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## Transformation of the Status of the Mejlis of the Crimean Tatar People in the Ukrainian Legislation\*

Akif Tahiev\*\*

### Abstract

*From the beginning of Ukraine's independence in 1991, Crimean Tatars began effective political activity to restore their right to live in Crimea as indigenous people and to maintain a decisive role in Kyiv's relations with the regional government of Crimea. Qurultay (representatives' body) and Mejlis (executive body) were recreated to represent the Tatar people. The Mejlis adopted acts that did not have necessarily binding legal force, however, it was recognized and integrated into the Ukrainian legal system in 1999 through a presidential order. Policy recommendations of Mejlis were considered noteworthy in decisions made by Ukrainian authorities regarding issues of the Crimean Tatars particularly and Crimea in general.*

*The focus of the paper is to study the transformation of Ukrainian supremacy in Crimea and the status of the Mejlis of the Crimean Tatar in pre- and post-2014. It is based on historical data on Crimean Tatars and analyses the legal acts and policies adopted by the highest authorities of Ukraine related to the subjects of the Mejlis. During the political events of 'Euromaidan' that took place in Ukraine in 2013-14 and the Russian annexation of Crimea through a referendum in 2014, the topic of the autonomy of the Crimean Tatars became a relevant issue of human rights and placed as a priority area in the agenda of the Ukrainian government. This research also serves as a case study of the minority group of displaced people who need someplace to stay and settle.*

**Keywords:** Mejlis, Qurultay, Minorities, Crimean Tatars, Crimean annexation, Ukraine policy

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\*\* Dr. Akif Tahiev at the Yaroslav Mudryi National Law University, Kharkiv, Ukraine. Email: [akiftagiev96@gmail.com](mailto:akiftagiev96@gmail.com).

## Introduction

With the expansion of Mongols in the 13<sup>th</sup> century, Tatars, of Turkic origin, began settling in Crimea. They became well-established during the Khanate state that existed in the peninsula (1441-1783), a vassal state of Ottomans. It was conquered by the Russian Empire in 1783. Crimean Tatars became a prominent ethnic group which were forced to leave their villages under Catharine II's policy of inviting traders from Western Europe to settle there.<sup>1</sup> Later on, during Soviet rule under Stalin, Crimean Tatars had further reportedly faced deportation on the allegation of anti-communist alliance with Nazis.<sup>2</sup> However, historians have also narrated some different reasons and the number of deported and killed Tatars is not found uniform.

In April 1954, the Soviet leadership handed over the Crimean Oblast to the Ukraine Soviet Socialist Republic (SSR), which enabled the Ukrainian population to rise in the locale. After independence from the Soviet Union in 1991, the Ukraine government gradually strengthened its position towards Crimean affairs. The Tatar population began to return with a sense of ownership. However, Russians accounted clear majority of the ethnic population (58 percent) followed by Ukrainians (24 percent) and Tatars (12 percent).<sup>3</sup>

The main shift in the positioning of the Crimean Tatars within Ukrainian politics happened after the events of 2014 when the pro-European opposition party took control of the government in Kyiv. It led to Russian aggression on Ukraine. Russian forces entered Crimea to seize the Crimean assembly in February 2014 and passed a resolution to secede from Ukraine. A Referendum was conducted in the presence of the occupier's military in March 2014, as a result of which, Russia annexed the strategically important Crimea with a clear majority. It outlawed the Mejlis of Tatars. Ukraine retains their claim of legitimacy on Crimea.<sup>4</sup> The reaction and condemnation by the international community on this episode get much debated and coverage. However, what happened to the Crimean Tatars needs to be highlighted.

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<sup>1</sup> M. Clement Hall. *The Crimea: A Very Short History* (2014).

<sup>2</sup> Brian Williams. *The Crimean Tatars: The Diaspora Experience and the Forging of a Nation* (Boston: BRILL, 2001).

<sup>3</sup> <https://www.britannica.com/place/Ukraine/The-crisis-in-Crimea-and-eastern-Ukraine>.

<sup>4</sup> Ibid.

Many studies have been devoted to the Crimean Tatar community, but they focus on the issues of religious renaissance and the diversity of Muslim groups in Crimea, the deportation of Crimean Tatars and the problems of their reintegration, political disagreements among the Crimean Tatars, the attitude of the presidents of Ukraine to their autonomy, and the Mejlis as their representative body. This study is normative in nature and focused on examining the legal basis of the problem. An analysis would show how the status of and attitude towards the Mejlis changed in the legal acts of independent Ukraine from 1991 to 2014 and what the stand of Kyiv on Crimean Tatars.

During conducting research, the following methods were used:

- Logical - using the methods of analysis and deduction an array of legal acts of the Verkhovna Rada, the President and Cabinet of Ministers of Ukraine concerning the Mejlis of the Crimean Tatar people were studied;
- Historical - the historical events of independent Ukraine and the times of the existence and functioning of the Qurultay and the Mejlis;
- Comparative – analysis of how the Crimean Tatar agenda changed in the Ukrainian parliament.

### **The Qurultay and Mejlis**

Mejlis is an Arabic word that denotes an assembly to discuss matters and solve issues. From the very beginning of Ukraine's independence, the Crimean Tatars began actively participating in political affairs. Qurultay and Mejlis were created as the supreme representative and executive bodies of the Crimean Tatar people. Mejlis was elected by Qurultay among its delegates. Mejlis are meant to perform functions as guided by Qurultay and thus are accountable to it. But at the same time, the Mejlis was more functional because it acted permanently and was an executive body, while the delegates of the Qurultay met only once every few years. Qurultay can be considered a type of national congress of the Crimean Tatar People. The two bodies symbolized the national-cultural autonomy of the Crimean Tatars and its National Movement.<sup>5</sup>

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<sup>5</sup> Mejlis of the Crimean Tatar People. Visit <https://fuen.org/en/members/Mejlis-of-the-Crimean-Tatar-People>.

