

# Russian 'deniable' intervention in Ukraine: how and why Russia broke the rules

ROY ALLISON

## *Preface*

### *Russia and Ukraine—a fork in the road?*

Russia's annexation of Crimea and attempts to further dismember the Ukrainian state pose a challenge for Russian neighbours and potentially for the wider European security order of a greater magnitude than anything since the end of the Cold War. To reinforce the principles which underpin European security, given all the controversy over Kosovo and other conflicts, it is essential to assess and refute unjustified Russian legal claims which seek to deflect attention from Moscow's use of force and seizure of territory. Otherwise Russia may be ready to stake out a wider legal/normative challenge to western states beyond the clashes in spring and summer 2014. It is also essential to achieve a much better understanding of the determinants of Russian policies in the Ukraine crisis. Practitioners as well as scholars need to draw on an explanatory framework that includes, but goes beyond, reliance on geopolitical categories and structural power, otherwise the current spiral of antagonisms between western and Russian leaders could intensify and have long-term profound consequences. Comparing the underlying explanations of Russian conduct in the crisis also helps us judge whether the emphasis on de-escalation of the conflict in Ukraine and on stabilization could deliver a temporary peace but maintain a track to further dangerous crises ahead. This article offers a multifaceted analysis of Russian intervention in Ukraine, but focuses on the persuasiveness of Russian legal claims and on alternative, but overlapping, explanations of Russian conduct.

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Russian intervention in Crimea and eastern Ukraine between February and September 2014, using coercion and force to take control of and destabilize the territories of a neighbour state, is a frontal challenge to the post-Cold War European regional order. Attention has mostly focused on the military and security dimensions of this challenge. However, it also has an important legal and normative aspect, which is expressed in the highly contested narratives and claims surrounding Russian actions. The first part of this article assesses and deconstructs Moscow's 'legal rhetoric', with a focus on the Russian intervention in and seizure

of Crimea. This is important since Russia is a major power, with a permanent seat on the UN Security Council, which aspires to shape and constrain interpretations of law and international norms in the wider community of states as well as in its own neighbourhood. This legal contest has potentially serious implications, therefore, for the wider international system.

Yet Russian conduct in Crimea and eastern Ukraine raises acute and more immediate uncertainties about future Russian policy towards neighbouring states and the stability of interstate relations in Eastern Europe—the western flank of the Commonwealth of Independent States (CIS). The question even arises whether President Putin has taken Russian policy across a watershed which threatens a new era of dangerous confrontation involving western states. To determine this depends to a great extent on how we assess the determinants of and motivations for the Russian interventions: whether we judge these actions to have been impulsive or calculated, tactical or strategic, exceptional or the harbinger of more serious transgressions to come. The major part of this article accordingly evaluates explanations for the Russian actions in Ukraine, explanations which are rooted in different conceptual approaches to state behaviour and Russian foreign policy which may be developed in future research.

By way of introduction we should note the wider competitive background to Russian actions in Ukraine. For years there have been entrenched beliefs within the Russian security and foreign policy elite that in a highly competitive and increasingly conflictual world, western political ideals and regional structures mask strategic goals. In response, Moscow has viewed its wider international standing as linked to its efforts to front a Eurasian set of states with ever more consolidated positions, not only in respect of trade arrangements but covering foreign and security policy and even embodying values. By 2014 Russia felt it could register some success with such integration in bringing together like-minded CIS state leaders. However, Russian diplomacy castigated EU programmes and reform processes in the EU's eastern security neighbourhood for hindering 'natural' processes of Russia-led Eurasian integration—expected to lead towards a Eurasian Economic Union linking most CIS states.

In autumn 2013 Putin's hopes grew that Ukraine's potential participation in at least a customs union, in place of an EU Deep and Comprehensive Free Trade Agreement, could be the key to unlock his plans for a substantive Russia-led Eurasian regional order.<sup>1</sup> Ukraine had previously positioned itself on the sidelines of or outside Moscow's various Eurasian integration projects. As the Ukrainian domestic political crisis mounted in late 2013, Putin stepped up efforts to stake out not just an economic, political or strategic division but a normative division, requiring states to choose between EU-centred and Russia-centred integration. This was rather akin to western politicians viewing the EU as a normative power with a transformation agenda in the EU's eastern neighbourhood. Putin characterized Russia as a front-rank player in a global clash of values, championing Eurasia

<sup>1</sup> For a detailed assessment of the customs union, see Rilka Dragneva and Kataryna Wolczuk, eds, *Eurasian economic integration: law, policy and politics* (Cheltenham: Edward Elgar, 2013).

ostensibly on a platform of social conservatism, tradition, religion and a focus on state authority to generate social stability. On the other side of this divide are found the liberal, universalist values and ideas of the EU and western states, which Putin derided as a cover for self-serving and strategic objectives.

Putin evidently was deeply shocked in late February 2014 by the sudden overthrow of President Yanukovich by Ukrainian populist leaders intent on an explicit European political orientation. Soon after his election in 2010 Yanukovich had blocked Ukrainian movement towards NATO accession, and in autumn 2013 he had come out in support of Ukrainian entry into the Russia-led customs union. The reverse in February 2014 rankled all the more with Putin for coming just as the Russian President was anticipating international accolades and a rise in status for hosting the Sochi Winter Olympics. Arguably (different explanations will be assessed below), Putin and other senior figures in the Russian security elite convinced themselves that this critical political transformation in the strategically core state of Russia's CIS neighbourhood must have been fomented by western leaders. The purpose, they suspected, was to empower a hostile government on Russia's western borders in order to block Russian integration plans and even open the way for a renewed effort by western states and NATO to achieve a security alignment with Ukraine. This would permanently constrain Russian potential as a European regional power and, beyond this, could be used to challenge the legitimacy of the Russian political system. This reasoning may underlie the Russian decision to flout Ukrainian sovereignty in a way that would open out fundamentally new opportunities for it in Crimea and potentially eastern Ukraine.

Putin presented the 'unconstitutional coup' in Kiev as creating a new playing field, as changing the rules of the game. For him this appeared to vindicate actions which overrode traditional legal constraints on the use of force, though to other states it did not constitute any persuasive justification. For more than six weeks after the Crimean occupation Putin explicitly denied that Russian soldiers had been involved. However, in April 2014 he suddenly shifted to admit that 'Russian servicemen did back the Crimean self-defence forces', that in Crimea 'Russia created conditions—with the help of special armed groups and the Armed Forces ... for the expression of the will of the people living in Crimea and Sevastopol'.<sup>2</sup> In respect of eastern Ukraine, blanket denials by Putin that any Russian forces were involved—'there are no armed forces, no Russian instructors in south-eastern Ukraine and there never were any'<sup>3</sup>—were replaced in early summer by an admission that Russian mercenaries were taking part in the fighting. Moscow continued to deny that regular forces were involved, but the scale of the Russian military intervention in August and September was such that Russian denials convinced very few states.<sup>4</sup>

<sup>2</sup> Annual special Direct Line interview with Putin, broadcast on many TV channels and radio stations, 17 April 2014, <http://eng.kremlin.ru/news/7034>, accessed 22 Oct. 2014.

<sup>3</sup> Interview with Radio Europe 1 and TF1 TV channel, 4 June 2014, Russian presidential website, 4 June 2014, and BBC Monitoring Online, at <http://www.bbc.monitoringonline.com> (henceforth BBC), Mon Alert FS1 FsuPol EU1 EuroPol hb, accessed 7 June 2014.

<sup>4</sup> 'Ukrainians dig trenches to halt Russian invaders', *The Times*, 1 Sept. 2014, p. 28; 'Russian tanks force Ukrainian retreat', *Daily Telegraph*, 2 Sept. 2014, p. 14.

This resort to military coercion was not simply a reversion to an earlier era of power politics on the European continent. To characterize it thus would obscure the distinct and multifaceted nature of the Russian interventions. A low level of force was employed in Crimea, and the Russian emphasis in eastern Ukraine was on the use of military intelligence, arms deliveries and the transfer of relatively small groups of armed men from Russia until at least August. Moscow also proved to be remarkably effective in the use of non-military instruments of influence and diplomacy, which emphasized in particular a more or less plausible deniability in an effort to disable international responses and bolster domestic Russian support.

