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LEGAL STATUS OF THE NON-NUMEROUS INDIGENOUS PEOPLES OF CRIMEA IN THE MODERN CONDITIONS

Article contains the analysis of legal qualification of the status of non-numerous indigenous peoples residing in Crimean peninsula (Crimean Karaites and Krymchaks) according to the principles of law, norms of international human right law, to the provisions of Ukrainian and Russian occupation legislation. Author proves that Ukraine must finish the procedure of recognizing the Krymchaks and Karaites as the indigenous peoples (with the procedure in analogy for parliamentary Statement on Crimean Tatar People's statute on March 20, 2014) and adopt the Law on the status of indigenous peoples with fixing in it the prescriptions of the UN Declaration on Rights of Indigenous Peoples on the principles of subsidiarity.
Key words: annexation and occupation of Crimea, Crimean Karaites, Krymchaks, indigenous peoples, UN legal standards.

Considering the historical, legal, ethical preconditions of application the international legal mechanisms, which help to protect and promote the rights of non-numerous indigenous peoples (NIP) as specific ethnic groups in Ukraine. Traditionally relevant issues are connected with the Crimean Tatar People (CTP) as recognized indigenous people (IP); while several other ethnic groups of Ukraine may be qualified with the corresponding status. These issues were aggravated by the continuing degradation of the democratic freedoms in Ukraine and civil society institutions in the 2010-2014, which led to the Dignity Revolution and at the same time become a foreword to the escalation of separatism and to the foreign occupation of the Crimea, which is the historic homeland of NIPs of Ukraine.

Crimean Karaites (Karays) and Krymchaks appeared as separate ethnic groups in the Crimea in the early Middle Ages, they had the actual national-cultural autonomy mechanisms in the Crimean Khanate, Russian Empire and the Crimean Autonomous Soviet Socialist Republic (A.S.S.R., to 1945). In legal acts of the Crimean Khanate, the Russian Empire, the Crimean A.S.S.R., the USSR and the Republic of Crimea these ethnic groups were called as peoples and were recognized as indigenous population; they had features of collective state-legal status[1]. Non-numerous character of these ethnic groups has led to their almost complete annihilation due to Hitler's genocide against the Krymchaks and the destruction by the USSR bodies the religious authorities of both ethnic groups, which contributed before to their national consolidation[2]. Remnants of these ethnic groups, however, cheered the national consciousness in the 1989-1992; measures which had used then by the powers of the Crimean autonomy to maintain their identity, led to the legal recognition of these ethnic groups as a "Non-numerous Crimean Peoples."

Newly-founded Crimean A.S.S.R. of 1921-1945 was treated by the Soviets precisely as the National Autonomy of CTP, which it evidenced by the way of its creation, official languages and personnel policies. Before II WW in the official documents of that period Crimean Tatars, Karaites and Krymchaks were recognized as IP of Crimea in academic journals of that period. In addition, they many times recognized as a separate nation in legal acts of the Russian Empire, the U.S.S.R. and the Crimean A.S.S.R.

Krymchaks were the object of Nazi genocide in Crimea during 1942-1944. The deportation of CTP in May 1944 took place by order of the People's Commissariat of Defense of U.S.S.R. Presidium of the Supreme Council of the U.S.S.R. on June 30, 1945 adopted the Resolution approving the Law preceded by the Russian S.F.S.R. on June 25, 1945, which directly connects the conversion of the Crimean ASSR into the ordinary region (oblast) with the deportation of the CTP. It caused the forced assimilation and rusification of Karaites and Krymchaks. During destruction of U.S.S.R.

[1] Ачкинази, И.В. (2000) *Крымчаки: историко-этнографический очерк*. Симферополь, 189.
[2] Лебедева, Э.И. (2000). *Очерки по истории крымских караимов-тюрков:* монографія. Симферополь, 115.