### Historical overview

According to the 2001 Ukrainian census, 248.2 thousand Crimean Tatars lived in the country, which was 0.5% of the total population. Of this number, 243.4 thousand Crimean Tatars lived in the Autonomous Republic of Crimea, which accounted for 12% of the total population of the peninsula (in 1989 - 1.9%).<sup>6</sup> However, it should be noted that these figures are due to several historical events. N. Seityagyaev pointed out that the Muslim Turkic population during the time of the Crimean Khanate, before the Russian invasion in 1778, amounted to at least two million people.<sup>7</sup> The minimum number of Crimean Tatars at that time approximately reached 1.2-1.63 million and the number of Nogais was at least 0.73-1.53 million people. He also remarked that one cannot deny the possibility that these two tribes were in more in numbers in the Khanate period. At that time, Crimean Tatars made up more than 80 per cent of the population of Crimea, but after the annexation of this territory to the Russian Empire, this figure began to decrease steadily as Russia adopted the policy of Russification of Crimea. Between 1783 and 1922, about 1.8 million Crimean Tatars migrated to other parts of the Ottoman Empire.<sup>8</sup>

The figure of the Crimean Tatars was further reduced by the policy of forced deportation of opponents by the Soviet Union under the Stalinist regime. During the late 1920s and 30s, representatives of Tatars intelligentsia were either killed or sent into exile. The early 1940s were characterized by strategic deportations of many other communities of north Caucasus to Central Asia and Siberia, in accusation of supporting Nazis. It entailed the forcible relocating of an entire community of the Crimean Tatars in 1944 from their homeland to mostly in Uzbekistan and Kazakhstan, where they were subjected to exile in a special settlement. This demographic vacuum in Crimea was replaced by settling Russian nationals to secure a stronghold.<sup>9</sup>

At a subsequent time, the Soviet authorities took steps to rub all traces of the former residence of the Tatars in Crimea. Tatar monuments, mosques,

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<sup>6</sup> Visit <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/>.

<sup>7</sup> Nariman Seityagyaev. "To the Question of the Number of Muslim Turkish Population in Crimean Khanate of the 18th Century", *Shìdnij svìt*, no. 1 (2019): 68.

<sup>8</sup> Ibid.

<sup>9</sup> Zengin Ülkü Nur. "Identity of Crimean Tatars", *Bilig - Turk Dnyası Sosyal Bilimler Dergisi* 92 (2020): 167-168. See also Otto J. Pohl. *Ethnic Cleansing in the USSR, 1937-1949* (Westport: Greenwood Press, 1999).

cemeteries and cultural objects were destroyed. Names of cities and towns were erased and quickly replaced by Soviet alternatives such as Sovetskii/Sovetskoe (Soviet), Pervomaiskoe (First of May, i.e., worker's revolution), Leninskoe (Lenin's), Partizanskoe (Partisan), Krasnogvardeiskoe (Red guardsman), and so on.<sup>10</sup> Even though Stalin's policies and deportations were condemned in post-Stalin times, Crimean Tatars were not allowed to return to Crimea. That is why their share in the population of Ukraine in 1989, was quite insignificant. All these events left a deep imprint on the national consciousness of the Crimean Tatars, which became one of the main problems raised by the Mejlis immediately upon its creation. As indicated on the official page of this organization, the main goal of the Mejlis is to:

Eliminate the consequences of the genocide committed by the Soviet regime against the Crimean Tatars, restore the national and political rights of the Crimean Tatar people and exercise their right to free national-state self-determination on their national territory.<sup>11</sup>

The Mejlis of the Crimean Tatar people in its modern form was founded in 1991 to represent the interests of the Crimean Tatars before the Ukrainian and Crimean authorities, as well as international organizations. The term of the Mejlis should be considered in close connection with the 'Qurultay'. In its activities, the Mejlis is subordinate to the Qurultay, which performs as a regulatory body and enacts international laws and legislative acts of Ukraine.

### **The First Qurultay**

The *First Qurultay* operated during the Bolshevik Revolution of 1917-1918. In 1917, the All-Crimean Tatar Muslim Congress was convened in Simferopol, in which 1,500 representatives from all over Crimea took part. Congress created the Provisional Crimean-Muslim Executive Committee headed by Noman Çelebicihan. This committee began to look into the matters of the Crimean Tatars. It held a congress of representatives of the Crimean Tatar organizations, at which Çelebicihan expressed the general opinion of the initiators that, due to new political circumstances, the question of the future of Crimea should be decided by the Qurultay. The Muslim-majority executive

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<sup>10</sup> Izmirli Idil P. "On Revitalization of the Language and Culture of the Crimean Tatars and other Formerly Deported People in Crimea, Ukraine: Assessment of Needs and Recommendations", (2013). Visit <https://ssrn.com/abstract=2308866>.

<sup>11</sup> 'About Mejlis', visit <https://qtmm.org/about/>.

committee ensured that the elections would be held. According to a specially adopted law Crimean Tatars who had reached the age of 20 took part in elections. All the powers of the executive committee were transferred to the Qurultay. The body regularly met to discuss issues of the state structure of Crimea, the mutual relations between the Crimean Tatars and other communities on the peninsula, the policy of the national government, the drafting of laws that determined various spheres of the public life of the Crimean Tatars, and the implementation of reforms were considered. In December 1917, the Qurultay announced the creation of the People's Republic of Crimea. It had approved the 'Crimean Basic Law' and convened the constitutional assembly, with all state symbols to identify its independence. The Ukrainian Republic recognized its existence.<sup>12</sup> However, this state did not last long and was captured by the Bolsheviks in January 1918.