Although military means ultimately were critical, the Russian interventions in spring and summer 2014 relied heavily on diplomatic, legal and media campaigns, the mobilization of local political support among civilian groups, and economic pressures and threats in working towards the political goal of restructuring the Ukrainian state. The aim was to avoid any unambiguous and large-scale insertion of formed Russian units onto Ukrainian territory (recalling the example of war with Georgia in 2008) or a direct commitment to a long-term civil war (as in the Chechnya campaigns or perhaps Tajikistan during 1993–7). Instead, civilians and ostensible organized civilian ‘self-defence forces’ in Ukraine have been a major resource in Russian efforts to neutralize and counter the reaction of the Ukrainian central authorities. The timing was also crucial. Russia judged it could take advantage of a moment of opportunity when the military and internal security forces of the Ukrainian state were fragmented, demoralized and uncertain where their loyalties lay, having served under the Yanukovych regime that had so suddenly collapsed.

### **Deniable intervention: the role of legal rhetoric**

Russia cloaked its actions in legal language, as other major states have done in the past, with the aim of fostering a reputation as a lawful actor. It is aware that interpretations of international law are often fiercely contested among states, and that international politics and power play a role in the consolidation of legal arguments and the development of customary international law. Legal rhetoric frames what is considered legitimate, including the legal basis for military intervention and the context of ‘self-determination’. This is a discursive process, one of persuasion and deliberation, most prominently conducted in the United Nations Security Council.

The polarized perspectives among states over Crimea and events in Ukraine have not changed this function of legal rhetoric. In this sense international law has framed the political will of other states to respond to Russia over the crisis surrounding these territories. It provides a means which encourages other states to coordinate their responses ‘due to a language that goes beyond immediate geopolitical self-interest and gives many states a stake in preserving community norms’. However, to the extent that Moscow ‘has flouted those norms, the [international]

community will be less willing to “do business” with Russia,<sup>5</sup> and not just in economic terms. Since Russia remains an influential state, this outcome will reverberate through the international system. It is thus very important to assess *how* Russia ‘broke the rules’, for the language and claims involved go far beyond mere diplomatic jousting.

An assessment of Moscow’s legal rhetoric, with a focus on Crimea, also improves our understanding of Russian policy. Russian claims are enmeshed with the political and military aspects of Moscow’s strategy over Ukraine and remain an integral part of the continuing dialogue over the future relationship between Russia and Ukraine. The arguments used have sought, albeit fairly unsuccessfully, to divide the international community, especially western states, and they represent a challenge to sovereignty in the increasingly diverse regional order formed by the post-Soviet states. No doubt Russia also hopes its claims may deflect or mitigate China’s grave concerns about Russia’s empowerment of separatism in Ukraine and its territorial revisionism. Beyond this, Russian legal claims have been constructed to mobilize and consolidate Russian domestic opinion around Putin’s leadership. They include justifications for the Russian use of force and the annexation of Crimea, blanketed in partial truth and disinformation, cast in terms which appeal to deeper sentiments and grievances in Russian society and among Russian elites.

As the crisis escalated, Russia drew on legal rhetoric to assist the process of ‘deniable’ intervention. This aimed to blur the legal and illegal, to create justificatory smokescreens, in part by exploiting some areas of uncertainty in international law, while making unfounded assertions of ‘facts’ (especially ostensible threats to Russians and Russian-speakers). The justifications Russia offered for its actions exploited grey areas and flux in legal and normative development as well as playing back to western states their own liberal discourse. These included the claim to be protecting Russian citizens from danger (a rationale following the occasional practice by certain countries of carrying out rescue operations for their own nationals without the consent of the country concerned, though this was not at the fore of the Russian case over Crimea); the claim to be intervening by invitation (relying on some earlier cases of intervention, especially in western Africa, that depended on the consent of deposed democratically elected governments); and reference to the western focus on human protection and Kosovo’s secession from Serbia (used by Moscow to argue the case for remedial secession).<sup>6</sup> These weak claims were probably made not in the expectation that they would convince most states of the legality of Russian actions, but to create sufficient uncertainty in the international community at large, especially among EU states, to limit punitive western responses, as well as perhaps to gather support among certain traditionally friendly CIS states.

Moscow extended these arguments to assert the validity of other ‘legal’ steps within Crimea and Russia, at least to Russian audiences, arguing that the secession

<sup>5</sup> As argued by Christopher J. Borgen, ‘The Crimea, compliance and the constraint of international law’, <http://opiniojuris.org/2014/03/03/crimea-compliance-constraint-international-law/>, accessed 18 Oct. 2014.

<sup>6</sup> See Nico Krisch, ‘Crimea and the limits of international law’, <http://www.ejiltalk.org/crimea-and-the-limits-of-international-law/>, accessed 18 Oct. 2014.

of Crimea from the Ukrainian state and its incorporation into the Russian Federation followed a proper and legitimate process. This was contrasted to the ‘unconstitutional’ and hence illegitimate ouster of President Yanukovich. These steps began with the vote on 27 February by an unverifiable number of deputies in the seized Crimean parliament building to hold a Crimean referendum on the issue of enlarging Crimea’s autonomy. Thereafter a ‘declaration of independence’ was adopted by the Crimean parliament on 11 March,<sup>7</sup> and a referendum (offering the option of secession to Crimean residents) was conducted on 16 March. Putin described this as an expression of the popular will of the Crimeans to secede from Ukraine. He claimed he would ‘respect the choice of the Crimean people’.<sup>8</sup> Quite apart from other serious problems with the nature of this putative secession, this rode roughshod over Ukraine’s own constitutional procedures for the secession of any of its regions. Ultimately legislation was passed in Moscow enabling the incorporation of both Crimea and the municipality of Sevastopol into the Russian Federation (the latter becoming a federal city). Putin signed the accession treaty with Crimean and Sevastopol leaders on 18 March—effectively annexing this part of Ukrainian territory—and the Russian constitutional court ruled the next day that this complied with the Russian constitution.

In this legal battleground Russia presented an assortment of legal and normative arguments to justify its coercive acts in Crimea. Some resembled claims made at the onset of the war with Georgia in 2008, but others stretched legal credibility even further.<sup>9</sup> These claims were obscured by Moscow’s contention—a key plank of deniable intervention—that its military forces had not been and were not engaged in aggressive actions or indeed military action against a sovereign state. This released Moscow from the need to rely on the very restricted justifications for the use of force prescribed by the UN Charter (essentially self-defence or UN Security Council authorization). Russian diplomacy had emphasized this narrow, traditional interpretation in previous years in lambasting western-led interventions. However, implicitly Russia did put forward certain arguments to address the use of force issue, as few states were convinced by Russian descriptions of the military situation on the ground in Crimea (or, later, in eastern Ukraine as fighting escalated there).

Moscow benefited initially from the fairly high threshold that the factual evidence of Russian military action had to cross before western states were ready to accuse Russia of the grave act of military aggression. Multiple small-scale military infringements of Ukrainian sovereignty in Crimea did not appear to amount to a single unambiguous *casus belli* for the Ukrainian authorities, though Kiev claimed it was subject to Russian aggression in Crimea as early as 2 March.<sup>10</sup> On top of

<sup>7</sup> See Russian Foreign Ministry statement, 11 March 2014, <http://www.mid.ru>, accessed 15 March 2014.

<sup>8</sup> ‘Putin defiant as Crimea votes to return to Russia’, *Guardian*, 17 March 2014, p. 1.

<sup>9</sup> See Roy Allison, ‘The Russian case for military intervention in Georgia: international law, norms and political calculation’, *European Security* 18: 2, 2009, pp. 173–200; James A. Green and Christopher P. M. Waters, eds, *Conflict in the Caucasus: implications for the international legal order* (Basingstoke: Palgrave Macmillan, 2010).

<sup>10</sup> Statement by acting Ukrainian Foreign Minister Andriy Deshchychtsa, *Kommersant-Ukraina* (Kiev), 3 March 2014, pp. 1, 2; BBC Mon KVU 040314 sa/ah, accessed 6 March 2014; ‘Russian military moves in Crimea are declaration of war, says Ukrainian PM’, <http://www.theguardian.com/world/2014/mar/02/ukraine-russia-war-crimea-nato>, accessed 22 Oct. 2014.



this, the Ukrainian interim government, conscious of the precedent of Russian intervention in Georgia after the death of very few Russian-flagged peacekeepers based in Tskhinvali, was acutely aware of the risk of a single exchange of fire with Russian forces, which could provoke and be used by Moscow to offer a legal case (on the—inflated—grounds of self-defence) to justify sending its troops beyond Crimea to other parts of Ukraine. The Kiev leadership was also urged by western states to avoid any situation where Moscow could exploit this legal tripwire for the larger goal of destabilizing the Kiev leadership.