Supreme Council of Ukrainian S.S.R. without waiting for the decision of U.S.S.R. authorities adopted the Law № 712-XII on February 12, 1991 "On the Restoration of Crimean A.S.S.R." which transformed the statute of the Crimean oblast of the Ukrainian S.S.R. [1]. However, the authorities of the newly created A.S.S.R. were the same former government (executive committee) of the Crimean oblast; representatives of CTP were not involved into the system. The analysis of these documents may assume that Russian separatists hoped to use the CTP movement with their own purpose for the secession of Crimea from the Ukrainian S.S.R. and to conclude a certain model of cooperation with it.

At the same time the Crimean authorities recognized Karaites and Krymchaks as separate peoples, obviously not having any reasons to worry about any threats from the side of these ethnic groups that were on the verge of extinction. Thus, the Council of Ministers of the Crimean A.S.S.R. on January 21, 1991 recognized the Karaites and Krymchaks as a Non-numerous Crimean Peoples and established a list of measures to maintain their cultural identity[2].

The processes of legal regulations of ethnic phenomena that began after Ukraine gained independence in 1991 appeared for the factor of the multiculturalism of Ukrainian people as well as for the fact of joining to its structure of non-Ukrainian ethnic groups, which were indigenous ones to Ukraine. These processes led the Ukrainian parliament to adopt the Declaration of the Rights of Nationalities, 1991 and the Appeal to the Citizens of Ukraine of All Nationalities, 1991, with recognition by those and many other acts the existence of some "peoples", as a part of the Ukrainian People, including the CTP, and the presence of the collective rights guaranteed by the state for such ethnic groups. However there was not logical legal development describing the Rights of those "peoples" later.

After the politic decision of problem of the Crimean autonomy, the Constitution of Ukraine, 1996 did not connect the status of Autonomous Republic of Crimea (ARC) with CTP. The Constitution of the ARC, 1998 had avoided to mention as a basis of the autonomy the rights of the Indigenous Peoples of Crimea also (however, the status of official languages of the ARC was fixed both for the Russian and Crimean Tatar languages).

The development of the democratic social and legal state institutions and civil society in Ukraine objectively made it necessary to provide the legal status to the NIP of Ukraine as an integral part of the multinational Ukrainian people and to create the preconditions for their development. So the Constitution of Ukraine, 1996 launched a national constitutional institute of IPs. According to Art. 11 of the Constitution of Ukraine, the state shall promote the development of ethnic, cultural, linguistic and religious identity of all IPs of Ukraine; under its art. 92 rights of IPs have to be determined by the laws of Ukraine; Section 3 of art. 119 of the Constitution states, that local state administrations provide on relevant territory, in areas where IPs live, the implementation of the programs of their cultural development. However, practically the similar rights were secured by the Constitution for the national minorities.

The introducing to the text of Constitution those norms of art. 11, 92 and 119 with the «IP» term became possible due to the peculiarities of the process of adoption of the Constitution in June 1996, in particular through democratic discussion of amendments to the draft Constitution within the framework of parliamentary Constitutional commission. Alas, Ukraine has not passed the legislation that would specify those provisions of the Constitution. The rights of some ethnic communities living in Ukraine are not able to be ensured by the laws on national minorities, including the historical, socio-cultural and political factors that have resulted from their indigenous origin.

According to the governmental draft of the Concept of the State Ethnic Policy of Ukraine, IP – is an autochthonous ethnic community, which has its ethnic origin and genesis on the territory in the boards of contemporary Ukraine and is an ethnic minority in the composition of Ukrainian population and does not have own state formation outside the Ukrainian state. Some Laws of Ukraine approved in the 1990s, contain the term "IPs", in particular the Law «On Local State Administrations» on April 9, 1999 and the Law "On the Supreme Council of the ARC" from January 10, 1998; also we can point out to the some regulations of the ARC at the period of 1998-2003, that established de jure some special status for Crimean Tatar language in Crimea although in fact they mostly were not realized.

[1] *Закон про відновлення Кримської Автономної Радянської Соціалістичної Республіки 1991* (Верховна Рада Української РСР). *Офіційний сайт Верховної Ради України.* <http://zakon4.rada.gov.ua/laws/show/712-12> (2016, June, 29).