Crimea became an Autonomous Soviet Socialist Republic (ASSR) within the Russian SFSR in 1921 till 1945. The Soviet Presidium was stripped of its autonomous status to announce Crimean Oblast in June 1945 for not fighting against Nazi forces. As the Crimean Tatar population faced mass displacement, it caused the Qurultay inactive.<sup>13</sup> In February 1954, Crimea once again witnessed a change in its status and transferred to the Ukrainian SSR. The Kiev authority had though soft corner for Tatars but it failed to resettle them even after passing a Decree in favour of the people of the Tatar community in 1967.<sup>14</sup>

On January 20, 1991, a referendum was held on the transformation of the Crimean region into the Crimean Autonomous Soviet Socialist Republic - on a territorial basis, as a subject of the USSR. In February 1991, the session of the Supreme Council of the Ukrainian SSR adopted the Law 'On the Restoration of the Crimean Autonomous Soviet Socialist Republic'. The established autonomy was formed as a territorial entity, while the Crimean Tatars insisted on a national one as they had bad memories with the USSR. Crimean Tatars boycotted the referendum. In conditions when the Crimean

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<sup>12</sup> 'About Qurultay', visit <https://qtm.org/pro-kurultaj/>. See also Garchev Petr. "Kurultay and Central Council", Centre for Information and Documentation of Crimean Tatars. Visit [http://www.cidct.org.ua/en/studii/2\(2000\)/6.html](http://www.cidct.org.ua/en/studii/2(2000)/6.html).

<sup>13</sup> "Sürgün: The Crimean Tatars' Deportation and Exile", Online Encyclopedia of Mass Violence (accessed 20 December 2023).

<sup>14</sup> International Committee for Crimea at [iccremia.org/surgun/sovietdecree1967.html](http://iccremia.org/surgun/sovietdecree1967.html).

Tatars turned out to be strangers in their homeland, the idea of consolidating the people remained no less relevant than before, and according to some researchers, this was one of the prerequisites that initiated the National Congress of Qurultay. Its goal was designated as the unification of all the intellectual, spiritual and economic forces of the people for the speedy solution of problems, primarily, to get back their homeland and resettlement of Crimean origins once brutally deported.

### **The Second Qurultay**

The *Second Qurultay* was held in Simferopol from June 26 to June 30, 1991, during which it elected the Mejlis of the Crimean Tatar people and adopted several fundamental documents – the Declaration on the National Sovereignty of the Crimean Tatar people, statute of the Mejlis, an Appeal to all residents of Crimea, Appeal to the Crimean Tatar people, Appeal to the United Nations, Appeal to the President of USSR and others.<sup>15</sup>

For the Ukrainian government, the recognition of the Qurultay and the Mejlis was not an easy task as the Qurultay wanted to be ‘the only legitimate representative body of the Crimean Tatars.’<sup>16</sup> Due to different points of view, the Verkhovna Rada of Crimea denied recognition of these institutions. Ukraine’s government wouldn’t allow the overpowering of the non-state body due to the strategic importance of Crimea in the Black Sea. However, to console the Tatar community, the possibility of granting legitimization of the Mejlis as an NGO or public organization is discussed. The idea was not taken into account by the Crimean Tatar leaders, who considered the Qurultay and the Mejlis to be the legislative bodies, democratically elected by all Crimean Tatars, to represent the Crimean indigenous people.<sup>17</sup>

### **Main acts adopted by the Qurultay and the Mejlis**

The Declaration on the National Sovereignty of the Crimean Tatar People ‘proclaimed the formation of the Mejlis as their highest authorized representative body and instructed it to act by the will of the people,

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<sup>15</sup> ‘Il Kurultai of the Crimean Tatar people’, 2015. Visit <https://ru.krymr.com/a/27095875.html>.

<sup>16</sup> Filiz T. Aydin and Fethi K. Sahin. “The Politics of Recognition of Crimean Tatar Collective Rights in the Post-Soviet Period,” *Communist and Post-Communist Studies* 52, no. 1 (March 2019) at <https://www.jstor.org/stable/48610536>.

<sup>17</sup> C. Preto. “The Crimean Tatar ‘minority question’: history and socio-political development of a nation within a nation” (Master of Arts thesis, Università di Bologna, 2013).

expressed in the Qurultay documents'.<sup>18</sup> The activities of the Mejlis, in turn, were to be regulated by the relevant 'Regulations'. In its activities, the Mejlis were accountable to the Qurultay and its main goals and objectives were the elimination of the consequences of the genocide committed by the Soviet state against the Crimean Tatars, the restoration of the national and political rights of the Crimean Tatar people and the realization of their right to self-determination on their national territory; implementation of a system of measures for the return and settlement of the Crimean Tatars in their historical homeland; revival of their language, culture and religion, improving the structure of the Crimean national economy to implement socio-economic programs, improvement of the deteriorating ecological state of the Crimea. To achieve its goals, the Mejlis was to create a unified system of representative and executive bodies of the people at all levels, manage their activities; organize structural subdivisions in all main areas of activity; enter into relations with public authorities at all levels, socio-political organizations, as well as with foreign and international bodies; establish its mass media; create economic and financial organizations, enterprises, institutions and funds.<sup>19</sup>