However, article 2 (4) of the UN Charter prohibits states from engaging in not only the use of force but any *threats* of such use against other states, and it was difficult to deny that Russian conduct in Crimea fell into this category of coercive activity. Some legal camouflage was needed. Below I present Russia's formal positions as set out in the UN Security Council emergency meetings on 1 and 3 March 2014, and in a series of interviews with Putin, Foreign Minister Lavrov and other officials, and assess their standing.<sup>11</sup>

First, Moscow claims that the interim government in Kiev which assumed authority when President Yanukovich fled the country had no legitimacy since it violently usurped power in a *coup d'état* (a 'putsch')—a consistent theme of Russian discourse.<sup>12</sup> Yanukovich, Putin claimed, remained Ukraine's legitimate president in legal terms, as Yanukovich himself also insisted, because his supposed impeachment had not been properly conducted (formally it would have required a three-quarters majority vote in Ukraine's parliament, the Verkhovna Rada, and a review of the case by Ukraine's constitutional court).<sup>13</sup> Russian statements progressed from this claim to accusations that the United States and other states, in ousting the sitting president of a country, had violated the sovereignty of Ukraine.<sup>14</sup>

Russia made much of the collapse of (or, in Moscow's interpretation, the failure to implement) the agreement—which Russia had not signed—of 21 February between Yanukovich and the Ukrainian opposition, which provided for a national unity government, undertook to carry out constitutional reforms and to restore the 1996 constitution, and included a pledge by the opposition and its leaders not to use force. Yet Yanukovich himself had failed to abide by the 21 February agreement, since he fled Kiev and left the seat of the presidency vacant for two days with Ukraine in crisis. In that context the Ukrainian legislature had voted to

<sup>11</sup> For a full UK assessment of the Russian legal arguments, see oral statement to parliament by Foreign Minister William Hague, 'Russian actions in Crimea', 18 March 2014, <https://www.gov.uk/government/speeches/russias-actions-in-crimea>, accessed 18 Oct. 2014.

<sup>12</sup> In his annual speech at the UN General Assembly, Foreign Minister Lavrov called on this body to adopt a declaration on the 'non-recognition of a coup as a method of the change of power': address to 69th session of UN General Assembly, 27 Sept. 2014, <http://www.mid.ru>, accessed 10 Oct. 2014.

<sup>13</sup> Interview with Putin, *Novo-Ogarevo*, 4 March 2014, <http://eng.kremlin.ru/transcripts/6763>, accessed 22 Oct. 2014.

<sup>14</sup> For example, Foreign Minister Lavrov, 19 Feb. 2014, <http://www.mid.ru>, accessed 1 March 2014; Russian Foreign Ministry statements, 27 Feb. 2014, 3 March 2014, <http://www.mid.ru>, accessed 1 and 4 March 2014; Pavel Felgenhauer, 'Yanukovich recognised as legitimate president in exile in Russia', *Eurasia Daily Monitor* (Jamestown Foundation) 11: 38, 27 Feb. 2014, <http://www.jamestown.org/programs/edm/archives/2014>, accessed 30 Feb. 2014; Comments by Vitaly Churkin, 28 March 2014, [http://russiaun.ru/en/news/sa\\_ukr2803](http://russiaun.ru/en/news/sa_ukr2803), accessed 18 Oct. 2014.

impeach the President. This remains a highly disputed moment.<sup>15</sup> However, the controversy over whether the events leading to Yanukovich's departure constituted a revolution, as the new Ukrainian authorities argue, or a *coup d'état*, does not provide any basis for Russian military actions in Crimea. Putin's claim that all Russian treaties with Ukraine were void as these had been signed with previous legitimate Ukrainian state authorities was an effort to sweep clear the treaty regulation of bilateral Russia–Ukraine relations and allow for various forms of potential future Russian interference in Ukraine.

Second, Moscow claimed that the human rights of the large Russian minority resident in Crimea and Ukraine at large were threatened by an extreme nationalist programme advanced by the interim government. At UN Security Council meetings on 1 and 3 March, the United States insisted that there was no evidence to support Russian allegations of actions against and threats to minority groups in Ukraine, or more specifically to ethnic Russians or the Russian Federation. The new Ukrainian government, it was argued, had placed a priority on internal reconciliation and political inclusivity. Washington ridiculed the impression given by Russian statements 'that Moscow had just become the rapid response arm of the Office of the High Commissioner for Human Rights'. The UK described Moscow's claim that Russian forces were in Crimea to safeguard the Orthodox Church against interference and to protect hundreds of thousands of refugees as 'fabricated' and a 'trumped up pretext'.<sup>16</sup> Moscow, for its part, asserted simply that 'extremists in Ukraine must be prevented from taking control of the situation through illegitimate means, the use of violence and open terror'.<sup>17</sup> Indeed, Putin's office warned that in the event of 'any further spread of violence to Eastern Ukraine and Crimea', 'Russia retains the right to protect its interests and the Russian-speaking population of those areas'.<sup>18</sup>

Russia failed to provide any concrete evidence of its nationals (a category it did not focus on rhetorically in Crimea as it had in South Ossetia in the war with Georgia in 2008), or the wider group of Russian-speakers, being endangered in Crimea, and no reliable evidence of such threats has emerged. Nor did Moscow make any real efforts to show that its military actions complied with the requirements of necessity and proportionality, which are essential preconditions for a justifiable intervention to protect nationals. Just after Yanukovich fled, the Verkhovna Rada insensitively sought to repeal the 2012 language law allowing Ukrainian regions to make Russian a second official language (13 of 27 regions had done this), but this measure was not approved by Ukraine's acting president Oleksandr Turchynov. In any case, there was no shred of a case for some kind of 'armed humanitarianism'

<sup>15</sup> For a good analysis of the fateful events on 21 Feb. 2014, see Andrew Wilson, *Ukraine crisis: what it means for the West* (New Haven, CT, and London: Yale University Press, 2014), pp. 90–94.

<sup>16</sup> UN Security Council, 7124th meeting, 1 March 2014, <http://www.securitycouncilreport.org/un-documents/document/spv7124.php>, accessed 18 Oct. 2014; Security Council 7125th meeting, 3 March 2014, <http://www.un.org/News/Press/docs/2014/sc11305.doc.htm>, accessed 18 Oct. 2014; remarks by Samantha Power, 3 March 2014, <http://usun.state.gov/briefing/statements/222799.htm>, accessed 22 Oct. 2014.

<sup>17</sup> Vitaly Churkin at Security Council 7125th meeting, 3 March 2014.

<sup>18</sup> 'Obama speaks with Putin by phone, call on Russia to pull forces back to Crimea bases', *Washington Post*, 1 March 2014.



on the grounds of controversy over language rights. Russia tried to belittle and dismiss the conclusions of a series of reports on the situation by the Office of the UN High Commissioner for Human Rights, and to prevent their discussion at the UN Security Council. These reports did not support Russian charges of significant human rights abuses by revolutionary 'ultra-radicals' in Crimea (before the Russian takeover) or eastern Ukraine.<sup>19</sup> After the annexation of Crimea they pointed instead to 'on-going harassment towards Crimean Tatars, and other residents who did not support the "referendum"', and warned that the enforcement of Russian law 'will have a significant impact on human rights, in particular limitations on the freedoms of expression, peaceful assembly, association and religion'.<sup>20</sup>

Third, Putin argued that Russian forces based in Crimea and the Black Sea Fleet faced a direct threat to their security. When he appealed to the Russian Federation Council to allow the use of Russian armed forces in Ukraine, Putin referred to the threat to the personnel of its military contingent deployed in Crimea.<sup>21</sup> Russian Defence Minister Sergei Shoigu warned of 'the danger of seizure of Russian military infrastructure by extremist organisations' in Crimea, which, he argued, had required tightened security at Russian military facilities in Crimea.<sup>22</sup> This was an attempt to create a self-defence claim, presumably on the basis of article 51 of the UN Charter, although without explicit reference to the imminence or immediacy of the threat.