[2] *Постановление о мерах по сохранению культурного наследия караимов и крымчаков 1992* (Совет министров Крымской АССР). *Вестник Совета министров Крыма, 1.*

In the independent Ukraine representatives of the Karaites, Krymchaks and Crimean Tatars claimed to be recognized as IPs. The National movements of Karaites and Crimean Tatars have arranged their specific organizational forms. Karaite ethnic group has the representative council – Ulu Beylik elected by Karaites National Congress in 2003.

The compliance of Karaites and Krymchaks towards of the international requirements according with the characteristics of IPs is the basis for the recognition of IPs of Ukraine, through:

- the emergence and development of this NIPs as separate ethnic groups in Ukraine, the absence of their own historical country abroad of Ukraine and lack of other state or public entity, with which they could connect their own national identity (autochthonous character of these ethnic groups);
- the presence of indigenous` traditional territory of residence (Crimea) in Ukraine, which with these NIPs have a close organic historical and cultural ties;
- national, linguistic, cultural and religious identity of this NIPs;
- self-consciousness of the representatives of these ethnic groups in a capasity of NIPs.

The features of these ethnic groups imposed by the current national ethno-political situation (loss of specified traditional forms of farming and nature management, the lack of a long tradition of existence of modern representative institutions, the being of the absolute paucity in Crimea), did not allow to Ukraine to make a decision about the establishment of the national-territorial autonomy on the traditional and modern territories of their residence of to give them all natural resources and lands of Crimea to the ownership. Even the formal final recognition of those ethnic groups as IPs has not been occurring within 23 years of independence of Ukraine.

During first decades of XXI century some acts concerning the NIPs issues were adopted in Ukraine. Prescript of Cabinet of Ministers of Ukraine on May 16, 2001 № 187-p ordered to the Ministry of Justice of Ukraine and to the Council of Ministers of ARC to research the issue on compliance the rights of Karaites and Krymchaks and, if it will be able, to give the coherent propositions to the Government[1]. State Program of Secure and Preservation the Intangible Cultural Heritage on 2002-2008, adopted by the resolution of Cabinet of Ministers of Ukraine on December, 23 2004 p. № 1732 prescripts to the National Academy of Science and the Council of Ministers of ARC to held the scientific researches the history and cultural heritage of Crimean Karaites and Krymchaks[2]. Ukrainian Law "On Grounds of State Language Policy" adopted on July 3, 2012, provided the minority language statute for Karaite and Krymchak languages[3]. Also we may point on norms of Resolution of Verkhovna Rada of ARC № 582-6/11 on November 16, 2011 "On Measures of Preserving the Historic-Cultural Heritage of Crimean Karaites and Krymchaks for 2012"[4]

The occupation and subsequent annexation of Crimea (ARC and Sevastopol) by RF held in February-March 2014, greatly exacerbated the problem of the rights and interests of the NIP of Ukraine. Under foreign occupation of Crimea, which grew into its annexation, the newly formed government of Ukraine paid attention to the issue of IPs; as their natural collective rights were rejected by the authority of RF and separatists "government" of the Crimea.

Therefore, the Ukraine Parliament adopted the Statement of Verkhovna Rada of Ukraine on the Guarantees of the Rights of the CTP as a Part of the Ukrainian State (proposed by p.d. P. Poroshenko), which was approved by Resolution on 20 March 2014 p. № 1140-VII. The preamble of the Statement contained a reference to the objectives and principles enshrined in Arts. 3, 11, 15 of the Constitution of Ukraine, in Art. 1 of the UN Charter and in the UN International Covenant on Economic, Social and Cultural Rights also as in the Vienna Declaration. By this Statement (point 4) Parliament of Ukraine has declared its support to UN DRIP.

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[1] *Розпорядження про затвердження заходів щодо прискорення соціально-економічного розвитку Автономної Республіки Крим 2001* (Кабінет Міністрів України). *Офіційний сайт Верховної Ради України.* <http://zakon0.rada.gov.ua/laws/show/187-2001-р> (2016, June, 29).