Also, one of the main acts regulating the activities of the Mejlis is the 'Regulations on the election of delegates to the Qurultay of the Crimean Tatar people.' Previously, Qurultay delegates were elected by authorized electors, and members of local Mejlis were elected by open vote. Since 2013, 250 delegates have been elected by a mixed majority-proportional system. Of these, 50 delegates are elected according to the lists of Crimean Tatar public and political organizations and their blocs in a single multi-member constituency. The district's borders include the Crimea, Zaporizhzhia and Kherson regions, Kyiv and Uzbekistan (there are many descendants of the Crimean Tatars who were deported back in the Soviet years). Another 200 delegates were elected in the same territories in majoritarian constituencies.<sup>20</sup> The delegates of the Qurultay are elected by the Crimean Tatars and members of their families permanently residing on the territory

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<sup>18</sup> 'Declaration on National Sovereignty of the Crimean Tatar People', 1991. Visit [http://old.iea.ras.ru/books/09\\_KRIM2/120220041245.htm](http://old.iea.ras.ru/books/09_KRIM2/120220041245.htm).

<sup>19</sup> 'Regulations on the Mejlis of the Crimean Tatar people', 1990. Visit [http://old.iea.ras.ru/books/09\\_KRIM2/120220041253.htm](http://old.iea.ras.ru/books/09_KRIM2/120220041253.htm).

<sup>20</sup> 'Qurultay of the Crimean Tatars switched to direct elections by voters', 2013. Visit <https://taurica.net/39286-Kurultaiy-krymskih-tatar-pereshel-na-pryamyey-vybory-izbiratel-yami.html>.



of Ukraine, and Crimean Tatars, regardless of their place of residence, who have reached 18 years of age on the voting day, on the principles of universal, equal and free suffrage by secret ballot mixed (majority-proportional) system. A citizen of Ukraine who has the right to vote, who has reached the age of 21 on the election day, regardless of race, political, religious and other beliefs, ethnic and social origin, property status, place of residence, who knows the Crimean Tatar language, can be elected as a delegate of the Qurultay.<sup>21</sup>

It should be noted that these and other acts of the Qurultay and the Mejlis have legal force only among the Crimean Tatars, and even then, not all, since individuals and organizations opposing the Mejlis began to appear. For example, Azatlyk, Milli Firqa, and others can be mentioned. In 2013, the beginning of the Qurultay session was preceded by a picket near the building of the Crimean Tatar Theatre, where the national congress was held. 'No pocket Qurultay', and 'Stop trading in votes of the Crimean Tatars' – with such slogans, about two hundred representatives of socio-political organizations of the Crimean Tatars opposing the Mejlis came to the protest action. According to the chairman of the public organization 'Generation Crimea' R. Balbek, the Mejlis are trying to replace the Qurultay, so he takes the elections under his control.<sup>22</sup>

In general, the Mejlis itself has always had a very strong authority among the Crimean Tatars. The results of the sociological survey 'Crimean Muslims: Who are we, what are we?' conducted in November-December 2008, among other things, showed the attitude of the locals towards the Mejlis. A quarter of respondents (25.7%) noted that because the Mejlis is a representative body of the people, they support all its decisions unconditionally. More than half of the respondents (51%) chose an evasive answer - 'I selectively support the decisions of the Mejlis: I accept something, but not everything'. Finally, 20.5% of the informants answered that the decisions of the Mejlis are not at all authoritative to them. The study showed that middle-aged and elderly

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<sup>21</sup> 'Qurultay: Regulations on the election of delegates to the Qurultay of the Crimean Tatar People', 2007. Visit <https://maidan.org.ua/static/krymmai/1168351703.html>.

<sup>22</sup> 'Delegates of the Crimean Tatar Qurultay will be elected according to the new system', 2013. Visit <https://taurica.net/39556-Delegatov-krymskotatarskogo-Kurultaya-budut-vybirat-po-novoiy-sisteme.html>.

people were more likely to support the decisions of the Mejlis, and the younger generation was less likely to support them.<sup>23</sup>

In addition, the Mejlis was able to organize to unite the Crimean Tatars. Almost constantly, many members of the Mejlis participated in elections and held certain positions in regional and all-Ukrainian bodies of executive and legislative power. They also actively campaigned for candidates, parties and blocs, which, in their opinion, could help the interests of the Crimean Tatar people. M. Dzhemilev at the fifth session of the IV Qurultay on December 22, 2006, reported that during the parliamentary elections in Crimea, 92,750 Crimean Tatars effectively voted, and of these, 62,229 people (i.e., about 67%) voted for the People's Movement of Ukraine (Narodnyi Rukh Ukrainy) list. By the votes received, 7 Crimean Tatar deputies were elected from these lists to the Verkhovna Rada of the Autonomous Republic of Crimea, 95 deputies to district councils, which is 13.8% of all deputies of district councils in Crimea, 27 Crimean Tatars were elected to city council's deputies, which is 5.5%. 845 Crimean Tatars were elected to village and settlement councils by the majoritarian system, which is 16.7% of the total number of deputies of this level in Crimea.<sup>24</sup> During those elections, the Mejlis supported and agitated to vote for the People's Movement of Ukraine. Also, the Mejlis of the Crimean Tatar people held rallies and demonstrations to protect the interests of the people. It led and organized protests against perceived discriminatory land allocation practices that violated the rights of formerly deported persons. At some point groups representing other nationalities also began to independently seize land near the city of Simferopol, in some cases cooperating with the Crimean Tatars. This caused a sharp reaction from the Crimean authorities, who in 2007 adopted a law on liability for squatting. This was accompanied by eviction operations and clashes between Crimean Tatars and Ukrainian law enforcement agencies.<sup>25</sup>

Thus, one can see that the Mejlis had a very strong authority among the Crimean Tatars, and in fact, all this can be called a form of 'soft law', since

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<sup>23</sup> E. Muratova. "The Questions of Religion and Politics in the Perception of the Crimean Muslims", *Ukrainian Religious Studies*, (2010): 132-138.