In fact, Russia offered no credible evidence that its forces were under threat, let alone subject to an extraterritorial armed attack. At the Security Council the UK exposed the inverse logic of Russian claims, pointing out that 'Russian forces had forcibly taken over military and civilian airports, pressured Ukrainian military leaders to defect ... and blocked Ukrainian ports'. This infringed article 6 of the bilateral status of forces agreement (of 8 August 1997) for the Russian Black Sea Fleet on the territory of Ukraine, which 'stated very clearly that any [Russian] military formations shall respect Ukraine's sovereignty, abide by its law and not interfere in its internal affairs'.<sup>23</sup> Indeed, Russian activities breached other articles of the 1997 treaty, too, to the extent that a strong case can be made that it committed an act of aggression (within the meaning of article 3 (e) of the 1974 UN General Assembly Resolution 3314, 'Definition of aggression').<sup>24</sup> In contrast, the new government in Kiev pledged to honour all its existing international agreements, including those covering Russian bases.

<sup>19</sup> See Russian Foreign Ministry comments on these reports on 15 April 2014, 25 June 2014, 29 July 2014 and 29 August 2014, at <http://www.mid.ru>, accessed 5 Sept. 2014.

<sup>20</sup> See *Report on the human rights situation in Ukraine*, 15 May 2014, <http://www.ohchr.org/Documents/Countries/UA/HRMMURreport15May2014.pdf>, accessed 18 Oct. 2014.

<sup>21</sup> 'Vladimir Putin submitted appeal to the Federation Council', 1 March 2014, <http://eng.kremlin.ru/news/6751>, accessed 18 Oct. 2014.

<sup>22</sup> Statement at emergency meeting of the board of the Russian Defence Ministry, 4 April 2014, Interfax news agency, Moscow, 4 April 2014, BBC Mon FS1 MCU 040414 nm, accessed 10 April 2014.

<sup>23</sup> Mark Lyall Grant at Security Council 7125th meeting, 3 March 2014.

<sup>24</sup> See Aurel Sari, 'Ukraine inst-symposium: when does the breach of a status of forces agreement amount to an act of aggression? The case of Ukraine and the Black Sea Fleet SOFA', 6 March 2014, <http://opiniojuris.org/2014/03/06/ukraine-insta-symposium-breach-status-forces-agreement-amount-act-aggression-case-ukraine-black-sea-fleet-sofa/>, accessed 18 Oct. 2014.

Fourth, in the circumstances of growing revolutionary chaos in Ukraine at the close of the Yanukovich regime, Russia argued that it was confronted by a potential humanitarian refugee crisis at its border. A looming 'humanitarian catastrophe', the Kremlin claimed, had caused 675,000 Russian-speakers to flee into Russia in January and February 2014.<sup>25</sup> This effort to play back western justificatory language for interventions in Kosovo (1999) and Libya (2012), among other cases, was so difficult to maintain in the absence of any obvious population displacement of this kind that it was soon toned down in Russian rhetoric, although it became a staple of Russian criticism of Ukrainian action in eastern Ukraine.

Fifth, under article 61 (2) of the Russian constitution, the Russian Federation 'guarantees its citizens defence and patronage beyond its boundaries'. However, Russian obligations under international law would trump any reference to the constitutional obligations of the Russian state, and this claim was largely directed at bolstering the legitimacy of Russian actions for domestic audiences. It was similar, therefore, to Putin gaining approval from the Russian Federation Council on 1 March for the potential use of Russian armed forces 'in the territory of Ukraine pending normalisation of the public and political situation in that country'.<sup>26</sup>

Sixth, President Yanukovich, as the legitimate president of Ukraine, along with the Prime Minister of the Autonomous Republic of the Crimea, Sergey Aksyonov, invited Russia to offer military assistance to protect and stabilize Ukraine. In the Security Council session of 1 March the Russian delegate, Vitaly Churkin, cited Foreign Minister Lavrov's claim that 'unknown armed men from Kiev' had just attempted to storm the Crimean Ministry of Internal Affairs, resulting in casualties and counter-action by 'self-defence groups', and claimed that a valid request for assistance from Russia had been made by Aksyonov, supported by Yanukovich.<sup>27</sup> Two days later Churkin dramatically held up in the Security Council a letter from Yanukovich calling for the use of Russian armed forces to establish legitimate peace, law and order and stability, and to defend the Ukrainian people.<sup>28</sup> This represented an appeal to the important although unwritten exception to the general legal prohibition on the use of force—intervention upon invitation. Next day Putin extended the geographical remit of Russian protection, claiming that, in the context of Yanukovich's official request, if the people of the eastern and southern regions of Ukraine were to 'ask us for help ... we retain the right to use all available means to protect those people'.<sup>29</sup>

The United States quickly dismissed the legal basis of Aksyonov's appeal, since 'the prohibition of the use of force would be rendered moot were sub-national authorities able to unilaterally invite military intervention by a neighbouring state'. Washington also noted that under the Ukrainian constitution 'only the

<sup>25</sup> Cited in 'Exodus begins for the families fearing future under Russian yoke', *The Times*, 17 March 2014, p. 31.

<sup>26</sup> 'Vladimir Putin submitted appeal to the Federation Council', Itar-Tass news agency, Moscow, 1 March 2014, <http://en.itar-tass.com/russia/721586>, accessed 18 Oct. 2014.

<sup>27</sup> Security Council 7124th meeting, 1 March 2014.

<sup>28</sup> Vitaly Churkin at Security Council 7125th meeting, 3 March 2014.

<sup>29</sup> Interview with Putin, *Novo-Ogarevo*, 4 March 2014.

Ukrainian Rada can approve the presence of foreign troops'.<sup>30</sup> Neither the president nor the Crimean parliament has this right. Whether Yanukovich's departure was legal under Ukrainian constitutional law can be debated in different ways. However, it is reasonable to deny the validity of his call for the involvement of Russian forces in Ukraine owing to 'the lack of effective control of the situation in Ukraine'. Given competing claims for legitimacy and political turmoil in Kiev, effective control (in addition to the constitutional requirement) was essential in determining who was entitled to extend such a valid invitation to these Russian forces, whether or not an illegal *coup d'état* had occurred.<sup>31</sup>

Putin also mounted a fundamental challenge to Ukrainian statehood and territorial integrity by effectively renouncing all previous Russian bilateral agreements with Ukraine. His claim was that if the collapse of Yanukovich's rule was not just an anti-constitutional coup (as Moscow charged) but in fact a revolution (as the new Ukrainian authorities insisted), then a new state was emerging on Ukrainian territory, as had happened after the Russian empire collapsed in 1917, 'and this would be a new state with which we have signed no binding agreements'.<sup>32</sup> Consequently, Russia had no need to abide by the 1997 bilateral Treaty of Friendship and Cooperation between Russia and Ukraine (which helped confirm Ukrainian state borders), the 1997 status of forces agreement on the Black Sea Fleet or the 2003 bilateral agreement confirming the joint borders of Russia and Ukraine. For Putin this interpretation also rendered null and void the 1994 Budapest Memorandum, which had obliged Russia, along with the other permanent members of the Security Council, to refrain from 'the threat or use of force against the territorial integrity or political independence of Ukraine' (although this rather loose document lacked an implementation mechanism or security guarantees for Kiev).<sup>33</sup>

Some of these Russian claims were drawn upon implicitly or explicitly to justify the extension of Russian deniable intervention to eastern Ukraine. However, Moscow felt less need to offer legally based justifications for its actions beyond Crimea, since these actions were more intangible and difficult to confirm as evidence of military aggression until the more blatant use of force in August–September 2014 (which was likewise denied). The challenge to the legitimacy of the Ukrainian government was superseded by the popular election of President Petro Poroshenko, and Russia lacked military bases in Ukraine beyond Crimea to help manufacture a self-defence argument.

However, the claim that Russian-speakers, ethnic Russians and Russian 'compatriots' were being threatened and repressed in south-east and eastern Ukraine, and

<sup>30</sup> Remarks by Samantha Power, 3 March 2014.

<sup>31</sup> As argued by Daniel Wisehart, 'The crisis in Ukraine and the prohibition of the use of force: a legal basis for Russia's intervention?', 2 March 2014, <http://www.ejiltalk.org/category/use-of-force/page/2/>, accessed 16 May 2014.

<sup>32</sup> Interview with Putin, *Novo-Ogarevo*, 4 March 2014.