[2] *Постанова про затвердження Державної програми охорони та збереження нематеріальної культурної спадщини на 2004-2008 роки 2004* (Кабінет Міністрів України). *Офіційний сайт Верховної Ради України.* <http://zakon5.rada.gov.ua/laws/show/1732-2004-п> (2016, June, 29).

[3] *Закон про засади державної мовної політики 2012* (Верховна Рада України). *Офіційний сайт Верховної Ради України.* <http://zakon3.rada.gov.ua/laws/show/5029-17> (2016, June, 29).

[4] *Постановление о мероприятиях по сохранению историко-культурного наследия крымских караимов и крымчаков на 2012 год» 2011* (Верховная Рада АР Крым). <http://search.ligazakon.ua/l_doc2.nsf/link1/KM110439.html>

At the art. 8 of this Statement Ukraine also strongly condemned any attempt to restrict the political and social rights, civil liberties of Ukrainian citizens of different ethnicities living in Crimea, in particular, Ukrainian, Russian, Crimean Tatars, Armenians, Bulgarians, Greeks, Germans, Karaites, Krymchaks observing as a result of unconstitutional referendum in the ARC. The Statement on March 20, 2014 has the historical character; implementation of the Statement was conducted by Ukraine on the international scene during the regular annual session of the UN Permanent Forum on Indigenous Issues in May 2014[1]. Permanent Mission of Ukraine to the UN organized event of support for the CTP in Crimea during the forum; on May 13, 2014 the representative of Ukrainian mission made the formal declaration at the session of the Forum about the support of the UN DRIP by Ukraine. We should add that this announcement was made on behalf of the Government of Ukraine. It managed to get rid of ambiguity due to the fact that as usually unilateral acts of states, including their international decisions, are issued by national Government (as it was made by Australia, Columbia, Canada and New Zealand governments for DRIP issue), not by the Parliament.

The relevant adverse events in Crimea contributed to approval of some new regulations, especially the Law of Ukraine on April 15, 2014 p. № 1207-VII "On Ensuring of the Rights and Freedoms of Citizens and Legal Regime for the Temporarily Occupied Territory of Ukraine". The preamble of the Act the declared as the basis the "protection and full realization of national, cultural, social and political rights of citizens of Ukraine, including IPs and national minorities" as the ground of the humanitarian, social and economic policy in relation to the population of temporarily occupied territory. This approach supposes that Ukraine by this way considers the collective rights of NIPs as a form of exercising the rights of citizens of Ukraine, which is not perfect in terms of the existing international theoretical concept, according to which collective rights may be considered as human rights but not as the rights of citizen.

However, this configuration let us to suggest that the rights of IPs of Ukraine in Crimea are covered by the rules of parts 1, 3 of Art. 5, parts 1, 2 of Art. 17 of this Law, under which Ukraine is taking all necessary measures to guarantee the rights and freedoms of man and citizen stipulated by the Constitution and laws of Ukraine, by international treaties, to all the citizens of Ukraine who live in the temporarily occupied territory. Thus the responsibility for the violation of such rights at the temporarily occupied territory is charged on Russia as the state-occupier in accordance with the norms and principles of international law[2].

According to the rules of Law № 1207-VII in a case of violation of its provisions, state bodies of Ukraine should use the mechanisms provided by the laws of Ukraine and international law, to protect the peace, security, human rights, freedoms and legitimate interests of citizens of Ukraine who are located on the temporarily occupied territory. Also, Ukraine is obliged to take all possible measures, including prescribed by an International Law, to restore the rights and freedoms of human being and citizen undermined as a result of the occupation. It should be added that the DRIP, of course, can be regarded as a collection of relevant norms of the International Law that can be applied by Ukraine to implement the requirements of the Law № 1207-VII. Also norms of part 7 of Art. 5 of the Law № 1207-VII, under which responsibility for the protection of cultural heritage in the temporarily occupied territory is put on Russia as the state-occupant, according to the norms and principles of the International Law, must certainly be disseminated on the cultural heritage of the NIP of Ukraine.