<sup>24</sup> 'Political parties and public organizations, IV Qurultay (2001-2007)', 2020. Visit <http://politika-crimea.ru/parties/1116-menyu/party/crimea-tatar/medzhlis-krymskotatar-skogo-naroda-zapreshchen-na-territorii-rf/79008-5-sessiya-iv-kurultaj-2001-2007gg>.

<sup>25</sup> 'The integration of formerly deported people in Crimea, Ukraine: Needs assessment', (2013). Visit [www.osce.org/hcnm/78053](http://www.osce.org/hcnm/78053).

there are no sanctions for non-compliance with the decisions of the Mejlis by the state. Then the question arises of what powers Ukraine has granted to the Mejlis since 1991 and how these 'relationships' have been changing.

### **Mejlis in the legal acts of Ukraine**

With Ukraine gaining independence, its politicians sought to enlist the support of the Crimean Tatars as well. This was especially due to certain controversial points of claim from Russia regarding the status of Crimea and Sevastopol, as well as the proclamation by the Crimean Tatars in their Declaration of Crimea as 'the national territory of the Crimean Tatar people, on which only they have the right to self-determination'. Therefore, one of the first acts I study is the Decree of the Presidium of the Verkhovna Rada of Ukraine dated March 27, 1992 'On the meeting of the Chairman of the Verkhovna Rada of Ukraine I.S. Plyushch, Prime Minister of Ukraine V.P. Fokin and Deputy Chairman of the Verkhovna Rada of Ukraine V.B. Hrynyov with representatives of the Mejlis and the organization of the Crimean Tatar national movement'. Following this meeting, the Presidium of the Verkhovna Rada of Ukraine instructed the Cabinet of Ministers of Ukraine, together with the Rada of Ministers of the Republic of Crimea with the participation of representatives of the Crimean Tatar people, to consider the issue of the return of the deported Crimean Tatars to Crimea and appealed to Verkhovna Rada of the Republic of Crimea with a request to consider the socio-economic, political and cultural problems of the Crimean Tatar people, expressed during the meeting, and make appropriate proposals to the Verkhovna Rada of Ukraine.<sup>26</sup>

In 1994, on the occasion of the 50th anniversary of the deportation of the people of Crimea, by the Decree of the President 'On measures to perpetuate the memory of the victims of deportation from Crimea', the Mejlis, together with the Ministry of Nationalities and Migration Affairs of Ukraine, the Ministry of Culture of Ukraine, the Ministry of Education of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Academy Sciences of Ukraine, the Government of the Republic of Crimea, regional, Kyiv and Sevastopol city state administrations were authorized to ensure proper

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<sup>26</sup> Resolution of the Presidium of the Verkhovna Rada of Ukraine 'On the meeting of the Chairman of the Verkhovna Rada of Ukraine I.S. Plyushch, Prime Minister of Ukraine V.P. Fokin and Deputy Chairman of the Verkhovna Rada of Ukraine V.B. Hrynyov with representatives of the Mejlis and the organization of the Crimean Tatar National Movement', (1992). Visit <https://zakon.rada.gov.ua/laws/show/2240-12#Text>.

preparation and implementation of measures to honour the memory of the victims of deportation.<sup>27</sup>

The Decree of the Cabinet of Ministers of Ukraine 'On measures to address political, legal, socio-economic and ethnic problems in the Autonomous Republic of Crimea' provided for the creation of a working group to develop proposals for a legislative definition of the status of the Mejlis and its translation of powers according to the legal framework of Ukraine.<sup>28</sup> To some extent, this happened in 1999-2000 when the Decrees of the President of Ukraine 'On the Council of Representatives of the Crimean Tatar People' and 'On the Regulations on the Council of Representatives of the Crimean Tatar People' were adopted. The first act provided for the formation of the Council of Representatives of the Crimean Tatar people, under the President of Ukraine, as a consultative and advisory body to resolve overall problems related to the peaceful resettlement of the deported Crimean Tatars and promote cultural integration into Ukrainian society. It was also meant to sort the legal status of the Mejlis and the Qurultay.<sup>29</sup>

The second act regulated in more detail the issues related to the activities of the newly created body. Among the powers of the Council was a consideration of conducting meetings regularly to restructure the political, legal, socio-economic and cultural conditions of the Crimean Tatar people along with other minorities to serve an objective of trust-building among Ukrainian authority and Crimean people. The other procedural details are also described in the act. An opportunity to inquire about any information, and data on issues related to the tasks of the Council and the central and local executive bodies, the Council of Ministers of the Autonomous Republic of Crimea and their officials.<sup>30</sup>

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<sup>27</sup> Decree of the President of Ukraine 'On measures to honour the memory of the victims of deportation from Crimea', (1994). Visit <https://zakon.rada.gov.ua/laws/show/165/94#Text>.

<sup>28</sup> Resolution of the Cabinet of Ministers of Ukraine 'On Measures to Solve Political-Legal, Socio-Economic and Ethnic Problems in the Autonomous Republic of Crimea', (1995). Visit <https://zakon.rada.gov.ua/laws/show/636-95-%D0%BF#Text>.

<sup>29</sup> Decree of the President of Ukraine 'About the Council of Representatives of the Crimean Tatar People', (1999). Visit <https://zakon.rada.gov.ua/laws/show/518/99#Text>.