<sup>33</sup> 'Budapest memorandums on security assurances, 1994', published 5 Dec. 1994, <http://www.cfr.org/arms-control-disarmament-and-nonproliferation/budapest-memorandums-security-assurances-1994/p32484>, accessed 17 May 2014; see also V. Orlov, 'The Crimean crisis and the issue of security guarantees for Ukraine', *International Affairs* (Moscow), no. 2, 2014, pp. 32–4; Vladimir Socor, 'Russia trashes US–Russian–British memorandum on Ukraine', *Eurasia Daily Monitor* 11: 45, 10 March 2014, <http://www.jamestown.org/programs/edm/archives/2014>, accessed 15 March 2014.

that Russia had responsibilities to protect them and ensure their legitimate rights and interests, became a core feature of Russian discourse in spring 2004. Putin explicitly evoked the 'lost' territories of 'Novorossiya', which were given to the Ukrainian SSR by the Soviet government in the 1920s. In this context he accused external forces of involvement in an attempt 'to divide us into parts', as was done with Yugoslavia.<sup>34</sup> This allegation combined an ethno-territorial evocation of the past, for Russian domestic audiences, with an apparent statement of strategic intent to work for the restoration of much closer Russian connections with 'Novorossiya' (New Russia). Once Kiev began military action to restore control over the Donetsk region in April, Putin also resorted to humanitarian discourse, describing the use of the army against people inside Ukraine as 'a very serious crime against their own people', which also justified the support that Russia had provided to people living in Crimea.<sup>35</sup> The discursive groundwork was laid for a possible future 'humanitarian intervention', although Russia had long rejected this notion and presented it in other contexts as a cloak for the strategic intentions of western powers.

There remain the highly contentious Russian claims about the legitimacy of the process leading to the annexation of Crimea on the grounds of self-determination of the people there (framed as remedial secession, the approach Russia took in recognizing South Ossetia and Abkhazia in 2008) and similar argumentation about the legitimacy of the Donetsk and Luhansk people's republics. Rejected wholesale by western governments, the Russian case is also demolished in major works under preparation by western international lawyers. It is sufficient for the argument here to make a few core observations. Putin was correct in pointing out that international law is generally neutral on the questions of territorial secession and external self-determination, outside the colonial context, and the UN's International Court of Justice agreed with this approach in its ruling on Kosovo of 22 July 2010.<sup>36</sup> Crucially, however, the ICJ has clearly established that this does not apply in cases when declarations of independence are accompanied by an unlawful use or threat of the use of force, as occurred in Crimea through a misconducted referendum in the intimidating presence of Russian troops. The Office of the UN High Commissioner on Human Rights concluded bluntly that 'the presence of paramilitary and so-called self-defence groups as well as soldiers without insignia, was not conducive to an environment in which the will of voters could be exercised freely'.<sup>37</sup> The core issue is that Russia created an illegal territorial situation by using the threat of force. This is quite apart from the issue of the illegality of the referendum under the Ukrainian constitution.

The annexation of Crimea represents such an affront to core principles of contemporary interstate conduct that it raises the question whether Putin is

<sup>34</sup> Direct Line interview with Putin, 17 April 2014.

<sup>35</sup> Interview with Putin, 24 April 2014, <http://en.itar-tass.com/russia/729393>, accessed 18 Oct. 2014.

<sup>36</sup> Address by Putin, 18 March 2014, <http://eng.news.kremlin.ru/transcripts/6889/print>, accessed 18 Oct. 2014;

Russian Foreign Ministry statement, 11 March 2014, <http://www.mid.ru>, accessed 15 March 2014.

<sup>37</sup> Report of 15 April 2014, [http://www.ohchr.org/Documents/Countries/UA/Ukraine\\_Report\\_15April2014.doc](http://www.ohchr.org/Documents/Countries/UA/Ukraine_Report_15April2014.doc), accessed 18 Oct. 2014.

mounting a wider challenge to what he regards as a western-dominated international system and legal order. In this sense the Ukraine crisis has exposed Putin's deeper grievances. As noted above, Putin claimed that if a revolution had occurred in Kiev in February 2014 then this wiped the slate clean in Russian bilateral relations with Ukraine. Putin's spokesman Dmitriy Peskov even claimed that Ukraine had placed itself 'beyond international law' with its 'armed coup', so that the principle of self-determination in Crimea, 'when threatened with chaos and economic turbulence', trumped the principle of territorial inviolability.<sup>38</sup> This is hardly persuasive, yet Putin implied that this kind of Russian interpretation and the actions that followed were simply a case of Russia finally asserting itself effectively as a legitimate actor and influence in defining international rules. In his 5 March interview Putin intoned that 'we proceed from the conviction that we always act legitimately' and that this would remain the case if he decided to use Russian armed forces in Ukraine; and he launched an acerbic attack on the legitimacy of US actions in Afghanistan, Iraq and Libya.<sup>39</sup>

Arguably, traditional and classical international legal constraints on the use of force and self-determination have indeed been weakened by the practice of liberal interventionism, including in the cases cited by Putin, and so the legal provisions in this area have become more open to abuse. The Russian annexation of Crimea, however, contradicts almost everything written by Russian officials and in Russian legal scholarship since the end of the Cold War on the legality of the use of military force and the right of peoples to self-determination in non-colonial contexts.<sup>40</sup> For the Russian specialist Fyodor Lukyanov, Russia is no longer satisfied with discussing the previous rules of the game; now, he maintains, 'Russia supposes that in light of a tangible set of "scandalous practices" that have long held sway in international law, the main thing is the capability to achieve goals, the legal arrangements are less significant'.<sup>41</sup>

The core issue here is not how Russia interprets international rules and law. It is whether Putin is now seeking to project a set of principles that represent a different vision of international order from that held by western liberal states. Russia could mount a challenge to the 'western' legal order, projecting some Russian alternative as a means of asserting Russian global influence. In July 2014, for example, the deputy secretary of the Russian National Security Council suggested that a global conference be convened to rewrite international law, taking account of the interests of all major world powers, since 'there are no agreed rules and the world may become an increasingly unruly place'.<sup>42</sup> Were such a conference to be convened—

<sup>38</sup> Comment on Centre TV, Moscow, 19 April 2014, BBC Mon FS1 FsuPol va, accessed 25 April 2014.

<sup>39</sup> Interview with Putin, *Novo-Ogarevo*, 4 March 2014.

<sup>40</sup> For some examples of Russian international legal scholarship on these issues, as applied to Ukraine and Crimea, see Lauri Mälksoo, 'Crimea and (the lack of) continuity in Russian approaches to international law', <http://www.ejiltalk.org/crimea-and-the-lack-of-continuity-in-russian-approaches-to-international-law/>, accessed 18 Oct. 2014.

<sup>41</sup> Fyodor Lukyanov, 'Why Moscow is being so decisive over Ukraine', *Gazeta-ru*, 21 March 2014, in *Johnson's Russia List* 2014: 63, <http://www.russialist.org/archives/index-archive.php>, accessed 25 March 2014.

<sup>42</sup> Eugenie Lukyanov, in statement to RIA Novosti, 2 July 2014, cited in Pavel Felgenhauer, 'Ukraine as a battlefield for a new world order according to Putin', *Eurasia Daily Monitor* 11: 121, 3 July 2014, <http://jamestown.org/programs/edm/archives/2014>, accessed 10 July 2014.

which is highly unlikely—we may predict that Putin would seek to pursue Russian interests by promoting principles that would assist his goal of maintaining a zone of privileged interest in Russia's neighbourhood, would confirm the salience of stable and strong state leadership to prevent the extension of extremism and 'anti-constitutional' popular uprisings, and would help justify the protection of its own ethnic nationals or Russian-speakers rather than civilians at large.

Russia may well seek support for this set of principles, which resemble tsarist Russian policy much more than the heart of the EU project, in international forums and from states such as China and India. In this respect, the vote on the UN General Assembly draft resolution affirming Ukraine's territorial integrity on 27 March 2014 was troubling for Moscow, but still offered it some hope that it could preserve its image in the confrontation over Ukraine as the standard-bearer of some non-western international order. Only eleven states voted against the western-backed motion, which condemned Russian actions, but just 52 per cent of UN member states directly supported the resolution, and states such as China, India, Brazil, Argentina and South Africa abstained: an outcome which the Russian UN delegate Vitaly Churkin chose to view as a 'moral and political victory' for Russia.<sup>43</sup> Russia will be unable to shift the broad support for the prohibition on using force or the threat of force to change state boundaries, but it will continue to challenge the right of the United States and other western powers to act as the privileged custodians and interpreters of core principles of international order, and can use its permanent membership of the UN Security Council to pursue this campaign.