We may point also on the drafts of the Law on the Status of IPs of Ukraine, introduced to Parliament in March 2014. They are: the draft "About the Restoration of the Rights of IPs of Ukraine Forcibly Relocated from Crimea" № 4434 on March 13, 2014, submitted by MP G. Moskal and the draft "On the Rights of IPs of Ukraine» № 4501 on March 20, 2014, submitted by deputies V. Karpuntsov, O. Prodan, R. Pavlenko, T. Corner and I. Heraschenko.

It should be indicated that the project № 4434 was made by analogy with a number of bills, including governmental, previously proposed to solve the deported problem[3]; actually the category of "deportees" in

[1] *Permanent Forum on Indigenous Issues Thirteenth Session 3rd & 4th Meetings HR/5179* (UN Economic and Social Council). *Official web-site* <http://www.un.org/News/Press/docs/2014/hr5179.doc.htm> (2016, June, 29).

[2] *Закон про забезпечення прав і свобод громадян та правовий режим на тимчасово окупованій території України 2014* (Верховна Рада України). *Офіційний сайт Верховної Ради України.* <http://zakon4.rada.gov.ua/laws/show/1207-18> (2016, June, 29).

[3] *Проект Закону України про відновлення прав осіб, депортованих за національною ознакою 2008* (Верховна Рада України). *Офіційний сайт Верховної Ради України.* <http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=33290> (2016, June, 29).

text was replaced by the category of "IPs"; most of the rules of the project was devoted not determine the status of IPs but to establish the competence of public authorities to organize their return and resettlement in Ukraine; project concerned exclusively the CTP (without notices about Karaites and Krymchaks) [1]. These circumstances led to the rejection of the Bill by the Parliamentary Committee.

The draft of the Law № 4501, proposed by mentioned group of democratic deputies is more sophisticated and high-quality document that puts forward the purpose of determining the rights of IPs in Ukraine and the characteristics of their implementation. In fact, this draft is the maximum possible implementation of the norms of the UN DRIP. It presents the list of the rights of IPs set in the DRIP. Therefore, this approach of its authors, provided with the official acknowledgment by Ukraine the significance of this DRIP should be considered as productive one. According to Art. 1 of the draft of this law IPs of Ukraine – are the autochthonous ethnic community, which is densely settled and descent from the territory held within the state border of Ukraine, which is an ethnic minority in the population of Ukraine and does not have own state formation outside Ukraine. Project proposes to determine the Crimean Tatars, Karaites, Krymchaks as IPs Ukraine "compactly residing in ARC – an integral part of Ukraine"[2].

This article (the other provisions of the draft regulations is the transfer of the UN DRIP) actually was borrowed by its authors from the draft of the Concept of National Ethnic Policy of Ukraine, and causing a number of observations; as the issue of ethnic genesis is difficult to be connected with certain territory inside the modern state borders; in addition, Karaites and Krymchaks now live scattered across Ukraine not in Crimea mostly. Also we must not forget that the traditional territory of residence of the Crimean Tatars in Ukraine, except ARC, is Sevastopol (also for Karaites) and areas of Kherson and Zaporizhzhya obtasts. During parliamentary consideration of this draft Verkhovna Rada of Ukraine sent the project № 4501 for revision and proposed to consider the suggestions of project № 4434, rejected by the parliamentary committee.

In those conditions a draft of the resolution "On Statement of Verkhovna Rada of Ukraine on Preserving in Ukraine the Originality and Cultural Heritage of Crimean Karaites (Karays) and Krymchaks" № 2680 was registered in Ukrainian Parliament on April 20, 2015. The profile parliamentary Committee on Issues of Culture and Spirituality researched this draft and recommended to adopt it (protocol of session on May 13, 2015 № 13); also this project was adopted by the parliamentary Committee on Human Rights, National Minorities and Ethnic Relations and other committees[3].