<sup>30</sup> Decree of the President of Ukraine 'On the Regulations on the Council of Representatives of the Crimean Tatar People', 2000. Visit <https://zakon.rada.gov.ua/laws/show/573/2000#Text>.

The Head of the Mejlis of the Crimean Tatar people was designated as the Chairman of the Council, who is entitled to approve the members of the Council / Mejlis. Officially the body was called the Council, and not the Mejlis. That is, it was a kind of attempt to include the Mejlis in the legal space of Ukraine, but it should be noted that the decisions of the Council were advisory in nature (although based on the proposals of the Council, relevant acts could be adopted by the President of Ukraine, the Cabinet of Ministers of Ukraine and even draft laws in the prescribed manner). In general, this was a big step in terms of informal recognition of the role of the Mejlis, although some researchers note that this Council 'was effectively used to establish control over the Crimean Tatar political elite'.<sup>31</sup> Subsequently, the Regulatory changes were made to the Council, which limited the independence of this body. In 2006, changes in the personal composition of the Council have been made by the Chairman of the Council in agreement with the President of Ukraine,<sup>32</sup> and in 2010, the Council was approved by the President of Ukraine, and the Council elected the Chairman, two deputies and a secretary from among its members.<sup>33</sup> In 2015, these last changes were cancelled and the head of the Mejlis was again appointed as the head of the Council, who formed the composition of the Council at his discretion. Quite remarkable is the fact that in the period from 2000 to 2014, the documents of the highest authorities of Ukraine do not contain any mention of the Mejlis (except for having limited influence in the Council of Representatives of the Crimean Tatar people). In the period since 2014, various new legal acts have come into force after changing political dynamics in Crimea.

A. Wilson writes on Kyiv's policy to strengthen power on the peninsula since after 2010, which irritated Crimean Tatar leaders who wanted to pursue their right of self-determination and rehabilitation of Tatars. They were

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<sup>31</sup> N. Demeshko. "Ukrainian Presidents and Crimean Tatars: Problems, Promises, and Results", *Notes of V I, Philosophy, Political Science, Culturology* 70, no.4 (Vernadsky Crimean Federal University, 2018): 88.

<sup>32</sup> Decree of the President of Ukraine 'On Amendments to the Regulations on the Council of Representatives of the Crimean Tatar People', 2006. Visit <https://zakon.rada.gov.ua/laws/show/767/2006#Text>.

<sup>33</sup> Decree of the President of Ukraine 'Issues of the Council of Representatives of the Crimean Tatar People', 2010. Visit <https://zakon.rada.gov.ua/laws/show/873/2010#Text>.

cautious to see the only pro-Ukrainian force in Crimea.<sup>34</sup> Local security forces were mostly trained to fight Crimean Tatars, not Russian separatists. In addition, Kyiv has never made convincing arguments to make understand Tatar people assimilate with Ukrainian culture, identity and social system to solidify the 'Ukrainization of Crimea'. As a result, in his opinion, Kyiv did not have a strong narrative to support the principle of inviolability of state borders when Russia violated it in 2014.<sup>35</sup>

F. T. Aydin and F. K. Sahin believe that Ukraine treated Crimean Tatars as a local minority group of Crimea intending to harmonize them in its culture, which came to transform into the 'multiculturalist frame' under the influence of the pro-European government in Kyiv in 2014. When Russia stepped into the Crimean territory, Ukraine recognized Tatars' rights as 'indigenous people' of Ukrainian Crimea that have become illegally besieged by Moscow.<sup>36</sup> The authors explain the phenomena of 'neo-Stalinism', which denies the right of indigeneity of Crimean Tatars, in four aspects. Firstly, Crimea placed a prominent position in imperial Russia's national policy since the 18th century. This is largely due to the geo-strategic significance of Crimea in the Black Sea and to accomplish its expansionist drive. It was symbolized by the annexation of Crimea (1783), the Crimean War (1854-1855) and the defence of Sevastopol from Nazis (1941-1942). Secondly, the neo-Stalinist frame unfairly served to justify the deportation of the thousands of Tatars by claiming them 'traitors to the Motherland', causing great trauma for the people left in exile. Meanwhile, Russians in huge numbers settled in Crimea to become new inhabitants. The third aspect is related to the status of the Crimean Tatars as non-indigenous people. The Russians downsized the Crimean Tatars' ethnic identity to just a small nomadic group of 12th century Mongol tribes which were immigrants or invaders in Crimean lands rather than the native population. The fourth aspect focuses on considering Tatars as the security and cultural threat to the Slavic (Russian and Ukrainian) people of the Crimea. Similarly, the political demand of the Tatars' Mejlis to execute their right of self-

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<sup>34</sup> A. Wilson. "The Crimean Tatar Question: A Prism for Changing Nationalisms and Rival Versions of Eurasianism", *Journal of Soviet and Post-Soviet Politics and Society* 2, no. 3 (2017): 1-45.

<sup>35</sup> Ibid.