## Explaining Russian intervention in Ukraine

Analysis of Russian legal rhetoric reveals discursive strategies Russia is likely to pursue and diplomatic positions it may adopt in international forums. It also exposes central Russian grievances and, with careful interpretation, indicates certain Russian priorities in the crisis around Ukraine. Yet much of this language probably conceals or diverts attention from underlying Russian motivations, and it does not bring us closer to *explaining* Russia's belligerent conduct in Crimea and eastern Ukraine. To attempt this requires an analysis structured around different explanatory approaches.

Three broad explanations are now considered, rooted in different conceptual understandings of Russian conduct. The first focuses on geopolitics and Russian strategic goals, particularly in asserting primacy in the CIS region. This relates to the claims of neo-realism and has three main components: Russian efforts to deny the territory of Ukraine to NATO and the EU; Russian regional ambitions

<sup>43</sup> UN General Assembly 68th session, 24 March 2014, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/68/L.39](http://www.un.org/ga/search/view_doc.asp?symbol=A/68/L.39), accessed 18 Oct. 2014 (the full breakdown of the vote can be found here). For differing interpretations, see 'Vote by UN General Assembly isolates Russia', *New York Times*, 27 March 2014; 'Vote on Ukraine resolution in UN GA shows Russia not in isolation', Itar-Tass news agency, 27 March 2014, at <http://en.itar-tass.com/world/725621>, accessed 18 Oct. 2014; Russian Foreign Ministry statement, 28 March 2014, <http://www.mid.ru>, accessed 5 April 2014.



towards western-leaning CIS states; and the value of Crimea as a strategic asset. The second focuses on Russian identity as an influence on policy, which could draw on the insights of social constructivism. The third focuses on domestic politics and regime consolidation as a determinant of policy; this line of thought could be developed further through the various paradigms of foreign policy analysis.

### *Geopolitics and Russian strategic ambitions*

A common explanation for Russian intervention in Ukraine is rooted in the dynamics of security relations and relative power: the argument is that security policy competition between Russia and western states has created a geopolitical fault-line, which Putin is now prepared to drive through Ukraine by force if it cannot be established at Ukraine's western borders.<sup>44</sup> This is expressed in offensive action, but in terms of neo-realist theories does not need to be motivated by an offensive Russian strategy, if it responds to the balance of capabilities or of perceived threats in what Russia has described variously as the near abroad, the post-Soviet space or a zone of Russian privileged interest.

*Strategic denial of Ukraine to NATO and the European Union.* The key issue is that since 1991 Ukraine has been the pivotal state for Russian efforts to restore at least partial control over the security policy orientation of the CIS region. Independent Ukraine has never been willing to enter Russia-led international security structures with supranational elements—that is, substantive security policy integration with Russia. But Russia could still hope to deny Ukrainian territory to western-led security organizations, primarily NATO. In this context Russian action in Ukraine appears as an extreme expression of a policy of *strategic denial*, based on Putin's increasing effort to demarcate the CIS regional order as a 'no-go zone' for NATO, apart from limited activities under the alliance's Partnership for Peace programme. In fact, the effort to assert Russian primacy in the CIS regional order, to deny that NATO had any legitimate role in CIS conflict zones, was already a feature of Russian policy under President Yeltsin during 1992–4.<sup>45</sup>

What remains rather puzzling is the extent to which the European Union has gradually become securitized in this Russian geopolitical mindset, especially since 2012 and Moscow's conflation of NATO and the EU as external geopolitical threats. The most serious previous geopolitical clash between Russia and western states in the CIS region, over Russian intervention in Georgia in 2008, reveals the Russian focus on NATO. At the time Georgian–EU relations did not constitute a real flashpoint with Russia and the EU acted as an intermediary, assisting in bringing about a ceasefire (albeit one favourable to Russia). In contrast, Georgia's interest in entering NATO was anathema to Russia. In 2011 President Medvedev finally admitted effectively that the primary Russian motivation in sending its

<sup>44</sup> A fuller account would assess the military legacy of earlier Russian–Ukrainian relations. For this, see Colby Howard and Ruslan Pukhov, eds, *Brothers armed: military aspects of the crisis in Ukraine* (Minneapolis, MN: Eastview Press, 2014).

<sup>45</sup> Roy Allison, *Russia, the West and military intervention* (Oxford: Oxford University Press, 2013), pp. 121–6.

troops into Georgia had been to avert the Georgian track towards NATO accession; that 'if we had faltered in 2008, geopolitical arrangements would be different now and a number of countries ... would have probably been in NATO'.<sup>46</sup>

In 2008 Moscow adopted a rather similar approach to Ukraine under the western-leaning presidency of Viktor Yushchenko. Ukraine's relations with Moscow deteriorated so rapidly that some 48.5 per cent of Ukrainians believed in August that year that a conflict similar to that in Georgia could break out in Ukraine.<sup>47</sup> Judging by Russian comments, the animosity coming from Moscow at that time did not concern Kiev's EU aspirations and only partly reflected Yushchenko's political support for Georgia in the crisis and his description of Russia's use of the Black Sea Fleet in military operations against Georgia as posing a threat to Ukraine's national interests. The core focus of Russian ire was Yushchenko's insistence, in conditions of poor relations with Moscow, that Ukraine had no alternative than to seek membership of NATO, initially via a Membership Action Plan (MAP).<sup>48</sup> Moscow felt the track had been laid down by NATO at its Bucharest summit in April 2008, when it had formally welcomed Ukrainian and Georgian aspirations to NATO membership and agreed 'that these countries will become members of NATO'.<sup>49</sup>

The Russian broadside against Ukraine's deepening westward security policy orientation coincided with claims by Ukrainian officials in autumn 2008 that efforts were being made to destabilize Crimea by fomenting separatist movements. Kiev protested that the distribution of passports to Ukrainian citizens by the Russian consulate in Simferopol was a threat to Ukrainian security (given Moscow's justification of 'protecting its citizens' when it invaded Georgia).<sup>50</sup> The chairman of the Crimean Tatar Majlis in turn charged Russia with continually promoting conflict in Crimea to keep Ukraine from pursuing a policy independent of Russia.<sup>51</sup> In fact there is little evidence of active Russian political destabilization of the peninsula in 2008. But Russian–Ukrainian tensions remained high the following year over various issues. Aleksandr Dugin, the leader of the International Eurasian Movement, a Russian nationalist think-tank, even claimed dramatically that 'Russia is preparing to cease to recognise Ukrainian territorial integrity, as it did with Georgia', and that 'an armed conflict may soon begin in Crimea and Eastern Ukraine that will result in these territories becoming a Russian protectorate'.<sup>52</sup> At the time this seemed a

<sup>46</sup> 'Medvedev gets caught telling the truth', Radio Free Europe/Radio Liberty, 22 Nov. 2011, <http://www.rferl.org/articleprintview/24399004.html>, accessed 18 Oct. 2014.

<sup>47</sup> Poll carried out by the Institute of Strategic Studies, UNIAN news agency, Kiev, 1 Sept. 2008, BBC Mon KVVU 090908 mk/dz, accessed 12 Sept. 2008.

<sup>48</sup> President Viktor Yushchenko, interview in *Ekho*, Baku, 14 Nov. 2008, pp. 1, 2, BBC Mon TCU KVVU 171108 fm/vr, accessed 20 Nov. 2008; at news conference, 5 Kanal TV, Kiev, 9 Sept. 2008, BBC Mon KVVU EU1 EuroPol 090908 yk/ak, accessed 12 Sept. 2008.

<sup>49</sup> Bucharest Summit Declaration, 3 April 2008, [http://www.nato.int/cps/en/natolive/official\\_texts\\_8443.htm](http://www.nato.int/cps/en/natolive/official_texts_8443.htm), accessed 18 Oct. 2014.

<sup>50</sup> Taras Kuzio, 'Russian intelligence seeks to destabilize Crimea', *Eurasia Daily Monitor* 5: 188, 1 Oct. 2008, <http://www.jamestown.org/programs/edm/archives/2008>, accessed 5 Sept. 2014.