So far as RF as the state-occupier considers today the Crimea's territory as its own, RF has extended its own national legislation over that one. Therefore, it is necessary to examine separately the legislation of the RF on Indigenous Issues. Imperial nature of Russian State contributed to the compilation of original solutions to the problem of the legal status of Indigenous non-titular population of Russia. Historical background of this view was so-called "inorodetz" law in imperial period; after the revolution in 1917 the Russian S.F.S.R. and the U.S.S.R. borrowed the relevant institutions to solve the problem of the status of the indigenous inhabitants of the North, Siberia and Far East of the Russia; other peoples received the status of titular nations of autonomous republics, or were assimilated during the XX cent. till the loss of political and cultural identity.

Current legal regulations of the RF, including federal laws and laws of the federation subjects, which now regulate the legal status of IPs of Russia, were approved under the banner of the provisions of Art. 69 of the Constitution, 1993, under which the RF guarantees the rights of non-numerous indigenous peoples "in accordance with universally recognized principles and norms of international law and international agreements of the RF". As a furtherance of these provisions of the Constitution some federal law was approved: "On Guarantees of the Rights of Non-Numerous Indigenous Peoples of the RF" on April 30, 1999 № 82-FL, "On General Principles of Organization of Communities of Indigenous Non-Numerous

[1] *Проект Закону України про відновлення прав корінного народу України, примусово переселеного з території Криму 2014* (Верховна Рада України). *Офіційний сайт Верховної Ради України.* <http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=50220&pf35401=293990> (2016, June, 29).

[2] *Проект Закону України про права корінних народів України 2014 (Верховна* Рада України). *Офіційний сайт Верховної Ради України.* <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=50327> (2016, June, 29).

[3] *Проект постанови Верховної Ради України про Заяву Верховної Ради України щодо збереження в Україні самобутності та культурної спадщини кримських караїмів (караїв) та кримчаків 2015* (Верховна Рада України). *Офіційний сайт Верховної Ради України.* <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=2680&skl=9> (2016, June, 29).

Peoples of the North, Siberia and Far East of the RF" on July 20, 2000 № 104-FL and "On Territories of Traditional Nature Use of the Indigenous Peoples of the North, Siberia and Far East of the RF" on May 7, 2001 № 49-FL[1].

The additional importance for the determination of the status of IPs in the RF have such acts as a List of Places of Traditional Residence and Traditional Economic Activities of Non-numerous Indigenous Peoples of the RF, approved by the Government of the RF on May 8, 2009 № 631-p and the Concept of Sustainable Development of the Non-Numerous Indigenous Peoples of the North, Siberia and the Far East of the RF, approved by the Russian Government on February 4, 2009, № 132-p. These acts of Russian legislation provides a wide range of collective (ethnic) rights for non-numerous IPs, but do not recognize the existence of IPs` rights to political self-determination and limit the rights of collective ownership on traditional areas of residence and coherent natural sources for the IPs. Legal doctrine of the RF recognize the ethnos as IP, according to autochthonous factors and historic grounds, but also with non-numerous criteria, by which IP can be recognized only if its representatives are no more then 50,000 persons, and with condition of preserving the traditional forms of their lifestyle[2].

Such conditions do not allow for a number of ethnic groups in RF to obtain the status of IP – in cases of excess of quantity of their representatives of 50000 persons or in cases of rejection (even partial) of the traditional way of life in terms of modern urbanization. Therefore, in particular, CTP can not get the status of the IP of RF from occupying power and use it to protect their collective rights and interests (as there is approximately 250000 Crimean Tatars in Crimea).

We should add that the government of the RF sets out an exhaustive list of non-numerous IPs living in Russian territory. The first was the United List of Non-Numerous IPs of RF approved by the Government RF on March 24, 2000 № 255. The next one was the List of IPs of the North, Siberia and Far East of the RF approved by the Governmental Prescript on April 17, 2006 № 536-p. This is interesting that this List was amended several times (some ethnic groups were included and some – excluded without any official explanation); today this List includes 40 ethnic groups, of which only 2 (Sami and Vepses) are living in the European part of RF. During 2009-2011 Russian Government excluded from List such European nations of RF, as Besermyans, Vod`, Izhors and Seti; we can assume that the Sami is still in the List because of their cross-border status and Vepses – because of ethnic origin of V. Putin.