<sup>36</sup> F. T. Aydin and F. K. Sahin. The Politics of Recognition of Crimean Tatar Collective Rights in the Post-Soviet Period.

determination is always seen as a threat to the rights of the Russians in Crimea.<sup>37</sup>

U. Yapıcı writes about the policy change in the Ukrainian government and Russia's Crimean Tatars to attain their support during the tense standoff between Russia and Ukraine in 2014.<sup>38</sup> To guarantee the support of the Crimean Tatar community, the two sides have taken actions to grant territorial rights to the Crimean Tatars. A resolution adopted by the Verkhovna Rada of Ukraine in 2014 to announce Tatars' status as an indigenous people of Crimea and nationals of Ukraine. However, the Decree has lesser influence as Ukraine had lost actual control over this territory. It is widely supported by the EU officially. In response, in March 2014, the Russian-controlled Supreme Council of Crimea adopted a declaration 'On Guarantees for the Restoration of the Rights of the Crimean Tatar People.'<sup>39</sup>

#### **Crimean Tatars after 2014**

The resolution 'On the Statement of the Verkhovna Rada of Ukraine on the Guarantee of the Rights of the Crimean Tatar People within the Ukrainian State' proclaimed:

... guarantees for the preservation and development of the ethnic, cultural, linguistic and religious identity of the Crimean Tatar people as an indigenous people of Ukraine and 'protection and implementation of the inalienable right to self-determination of the Crimean Tatar people as part of the sovereign and independent Ukrainian State.'<sup>40</sup>

At the same time, the Mejlis was officially recognized as the executive body of the Qurultay and the Qurultay as the highest representative body of the Crimean Tatar people. The adoption of this act marked the active inclusion of the said bodies in the Ukrainian legal and political structure by law. Thus, members of the Mejlis had the right (de jure) to receive special permits to

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<sup>37</sup> Ibid.

<sup>38</sup> Utku Yapıcı. "Change in the Status of the Crimean Tatars: from National Minority to Indigenous People?" *Bilig* 85 (2018): 299-332.

<sup>39</sup> Ibid.

<sup>40</sup> See details of the Resolution at <https://zakon.rada.gov.ua/laws/show/1140-18#Text>.

enter the Crimean territory (temporarily occupied according to Ukraine),<sup>41</sup> participate in official events in the memory of the Tatars' deportation to highlight Russian past atrocity towards Tatars.<sup>42</sup> Also in 2014, the Law of Ukraine passed 'On the restoration of the rights of persons deported on national grounds', which allowed Tatars to go back to their homeland at will. In 2019, members of the Mejlis became entitled to propose the commission for the return of property (or reimbursement of its value) to deported persons or their heirs.<sup>43</sup> The head of the Mejlis can participate in the regular sessions of the UNESCO Executive Board,<sup>44</sup> the Annual Meetings of the Organization for Security and Cooperation in Europe<sup>45</sup> and other international organizations. Since 2022, the head has been nominated as a permanent member of the Advisory Council on the issues of de-occupation and reintegration of the occupied territory of the Autonomous Republic of Crimea and Sevastopol.<sup>46</sup>

According to 2014 position of the Plenipotentiary of the President of Ukraine for the Affairs of the Crimean Tatar people was also established, whose tasks are:

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<sup>41</sup> Resolution of the Cabinet of Ministers of Ukraine 'On Approval of the Procedure for Entry into and Exit from the Temporarily Occupied Territory of Ukraine', (2015). Visit <https://zakon.rada.gov.ua/laws/show/367-2015-%D0%BF#Text>.

<sup>42</sup> Decree of the Cabinet of Ministers of Ukraine 'On the approval of the plan of events in connection with the 71st anniversary of the deportation of the Crimean Tatar people', (2015). Visit <https://zakon.rada.gov.ua/laws/show/747-2015-%D1%80#Text>.

<sup>43</sup> Resolution of the Cabinet of Ministers of Ukraine 'On Approval of the Procedure for Returning Property or Reimbursing Its Value to Deported Persons or, in the Event of Their Death, to the Heirs of Such Persons', (2019). Visit <https://zakon.rada.gov.ua/laws/show/357-2019-%D0%BF#Text>.

<sup>44</sup> Decree of the President of Ukraine 'On the delegation of Ukraine to participate in the regular sessions of the UNESCO Executive Board', (2015). Visit <https://zakon.rada.gov.ua/laws/show/247/2015#Text>.

<sup>45</sup> Decree of the President of Ukraine 'On the delegation of Ukraine to participate in the Annual Meeting of the Organization for Security and Cooperation in Europe given the fulfilment of the obligations of the participating states in the human dimension', (2015). Visit <https://zakon.rada.gov.ua/laws/show/548/2015#Text>.

<sup>46</sup> Decree of the President of Ukraine 'On the Advisory Council on Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol', (2022). Visit <https://zakon.rada.gov.ua/laws/show/579/2022#Text>.



- monitoring the observance in Ukraine of the constitutional rights of the Crimean Tatar people and making proposals to the President of Ukraine by the established procedure to suppress violations of such rights;
- participation in the preparation of draft laws, acts of the President of Ukraine on the protection of the rights of the Crimean Tatar people, and the preservation and development of their ethnic, cultural, linguistic and religious identity;
- participation in the development of proposals for the protection of the sovereignty and territorial integrity of Ukraine;
- preparation and organization of events with the participation of the President of Ukraine, including international ones, to ensure the rights of the Crimean Tatar people;
- informing the public about the exercise by the President of Ukraine of the powers to ensure compliance with the constitutional rights of the Crimean Tatar people as an indigenous people of Ukraine.<sup>47</sup>

At the same time, the Ukrainian authorities constantly made decisions in favour and interests of the Crimean Tatars in parallel with the condemnation of the activities of the Mejlis by the Russian Federation, which has recognized it as a terrorist organization and arrested some of its members. In 2015, guided by the provisions of the Convention on Prevention and Punishment of Crime of Genocide, the Verkhovna Rada of Ukraine recognized the deportation of the Crimean Tatars from Crimea in 1944 as the genocide of the Crimean Tatar people and established May 18 (the day of deportation) in Ukraine as the Day of Remembrance of the victims of the genocide of the Crimean Tatar people.<sup>48</sup> In the same act, the organization of ethnically and politically motivated persecution of the Crimean Tatars, the Mejlis and the Qurultay by the state bodies of the Russian Federation, starting from the date of the beginning of the temporary occupation (that is, from 2014), was proclaimed a conscious policy of ethnocide. In 2016, the Ukrainian parliament addressed a similar statement to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, the OSCE Parliamentary Assembly, the NATO Parliamentary

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<sup>47</sup> Decree of the President of Ukraine 'On the Provisions on the Plenipotentiary of the President of Ukraine in the Affairs of the Crimean Tatar People', (2014). Visit <https://zakon.rada.gov.ua/laws/show/841/2014#Text>.

