 000 internally displaced persons (IDPs) in Ukraine.²⁰

Ukraine conflict: peace and mediation initiatives

The UN, EU institutions and individual European countries have all made attempts to contain and reduce the violence in Ukraine, and to help Ukrainian representatives agree elements of a durable system of governance.

On 21 March 2014, the Organization for Security and Co-operation in Europe (OSCE) decided to deploy a Special Monitoring Mission (SMM) to Ukraine, composed of international civilian monitors stationed in different locations across the country.²¹ The tasks of the SMM are to: (a) gather information; (b) report to OSCE participating states on the security situ-

¹⁸ United Nations Office of the High Commissioner for Human Rights (OHCHR), *Eighth Report on the Human Rights Situation in Ukraine*, 15 Dec. 2014.

¹⁹ UN Security Council Resolution 2166, 22 July 2014; and Dutch Safety Board, *Preliminary Report: Crash Involving Malaysia Airlines Boeing 777-200 Flight MH17*, Hrabove, Ukraine (Dutch Safety Board: The Hague, Sep. 2014), p. 30.

²⁰ OHCHR (note 18).

²¹ For further discussion on the Organization for Security and Co-operation in Europe’s (OSCE) deployment of a Special Monitoring Mission (SMM) to Ukraine see chapter 5, section II, in this volume.

ation, including specific incidents; and (c) try to facilitate local dialogue in order to reduce violence and tensions.²²

At a meeting in Geneva on 17 April 2014 negotiations between the representatives of Russia, Ukraine, the USA and the EU produced a Joint Statement on initial concrete steps to de-escalate tensions and restore security. The immediate steps included a complete ceasefire, the disarmament of all illegal armed groups, the return of all illegally seized buildings to their legitimate owners and all illegally occupied squares and public places to be vacated. There was to be an amnesty for any parties that surrendered illegal weapons or vacated seized buildings.

The Ministry of Defence of Ukraine and Russian military representatives established a Joint Centre for Control and Coordination to develop ways to implement the ceasefire. The Joint Centre began its work in October 2014 in Debaltsevo, the location of an important railway junction and of heavy fighting.²³

The Swiss Government, in its capacity as Chairperson-in-Office of the OSCE, developed a plan to implement the Geneva Joint Statement.²⁴ The immediate steps were to be followed by a new constitutional process that was to be inclusive, transparent and accountable, and carried out through a broad national dialogue.

At the beginning of June 2014, the leaders of France, Germany, Russia and Ukraine met in Normandy, France. This was the first time the Russian and Ukrainian presidents had met since the outbreak of the crisis. A number of subsequent meetings of the 'Normandy group' have underlined the central role that Germany has come to play in efforts to mediate and resolve the Ukraine conflict.

Also in June 2014, a Trilateral Contact Group consisting of senior representatives of Russia, Ukraine and the OSCE Chairperson-in-Office was created as a mechanism to facilitate face-to-face talks between the Ukrainian and Russian authorities.²⁵ A 'track two dialogue' outlined a possible peaceful settlement in late June, and many of the 25 points raised in it were subsequently reflected in plans put forward by different authorities.²⁶

²² Organization for Security and Co-operation in Europe (OSCE), 'OSCE Special Monitoring Mission (SMM) to Ukraine: The facts', 1 July 2014, <<http://www.osce.org/ukraine-smm/116879>>.

²³ OSCE, 'Press statement by the Trilateral Contact Group', 4 Oct. 2014, <<http://www.osce.org/home/125118>>.

²⁴ Burkhalter, D., 'A roadmap for concrete steps forward: The OSCE as an inclusive platform and impartial actor for stability in Ukraine', Speech by the President of the Swiss Confederation at the Foreign Affairs Council of the European Union, Brussels, 12 May 2014, <<http://www.osce.org/cio/118509>>.

²⁵ OSCE, 'OSCE Chairperson-in-Office, upon request of Ukrainian President, appoints Swiss diplomat to accompany talks between Ukraine and Russia', News release, Bern, 8 June 2014, <<http://www.osce.org/cio/119608>>.

²⁶ Friedman, U., 'A 24 point plan to resolve the Ukraine crisis', *The Atlantic*, 26 Aug. 2014.