We must add that the right of a state to determine, which ethnic group is the IP in general is ambiguous (as it borders on the restriction of the right to self-consciousness). But this competence of the state does not include by any way the possibility of cancellation of such recognition of ethnic group as IP because of some subjective factors. Also, Federal law on April 30, 1999 № 82-FL mentioned above gave the special mandate to the State Council of the Republic of Dagestan to establish a separate list of Republican's IPs, to determine their quantity and other characteristics – because of the "unique ethnic composition of the population of the Republic of Dagestan by the number of peoples residing in its territory". The list of IPs of the Republic of Dagestan was approved by the republican State Council on October 18, 2000 № 191, and soon was adopted by central authorities of the RF. That is noteworthy, that among the 14 IPs of Dagestan this List ethnic Russians were attributed.

For the reason of increasing of the international attention to IPs in Crimea the separatist authorities decided to implement the pointed legislation of the RF in relation to the Non-Numerous IPs on the Karaites and Krymchaks. This step has a political importance but in practice it is clearly seen that less than 100 of assimilated Krymchaks and some hundreds of Karaites are not considered by the separatist regime also as by authorities of RF as any kind of a threat. So called "State Council of the Republic of Crimea" had adopted a Resolution on June 25, 2014 № 2254-6/14 "About the presentation of the proposal to the Government of the RF "On the Inclusion the Crimean Karaites and Krymchaks into the Unified List of Indigenous Non-Numerous Peoples of the RF".

This proposal recognized that in a multi-ethnic community of Crimea special position is occupied by non-numerous IPs – Crimean Karaites and Krymchaks, which had been formed historically precisely on

[1] *Федеральные законы о гарантиях прав коренных малочисленных народов РФ 1999 ; О территориях традиционного природопользования коренных малочисленных народов Севера, Сибири и Дальнего Востока РФ 2001; Об общих принципах организации общин коренных малочисленных народов Севера, Сибири и Дальнего Востока РФ 2000. Официальный сайт.* <http://constitution.garant.ru/act/right/180406; http://base.garant.ru/12122856; http://base.garant.ru/182356> (2016, June, 29).

[2] Ананидзе, Ф.Р. (2001). Коренные народы и право народов на самоопределение. *Вестник Российского университета дружбы народов, 2,* 66-75.

this territory and have a complex and multi-layered ethnic genesis, own ethnic identity, cultural identity and religious independence[1]. This resolution of separatist authorities was the ground for a project of the Resolution of the Government of the RF that was officially proposed for a public discussion for June 27 – August 18, 2014 on governmental web-site but still is not adopted.

There are some "non-governmental" organizations, which today unites officially IPs of the RF, is the Russian Association of IPs of the North, Siberia and Far East of RF (RAIPON) and L`auravetl`an Information and Education Network of IP (LIENIP). Those associations used actually as a tool of influence of federal authorities as to the IPs themselves, as to the international structures formed for the problems of IPs (now LIENIP is supported by federal authorities little bit more than RAIPON). Both of them include only people<who are appropriate from the point of view of Russian list of non-numerous Indigenous Peoples. So the most of IPs of Russia have no a chance to the members of those organizations. Despite the active participation of international organizations in the UN system on indigenous issues, RF as the state does not use the rules of international instruments for addressing the issues of IPs residing in RF; RF did not join the DRIP.

It is necessary to point out that the official attitude of the RF to the population of ARC and Sevastopol is defined by the doctrine of the existing the "multinational people of RF", and by approaches that have been wide spread in the environment in pro-Russian part of the Crimean population. This is proved by the provisions of so-called "Treaty between the RF and the Republic of Crimea on Acceptance the Republic of Crimea to the RF and the Formation of New Subjects of RF" on March 18, 2014.

This act tried to justify the Russian annexation of the Crimea by "free and voluntary will of the Peoples of the Crimea on All-Crimean referendum held in ARC and Sevastopol City on March 16, 2014, during which the peoples of Crimea agreed the decision on reunification with Russia on the rights of subject of the RF". The thesis on the "Peoples of the Crimea" is also being in the Art. 3 of this "Treaty", under which RF guarantees to all the Peoples "residing in the Republic of Crimea and Sevastopol city of federal significance", the right to preserve their native language and to create the conditions for its learning and development.