<sup>51</sup> Mustafa Dzhemilyev, interview in Ukrainian newspaper *Kontrakty*, 20 Sept. 2008, pp. 12–14, BBC Mon KVVU 300908 gk/dk, accessed 1 Oct. 2008.

<sup>52</sup> Pavel Felgenhauer, 'Russian military weakness could delay conflict with Ukraine', *Eurasia Daily Monitor* 6: 156, 13 Aug. 2009, <http://www.jamestown.org/programs/edm/archives/2008>, accessed 5 September 2014.

marginal and provocative assertion. But Dugin's ideas about Russia regathering its lands beyond its current borders became more mainstream in Russian discourse in 2014, as described below, once the post-Yanukovych leadership of the Maidan revolution in Kiev had again looked at possible Ukrainian accession to NATO.

It is quite possible that a plan for the political and military seizure of Crimea was developed by the Russian general staff and other agencies as early as autumn 2008 for possible activation in the event that Kiev were to move close to accession in NATO in the near future.<sup>53</sup> It was unnecessary to consider this further once Viktor Yanukovych, a more Russia-oriented leader, was elected Ukrainian president in February 2010. He rejected NATO membership as a Ukrainian strategic goal in favour of a 'non-bloc' status (in a law on the foundations of Ukrainian foreign policy) and in April 2010 (while signing a barter agreement reducing the price of Russian gas for Ukraine) agreed to extend the lease for the Sevastopol naval base to Russia for 25 years, plus an automatic prolongation of five years. All this allowed Moscow to continue to regard Ukraine as a geopolitical buffer between Russia and NATO, and even to nurture hopes that Ukraine might lean towards the Russia-led Collective Security Treaty Organization (CSTO). Despite Ukraine's non-bloc status, in May 2010 President Medvedev noted: 'Life does change, and if Ukraine decides to join the CSTO in the future, we would be happy to open the door for you, and welcome you into our ranks.'<sup>54</sup>

What is surprising is the extent to which Moscow began to expect Ukraine, even during the Yanukovych presidency, also to form a buffer zone between Russia and the EU or even, as previously described, to veer towards the Eurasian Economic Union promoted by Putin since 2012 at the expense of association with the EU. Already in May 2009 the mainstream Russian response to the launch of the Eastern Partnership (EaP) had been to interpret this as a geopolitical challenge to Russian hopes for reintegration of the western CIS states, in which Ukraine remained the key territory. This Russian geopolitical characterization of EU goals in the region, including its normative agenda, grew over the following years.<sup>55</sup> By August 2013 a senior adviser to Putin was warning that he could not understand why Ukraine would choose to 'cede sovereignty to the EU' instead of joining the Russia-led customs union, and that, were Ukraine to sign an association agreement with the EU, Russia would no longer view it as a 'strategic partner'.<sup>56</sup> Putin's growing

<sup>53</sup> The existence of such contingency plans (though not the time they were formulated) is suggested by Dmitri Trenin, 'Ukraine and the new divide', 30 July 2014, p. 3, <http://carnegie.ru/2014/07/30/ukraine-and-the-new-divide/hln1>, accessed 18 Oct. 2014.

<sup>54</sup> Speech and discussion with students in Kiev, 18 May 2010, <http://eng.kremlin.ru/news/202>, accessed 22 October 2014. See also 'Non-bloc status covers Ukraine's shift to Russian-vector orientation', *Eurasia Daily Monitor* 7: 99, 21 May 2010, <http://www.jamestown.org/programs/edm/archives/2010>, accessed 15 June 2014.

<sup>55</sup> For an assessment of schools of Russian thinking on the issue, see Alexander Sergunin, 'Russian views on the Ukrainian crisis: from confrontation to damage limitation', in Thomas Flichy de la Neuville, ed., *Ukraine: regards sur une crise* (Lausanne: L'Âge d'Homme, 2014), pp. 59–68; for a full Russian analysis of the interaction of Russian, Ukrainian and EU relations, see Yakub Koreyba, *Problemy Yevropeyskoy politiki v otnosheniyakh mezhdru Rossii i Ukrainoy* [Problems in European policy in the relations between Russia and Ukraine] (Moscow: Aspekt, 2014).

<sup>56</sup> Interview with Sergei Glazyev, an adviser to Putin on regional trade, on Rossiya 24 TV channel, 27 Aug. 2013, *Johnson's Russia List* 2013: 158, 28 Aug. 2013, <http://www.russialist.org/archives/index-archive.php>, accessed 30 Aug. 2013.

commitment to an ambitious Eurasian Economic Union based on the customs union seems to be at the root of this binary view of Ukraine's integration options.

It is ironic, therefore, that the Russian leadership continued after occupying Crimea to accuse EU policy towards Ukraine of having been based on a 'with us or against us' logic.<sup>57</sup> Russian action in Crimea only made the new Ukrainian President, Petro Poroshenko, more determined to consolidate Ukraine's orientation towards the EU. In June 2014 he signed the outstanding chapters of a historic association agreement with the EU (which Yanukovich had refused to sign the previous November), despite Russia's warning that this action would have 'grave consequences'.<sup>58</sup> The Ukrainian and EU parliaments proceeded to ratify the agreement in September. However, the full implementation of its critical trade chapter was postponed to 2016, allowing Russia time to plan counter-measures, perhaps to inhibit Kiev's ambitions.<sup>59</sup> Yet by autumn 2014 Russia could only hope to draw towards its Eurasian integration project those parts of Ukraine over which it retained control through its interventions; in particular, Crimea was permanently denied to the EU zone. Freely elected leaders of the Ukrainian state would be most unlikely in future to revert to favouring integration with Russia over association with the EU.

On the other hand, if Russian military intervention in Ukraine was determined less by this broader competition around integration schemes than by the more specific objective of strategic denial of Ukraine to NATO, then the goal is more realizable. Even so, Russian actions limited to the Crimean operation threatened the result of 'winning Crimea but losing Ukraine', by fuelling deep anti-Russian sentiments in much of Ukraine and significantly boosting popular support for NATO in those regions controlled by Kiev. Hence, one might argue, Russia felt tempted to escalate in March and pursue ambitions also in eastern Ukraine.

The trigger, in this line of explanation, was the collapse of the 21 February agreement between Yanukovich and opposition leaders, an outcome which Putin chose or was persuaded to interpret as instigated by western states in order to install a compliant government that would be ready to lobby for NATO membership and perhaps revoke the basing agreement Russia had in Crimea.<sup>60</sup> Indeed, on 5 March the Verkhovna Rada secretariat registered draft legislation that would reinstate the goal of joining NATO as a centrepiece of Ukraine's national strategy, though this could be interpreted as reactive since it was only after the Crimea occupation had commenced.<sup>61</sup> Moscow quickly condemned this, as well as a statement by Acting President Turchynov that Ukraine was considering changing its non-bloc status.<sup>62</sup>

<sup>57</sup> Speech by Sergei Lavrov, 11 April 2014, at <http://www.mid.ru>, accessed 2 Oct. 2014.

<sup>58</sup> 'Ukraine signs its EU deal but president hits out at Russia over "disastrous war"', *Guardian*, 28 June 2014, p. 23.

<sup>59</sup> See Ulrich Speck, 'Postponing the trade agreement with Ukraine: bad move, EU', *Carnegie Europe*, 30 Sept. 2014, <http://carnegieeurope.eu/publications/?fa=56795>, accessed 18 Oct. 2014.

<sup>60</sup> Colonel General Viktor Yesin, former deputy head of the Russian Defence Council staff, ex-chief of the Russian Strategic Missile Forces, Interfax-AVN military news agency, Moscow, 25 Feb. 2014, BBC Mon FS1 FsuPol ib, accessed 10 March 2014.

<sup>61</sup> For details see Vladimir Socor, 'NATO and Ukraine's security vacuum', *Eurasia Daily Monitor* 11: 46, 11 March 2014, <http://www.jamestown.org/programs/edm/archives/2014>, accessed 20 March 2014.

<sup>62</sup> Comment by Russian Foreign Ministry, 1 April 2014, at <http://www.mid.ru>, accessed 5 April 2014.