On 2 July the foreign ministers of the Normandy group, meeting in Berlin, stressed the need to implement the ceasefire agreed in Geneva. The ministers proposed that the OSCE SMM should help monitor the implementation of the ceasefire, and groups of monitors were deployed to the designated security zone from 20 September 2014. At the meeting Russia agreed to grant Ukrainian border guards access to Russian territory in order to participate in the control of border crossings at two checkpoints.²⁷ The OSCE participating states subsequently decided to deploy an Observer Mission (OM) to the two Russian checkpoints of Gukovo and Donetsk. However, the close monitoring of the two border crossings probably had only a limited impact on any cross-border material support because roughly 400 kilometres of the border between Ukraine and Russia remained outside the effective control of Ukrainian authorities, including the border crossings at Izvarino and Krasnopartizansk.

At the end of July peace talks were held in Minsk, Belarus, between representatives of Ukraine, Russia and various armed groups, under the auspices of the OSCE. The parties agreed that international investigators should have secure access to the Malaysian Airlines crash site, and that the Ukrainian authorities and the armed opposition groups would both release a significant number of prisoners.

At a meeting of the Trilateral Contact Group in late August, the presidents of Ukraine and Russia put forward elements of a peace plan as part of a consultation process. On 3 September, following discussion with the President of Ukraine, Petro Poroshenko, President Putin outlined a seven-point peace plan, while underlining that there had been no negotiations over the plan as Russia was not a party to the conflict.²⁸ On 5 September representatives of Ukraine, Russia and the Donetsk and Luhansk People's Republics signed a 12-point Protocol at a meeting in Minsk.²⁹ On 19 September the representatives signed a memorandum containing the arrangements for implementing the 5 September agreement.³⁰

In line with the 5 September agreement, the warring parties declared an immediate ceasefire and, on 16 September, the Ukrainian Parliament introduced laws granting an extensive amnesty to participants in the conflict and offering special administrative status to the Donetsk and Luhansk regions of eastern Ukraine. The armed groups fighting in eastern Ukraine

²⁷ 'Joint declaration by the foreign ministers of Ukraine, Russia, France and Germany', Press release, 2 July 2014, <http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Meldungen/2014/140702_Statement.html>.

²⁸ Russian Government, [Telephone conversation with President of Ukraine Petro Poroshenko], Press release, 3 Sep. 2014, <<http://kremlin.ru/news/46548>> (in Russian).

²⁹ 'OSCE releases 12-point protocol agreements reached between Ukraine, Russia and separatists in Minsk', *Kyiv Post*, 8 Sep. 2014.

³⁰ OSCE, 'Memorandum of September 19 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014', <<http://www.osce.org/home/123806>>.

described the Protocol as providing the basis for a lasting agreement. By the end of 2014, however, United Nations reports were recording a new intensification of fighting in the Donetsk region, in particular around Donetsk airport and the Debaltseve salient, and in the towns of Stanytsia Luhanska and Shchastia in the Luhansk region.³¹

Sanctions

The use of sanctions was a feature of the Western response to the conflict in Ukraine. The USA introduced sanctions on 6 March 2014 in response to the appearance in Crimea of armed men without military insignia (see above). The sanctions restricted the travel of the individuals considered by the USA to have primary responsibility for violating the sovereignty and territorial integrity of Ukraine, and froze the assets of those individuals.³² These sanctions were expanded twice during the course of March 2014, using emergency powers.³³

In April 2014 the US Congress passed, and President Obama signed, legislation expanding the legal powers of the sanctions enforcement authorities.³⁴ The legislation directed the US government to assist Ukraine in locating, seizing and recovering financial assets alleged to have been stolen from the state by Viktor Yanukovich, members of his family, former or current officials of the Government of Ukraine or their accomplices.

At the end of April 2014, the USA modified its export licensing policy towards Russia. All pending applications for licences to export high technology defence articles or services or high technology dual-use items that could contribute to Russia's military capabilities were denied, and existing licences revoked.³⁵ The Commerce Department announced that there would be a presumption of denial of any export licence for any Export Administration Regulation listed item to 13 specific Russian companies.³⁶

³¹ United Nations, 'Statement attributable to the Spokesman for the Secretary-General on Ukraine', New York, 18 Jan. 2015, <<http://www.un.org/sg/statements/index.asp?nid=8331>>.