It is necessary to point out that the implementation of the right to self-identification by IPs of Ukraine under occupation is complicated by the anti-humane Russian propaganda, by quasi-historic "scientific" theories, which are used by the occupation authorities in order to prove the "non-indigenousness", "inferiority" of the IPs, and to distort their history. Unfortunately, the relevant efforts were performed in the past by some state authorities and officials of Ukraine and ARC (though not so often and rigid).

This situation is duplicated in the Resolution of the Supreme Council of ARC "On the Independence of the Crimea" on March 17, 2014 № 1745-6/14 which indicated on the "direct expression of the Peoples of the Crimea on a referendum", which «showed that the Peoples of the Crimea were in favor of joining into Russia, and therefore, for withdrawal from Ukraine and for establishing an independent state".

It draws the attention that, this model of "Peoples of the Crimea" is discarded as useless, in the so-called "Constitution of the Republic of Crimea» (CRC) approved by the Supreme Council of ARC naming itself now as the "State Council of the Republic of Crimea" (SCRC), on April 11, 2014. The preamble of CRC has referred to «the will of the multinational People of the Republic of Crimea"; Art. 2 of CRC stated that "the source of power in the Republic of Crimea is in its People, which is the part of the multinational People of the RF". However, part 2 of art. 5 of the CRC stated that land and other natural resources are the basis of "life and activities of Peoples living in the Republic of Crimea"; in part 4 of art. 37 CRC stated that "the Republic of Crimea creates and provides the equal opportunities for conservation and development of cultures of all peoples living in it"; in point 4 of art. 83 CRC sets on the preservation and development of ethnic and cultural diversity of the "Peoples of the RF residing in the Republic of Crimea", but also states the "protection of national minorities". CRC adopts the Crimean official languages in part 1 of art. 10 as the Russian, Ukrainian and Crimean Tatar ones.

The problem of NIPs in Ukraine is based on the global problem of the status of peoples as holders of a number of collective rights. The specificity of NIPs is caused by practical impossibility to implement the sovereignty of such peoples through the formation the national independent state. The issue of NIPs' rights

[1] *Постановление о внесении представления в Правительство Российской Федерации «О включении в Единый перечень коренных малочисленных народов Российской Федерации крымских караимов и крымчаков 2014* (Правительство Российской Федерации). *Официальный сайт.* <http://regulation.gov.ru/project/17036.html? point=view_project&stage=1&stage_id=6158> (2016, June, 29).

aggravated under conditions of assault by countries of their residence on property, ethnic identity and political structure of IPs. Political and legal fate of NIPs of Ukraine, living now in the occupied Crimea is a striking example of those processes.

Collective political, economic, social and cultural rights of NIPs are recognized by the world community through the UN DRIP, 2007, which became a huge document of political and legal power. The legal status and actual situation of NIPs of Ukraine – Crimean Karaites and Krymchaks – is connected with the tragic history of their historic homeland. Ukraine since 1991 recognized the rights of this IPs de facto; recognition of his status for CTP and adherence to the DRIP, 2007 was done by Ukraine de jure in 2014 after the occupation of the Crimea by RF.

The occupying authorities of RF in Crimea do not recognize the legal status of Crimean IPs, particularly of CTP. Its protection, restoration and realization are the actual matter for Ukraine and for the whole international community also. Ukraine must recognize the Krymchaks and Karaites as the IPs (with the procedure in analogy for Statement on CTP statute on March 20, 2014) and adopt the Law on the status of IPs with fixing in it the prescriptions of the UN DRIP on the principles of subsidiarity. Ukraine must use the UN mechanisms and international non-governmental IPs` mechanisms for the protection of the rights of own IPs in the occupied territories of Ukraine; also Ukraine should protect the rights of IPs of the RF in conditions of revival the Russian imperialism.

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