

Contents

<i>Preface</i>	vii
<i>Treaties and Other International Texts</i>	xiii
<i>Cases</i>	xxi
<i>Municipal Instruments and Other State Documents</i>	xxvii
<i>Abbreviations</i>	xxix
Introduction	1
The State, Territory, and International Law: The Annexation of 2014 as a Fundamental Challenge	1
Addressing the Challenge: An Unanswered Need	6
General Outline	8
Part I Aggression against Ukraine	11
Chapter 1 “Glory and Outstanding Valor”: The Seizure of Crimea	15
Acts in Two Municipal Legal Orders	16
Acts in the International Legal Order: Self-Determination and Unilateral Secession	23
The Crimean Tatars after Secession	33
From Recognition to Annexation: The Limits of a Discretionary Act	35
Chapter 2 The Use of Force against Ukraine	43
The Black Sea Fleet Agreements	44
Protection of Co-ethnics Abroad	47
Regional Stability	49
Humanitarian Principles or “Responsibility to Protect”	50
Invitation	50
Force in Aid of Self-Determination	54
Counterintervention	58
Reprisal	59
Chapter 3 Non-recognition	63
State Practice	64
United Nations: Political Organs	71

United Nations: Human Rights Organs	78
Council of Europe	79
OSCE	81
Other Organizations	81
Annexation in Judicial and Arbitral Forums	83
Consequences of Non-recognition of the Unlawful Annexation of Crimea	88
Sanctions	97
Part II The Territorial Settlement and International Law	101
Chapter 4 The Privileged Character of Boundaries and Territorial Regimes	103
International Boundary and Territorial Guarantees	104
Boundaries in Codification and General Lawmaking	116
Boundaries and Territorial Regimes in Judicial and Arbitral Practice	119
The Inadmissibility of the Forcible Claim	127
Conclusions as to the Territorial Settlement: “If the Boundaries between States were not Scrupulously Respected”	128
Chapter 5 Responsibility, Use of Force, and Boundaries	133
Responsibility and the Ordinary Breach	133
Responsibility beyond the Ordinary Breach	134
Three Aspects of the Serious Breach	136
The <i>Wall</i> Advisory Opinion and the Problem of the Unlawful “Situation”	139
Conclusions as to Responsibility and the Territorial Breach	144
Chapter 6 Use of Force and Other Values	147
Chapter 7 Boundaries, Territory, and Human Rights	155
Law without Territory	156
The “End of Geography” and Its Pitfalls	157
Russia’s Human Rights Program in a New Territorial Age	160
Conclusions as to Human Rights and the Territorial Settlement	165
Part III Domestic Order, International Order, and Mechanisms for Change	169
Chapter 8 The West’s Interventions and Russia’s Argument	171
Kosovo	171
Russia’s Volte-Face	179
Iraq	183
Justifications for Changing Regime (or How to Survive Exceptions in a System of Rules)	193
Conclusion	199
<i>Notes</i>	203
<i>Bibliography</i>	255
<i>Index</i>	271