³² US Department of the Treasury, 'Executive Order 13660 blocking property of certain persons contributing to the situation in Ukraine, Mar. 6, 2014', United States Federal Register, vol. 79, no. 46, 10 Mar. 2014.

³³ US Department of the Treasury, 'Executive Order 13661 blocking property of additional persons contributing to the situation in Ukraine, Mar. 17, 2014', *Federal Register*, vol. 79, no. 53, 19 Mar. 2014; and US Treasury, 'Executive Order 13662 blocking property of additional persons contributing to the situation in Ukraine, Mar. 6, 2014', *Federal Register*, vol. 79, no. 56, 24 Mar. 2014.

³⁴ US Congress, 113th Congress, Second session, 'Support for the Sovereignty, Integrity, Democracy and Economic Stability of Ukraine Act of 2014', <<http://www.gpo.gov/fdsys/pkg/BILLS-113hr4152enr/pdf/BILLS-113hr4152enr.pdf>>.

³⁵ US Department of State, 'United States expands export restrictions on Russia', Press statement, 28 Apr. 2014, <<http://www.state.gov/r/pa/prs/ps/2014/04/225241.htm>>.

³⁶ US Department of Commerce, 'Commerce dept. announces expansion of export restrictions on Russia', Bureau of Industry and Security, Press release, 28 Apr. 2014, <<http://www.bis.doc.gov/>>

In July 2014, the US Department of the Treasury widened the scope of financial sanctions to include denial of new financing to designated Russian financial institutions and energy companies. The expanded sanctions also imposed financial sanctions on entities and individuals in the self-proclaimed Luhansk People's Republic and Donetsk People's Republic.³⁷ These sanctions were further expanded in September 2014 to include a prohibition on the export of goods, services or technology to support specified oil extraction projects. Financial restrictions were imposed on the five Russian energy companies most involved in these types of projects.³⁸

Outside the USA, the specific form of legislation imposing sanctions differed between states, but the response was coordinated among a number of countries. For example, a Statement on Ukraine by the Leaders of the Group of Seven industrialized countries (Canada, France, Germany, Italy, Japan, the United Kingdom and the USA) in July 2014 linked a new round of sanctions to a call on Russia 'to suspend its support for illegal armed groups in Ukraine, secure its border with Ukraine, and stop the increasing flow of weapons, equipment, and militants across the border in order to achieve rapid and tangible results in de-escalation'.³⁹

Over the course of 2014, Australia, Canada, Japan, the USA and the EU all introduced targeted sanctions against Russia of different kinds, such as asset freezes, restrictions on the supply of designated items and travel bans on specified legal persons—both individuals and companies. Switzerland and Lichtenstein both introduced legislation preventing the circumvention of sanctions put in place against Russia.

After 6 March, when the heads of state and government of EU member states condemned what they termed 'the unprovoked violation of Ukrainian sovereignty and territorial integrity by the Russian Federation', the EU took several decisions.⁴⁰ First, bilateral talks with Russia on visa matters were suspended, along with the ongoing talks on a new comprehensive

index.php/about-bis/newsroom/press-releases/107-about-bis/newsroom/press-releases/press-release-2014/665-commerce-dept-announces-expansion-of-export-restrictions-on-russia.

³⁷ US Department of the Treasury, 'Announcement of Treasury sanctions on entities within the financial services and energy sectors of Russia, against arms or related materiel entities, and those undermining Ukraine's sovereignty', Press release, 16 July 2014, <<http://www.treasury.gov/press-center/press-releases/Pages/jl2572.aspx>>.

³⁸ US Department of the Treasury, 'Announcement of expanded treasury sanctions within the Russian financial services, energy and defense or related materiel sectors', Press release, 12 Sep. 2014, <<http://www.treasury.gov/press-center/press-releases/Pages/jl2629.aspx>>.

³⁹ White House, Office of the Press Secretary, 'G7 leaders statement on Ukraine', Press release, 30 July 2014, <<http://www.whitehouse.gov/the-press-office/2014/07/30/g-7-leaders-statement-ukraine>>.