<sup>48</sup> Resolution of the Verkhovna Rada of Ukraine 'On Recognition of the Genocide of the Crimean Tatar People', (2015). Visit <https://zakon.rada.gov.ua/laws/show/792-19#Text>.

Assembly, world leaders and all members of the international community.<sup>49</sup> There were also appeals to the above organizations in connection with the ban 'by the occupying authorities of the Russian Federation on the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol of the Mejlis of the Crimean Tatar people and recognizing it as an extremist organization'.<sup>50</sup>

Also, with the active participation of the Mejlis, the highest authorities of Ukraine adopted several acts to protect the Tatar language. On April 7, 2021, the Concept for the Development Language was adopted to upgrade the Tatar language as one of the indigenous spoken tongues of Ukrainian Tatars. In this act, the problems that need to be solved, ways and means of solution, expected results and the amount of financial resources necessary for the implementation of this concept were determined.<sup>51</sup> In September of the same year, the 31-alphabetic Crimean Tatar language based on the Latin graphic was officially approved.<sup>52</sup> In February 2022, Ukraine also introduced a Strategy to promote the Crimean Tatar Language for future generations.<sup>53</sup> All these acts were adopted with the consultation of the Mejlis and also provided for several legally fixed powers of Mejlis for cooperation with Ministries and other institutions.<sup>54</sup>

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<sup>49</sup> Resolution of the Verkhovna Rada of Ukraine 'On the Address of the Verkhovna Rada of Ukraine to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, the OSCE Parliamentary Assembly, the NATO Parliamentary Assembly, world leaders and all members of the international community regarding the commemoration of the victims of the genocide of the Crimean Tatar people and the condemnation of violations of the rights and freedoms of the Crimean Tatar people by the Russian Federation', (2016). Visit <https://zakon.rada.gov.ua/laws/show/1348-19#Text>.

<sup>50</sup> Resolution of the Verkhovna Rada of Ukraine, (2016). Visit <https://zakon.rada.gov.ua/laws/show/1068-19#Text>.

<sup>51</sup> Decree of the Cabinet of Ministers of Ukraine 'On the approval of the Concept for the Development of the Crimean Tatar Language', (2021). Visit <https://zakon.rada.gov.ua/laws/show/296-2021-%D1%80#Text>.

<sup>52</sup> Resolution of the Cabinet of Ministers of Ukraine 'On approval of the alphabet of the Crimean Tatar language based on Latin graphics', (2021). Visit <https://zakon.rada.gov.ua/laws/show/993-2021-%D0%BF#n12>.

<sup>53</sup> Decree of the Cabinet of Ministers of Ukraine 'On the Approval of the Strategy for the Development of the Crimean Tatar Language for 2022-2032', (2022). Visit <https://zakon.rada.gov.ua/laws/show/224-2022-%D1%80#Text>.

<sup>54</sup> Submission to Study on "Treaties, agreements and other constructive arrangements, between indigenous peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition." <https://www.ohchr.org/sites/default/files/2022-06/ctrc-tatarcrimea-EMRIP-seminar-treaties-EMRIP-seminar-treaties>.

### **Conclusions**

At the beginning of its activity, the Mejlis adopted acts that did not have binding legal force, but now it is actively integrated into the Ukrainian legislature and its acts in the form of recommendations are taken into account when decisions are taken by Ukrainian authorities regarding issues of the Crimean Tatar people and Crimea as a whole. Ukraine lost Crimea in 2014 after Russia annexed it to curtail the influence of the Mejlis of the Crimean Tatar. Though Moscow announced a restoration plan for deported Crimean Tatars to see their close ties with the Ukraine government, Russia declared the Mejlis an extremist organization in 2016. However, Ukraine adopted, quite frequently, legal steps for Crimean Tatar people to integrate into Ukraine society and support those Tatars living in Russian-held Crimea (for example, providing an opportunity for the inclusion of the head of the Mejlis in the working sessions of the UN General Assembly, UNESCO, etc.). It is found that out of more than 70 legal documents adopted by Ukraine, around 60 were finalized after 2014, as the issue of the autonomy of the Crimean Tatars and Crimean Republic became more relevant for Ukraine and the rest of Europe. Many researchers have noticed changes in the attitude of the Crimean Tatars on the part of the Ukrainian government and its people in general. This was largely due to the support of the Ukrainian government in recognizing the Mejlis, and many of their basic rights. Crimean Tatars although eastern in nature have shifted towards the pro-European position at least to raise their voice through regional and international bodies. The Mejlis have gone through a difficult path from an officially unrecognized body of one of the national minorities in Ukraine to an officially recognized representative body of the Crimean Tatar people, designated as indigenous in Ukraine. This study allows us to trace their legal transformational phases from 1991 to 2014 and the current status of one of the minority groups of far Eastern Europe that remained searching for identity and security throughout history.