⁴⁰ Council Decision 2014/145/CFSP of 17 Mar. 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, *Official Journal of the European Union*, L78, 17 Mar. 2014; and Council Regulation 269/2014 of 17 Mar. 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, *Official Journal of the European Union*, L78, 17 Mar. 2014.

agreement to replace the existing EU–Russia Partnership and Cooperation Agreement.

Second, on 17 March EU leaders decided to impose travel restrictions and an asset freeze on the people considered responsible for the actions previously condemned.⁴¹ New sanctions were adopted in June and July, banning the import of goods from Crimea into the EU and blocking investment and financing for projects and certain economic sectors in Crimea.⁴²

At the end of July the EU widened the scope of its sanctions by introducing a first round of restrictive measures targeted at Russia. The measures (a) limited access to EU capital markets by Russian state-owned financial institutions; (b) banned certain arms exports to Russia; (c) banned the export of dual-use goods to Russian military end-users, or for military end-use by the Russian authorities; (d) and restricted access to some items and technologies used in the Russian oil sector.⁴³

In September, the EU introduced a second round of sanctions targeted at Russia. These further restricted the transfer of dual-use goods and banned the provision of services to Russian shale oil and deep-water oil exploration and production projects in Russia and the Arctic. In addition, the second round of sanctions applied further restrictions on capital market access by Russian financial institutions and restrictions on companies in Russia engaged in the transportation of oil or petroleum products.⁴⁴

In August and October 2014, Russia announced and then expanded a ban on the import of certain foods from Australia, Canada, the USA and the EU.⁴⁵ In September the original ban was extended to used cars and various types of clothing.⁴⁶

The coordinated measures imposed on Russia by Western states stopped short of sectoral, or so-called Level 3, sanctions that might damage large parts of the Russian economy, such as energy or transport. The sanctions imposed were not intended to inflict major damage on the Russian econ-

⁴¹ Council Decision 2014/145/CFSP (note 40); and Council Regulation 269/2014 (note 40).

⁴² Council of the European Union, 'EU prohibits imports of goods from Crimea and Sevastopol', Press release, 11076/14, 23 June 2014, <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/143342.pdf>; Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine, *Official Journal of the European Union*, L229, 31 July 2014; and Council Regulation 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine, *Official Journal of the European Union*, L229, 31 July 2014.

⁴³ Council Decision 2014/512/CFSP (note 42); and Council Regulation 833/2014 (note 42).

⁴⁴ Council Regulation 960/2014 of 8 Sep. 2014 amending Council Regulation 833/2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine, *Official Journal of the European Union*, L271, 12 Sep. 2014.

⁴⁵ 'Russia expands Western food import ban', *Moscow Times*, 20 Oct. 2014.

⁴⁶ 'Russia reacts to EU sanctions with further western trade embargos', *The Guardian*, 11 Sep. 2014.

omy, and according to analyses published towards the end of 2014 they did not do so.

A report by the Finnish Ministry of Finance in September 2014 concluded that ‘although the restrictive measures of the EU and other countries and Russia’s import ban will have significant effects on the outlook of certain companies and sectors, their direct effects on the overall economic activity of Russia and its trading partners will be minor’.⁴⁷ According to the Finnish analysis, sanctions had both a direct and an indirect economic impact, as ‘increased geopolitical uncertainty has raised interest rates in Russia, weakened the rouble, fuelled inflation, lowered investment and reduced imports’.⁴⁸ However, while sanctions may have compounded problems by reducing confidence in Russia—exacerbating the problem of capital flight and further reducing the value of the Russian currency—most of the negative tendencies in the Russian economy were already evident in 2013. The economic and financial problems that Russia faces can be attributed to long-term weaknesses, including an excessive dependence on extractive industries and consequent vulnerability to changes in commodity prices, which would still exist even if sanctions were removed.

⁴⁷ Finnish Ministry of Finance (MOF), *The Economic Effects of the EU’s Russia Sanctions and Russia’s Counter Sanctions* (Finnish MOF: Helsinki, Sep. 2014).

⁴⁸ Finnish Ministry of Finance (note 47).