Yet Russia's very actions during February and March 2014 precipitated closer NATO engagement with Ukraine. On 1 April NATO foreign ministers declared that the goal of a Euro-Atlantic region whole, free and at peace had been 'fundamentally challenged by Russia' and promised to intensify their cooperation with Ukraine in the framework of their distinctive partnership 'to strengthen Ukraine's ability to provide for its own security'.<sup>63</sup> So it might seem that Russian military intervention in Ukraine would be counterproductive for the effort to drive wedges between Ukraine and NATO. However, Putin is likely to calculate otherwise. First, the expected minor reactive strengthening of the NATO presence in the Baltic states and Poland can serve Putin's goal of domestic political consolidation around the nationalist rallying cry of 'Russia encircled'. Second, the strategic territory of Crimea is permanently denied to NATO (even to Partnership for Peace exercises and the like), as analysed further below. Third, with eastern Ukraine placed in long-term dispute, Moscow could expect a Ukraine subject to territorial conflicts (like Georgia after 2008) to have any bid for NATO membership blocked by certain European NATO states. Moscow can turn on and off the heat over these disputes and meanwhile continue to insist on recognition of, effectively, Ukraine's buffer zone status.

Therefore, when Ukraine declared its firm intent of proceeding towards joining NATO and ending its non-bloc status at the end of August 2014, Putin riposted quickly, raising the stakes by claiming that peace in Ukraine could be restored only through negotiations on the 'statehood' of south-eastern Ukraine.<sup>64</sup> Lavrov asserted that it was in everyone's interest for Ukraine to avoid alignment with NATO, and that Ukraine's non-aligned status was 'a basic issue' for Moscow.<sup>65</sup> At the United Nations he argued that Ukraine's 'organic role as a binding link between the various parts of the European space'—a notion akin to a buffer zone—should be restored, which implied a 'neutral and non-bloc status'.<sup>66</sup> Indeed, it could be, as one Russian security specialist asserted, that all along 'Moscow's goal had been a rather ambitious attempt to prevent the military and political forces of western and central Ukraine—which the Kremlin considers "nationalistic"—from taking control of the military and industrial potential of the south-eastern regions of the country'.<sup>67</sup> As a result of Russian intervention, the latter regions would be denied access to NATO or entry into the 'NATO space' militarily or economically, regardless of how Kiev's relations with NATO might develop in the coming years.

In Putin's own account of the initial Russian operation in Crimea, the NATO factor certainly looms large. In a key address to the Russian political establishment

<sup>63</sup> Statement by NATO foreign ministers, 1 April 2014, [http://www.nato.int/cps/en/natolive/news\\_108501.htm](http://www.nato.int/cps/en/natolive/news_108501.htm), accessed 20 April 2014.

<sup>64</sup> 'Putin "urges talks on statehood for east Ukraine"', BBC News Europe, 31 Aug. 2014, <http://www.bbc.co.uk/news/world-europe-29003116>, accessed 31 Aug. 2014.

<sup>65</sup> 'Ukraine fights off attack on Donetsk airport by pro-Russia forces', *Guardian*, 13 Sept. 2014.

<sup>66</sup> Address by Lavrov to 69th session of UN General Assembly, 27 Sept. 2014, <http://www.mid.ru>, accessed 10 Oct. 2014.

<sup>67</sup> Aleksey Fenenko, at the Institute of International Security Problems of the Russian Academy of Sciences, <http://www.russia-direct.org>, 29 July 2014; *Johnson's Russia List*, 2014: 166, 31 July 2014, <http://www.russialist.org/archives/index-archive.php>, accessed 10 Aug. 2014.

on 18 March he referred to declarations from Kiev about Ukraine soon joining NATO, which ‘would have meant that NATO’s navy would be right there in this city of Russia’s military glory’, creating ‘a perfectly real threat to the whole of southern Russia’. Next month he warned fellow Russians that with NATO troops in Crimea, ‘Russia would be practically ousted from the Black Sea area. We’d be left with just a small coastline of 450 or 600km.’ More bluntly still, in June he claimed that, America and European states having supported ‘the anti-constitutional coup’ in Ukraine, ‘we could not allow a historical part of the Russian territory with a predominantly ethnic Russian population to be incorporated into an international military alliance’ or the movement of ‘NATO infrastructure ... directly towards the Russian border’.<sup>68</sup> This amounts to an admission that strategic denial of Crimea to NATO was the dominant motivation behind the Russian intervention, though Putin was quiet about any NATO-related justification for supporting separatism in eastern Ukraine.

Putin’s images of NATO forces in ‘historically Russian’ Crimea appealed to Russian public opinion. But they also strove to present Russian decision-making as defensive, seeking to avert change that would threaten Russia. For neo-realists this could fall under the category of a defensive rather than offensive logic.<sup>69</sup> However, a closer reading of Russian geopolitical thinking on Ukraine reveals a more assertive set of expectations following Russian intervention which, if imposed from outside, would gravely compromise Ukrainian sovereignty: at the least Ukraine should be declared neutral, the option of joining NATO or the EU should be closed, but also relations with the EU should not be developed in a way that excludes Russia.<sup>70</sup> Moreover, Russia should retain discretion to interpret such a geopolitical concordat and crucially, as eastern Ukraine descended into conflict, to approve a new federal state structure for Ukraine.

Agreement over some kind of buffer status for Ukraine may appeal to practitioners of *realpolitik* and even many European politicians seeking a rapid alleviation of East–West tensions over Ukraine. Just as Russia began its Crimea operation, Zbigniew Brzezinski argued in favour of a Finnish model of ‘wide-ranging economic relations with both Russia and the EU, but no participation in any military alliance viewed by Moscow as directed at itself—while also expanding its European connectivity’, but applied in a territorially undivided Ukraine.<sup>71</sup> As the Crimea operation unfolded, Henry Kissinger claimed similarly that Ukraine should not join NATO but pursue an international posture comparable to Finland which ‘cooperates with the West in most fields but carefully avoids institutional

<sup>68</sup> Address by Putin, 18 March 2014; Direct Line interview with Putin, 17 April 2014; Putin’s interview with Radio Europe 1 and TF1 TV channel, 4 June 2014.

<sup>69</sup> For a strong argument along these lines, see John J. Mearsheimer, ‘Why the Ukraine crisis is the West’s fault: the liberal delusions that provoked Putin’, *Foreign Affairs* 93: 5, Sept.–Oct. 2014, pp. 77–89. Mearsheimer has elaborated the concept of ‘offensive realism’, but chooses in this case not to view Russia as a power-maximizing revisionist state.

<sup>70</sup> These are among other Russian demands noted by Roderic Lyne, ‘When is the right time to negotiate with Russia over Ukraine’, 24 March 2014, at <http://www.chathamhouse.org/media/comment/view//198437>, accessed 22 Oct. 2014.

<sup>71</sup> Zbigniew Brzezinski, ‘Russia needs to be offered a “Finland option” for Ukraine’, *Financial Times*, 22 Feb. 2014.



hostility toward Russia'. Again the assumption was that Russia would recognize Ukraine's sovereignty over Crimea, a hope which now seems lost.<sup>72</sup>

Such geopolitical designs are problematic, however, even setting aside the core issue of choice by the Ukrainian people and leadership itself. As Russia seized Crimea, one seasoned Russian specialist predicted that Russia would proceed to seek the 'eastern and southern regions of Ukraine forming a separate entity integrated with Russia economically and aligned with it politically'.<sup>73</sup> We cannot yet say whether his forecast was right. But the degree of Russian military support committed to the separatist fighters in eastern Ukraine by summer 2014 made it appear likely that Moscow was aiming at more than just confirmation of Ukraine's non-bloc status. The goal was also a decentralization of the Ukrainian state such that the eastern if not also the southern regions would exercise self-government, become still more firmly integrated with the Russian economy and ideally be able to conduct their own foreign relations with Russia. These regions have already been used in an effort to leverage Kiev's central strategic decisions, including the extent of integration with the EU and NATO. But whether or not this effort succeeds, eastern and potentially parts of southern Ukraine are increasingly viewed in Moscow as territorial assets for Russia in their own right. This attempt to deconstruct the Ukrainian state suggests that the Russian intervention is not explicable simply in terms of defensive concerns about NATO access to the territory of Ukraine. Therefore the chances that some international bargain or concordat over the role of NATO in Ukraine could restore Kiev's full authority over its eastern regions, let alone Crimea, seem slight.<sup>74</sup>

Indeed, as the Russia–NATO Founding Act on mutual relations, cooperation and security founders on the rock of the Ukraine crisis, the challenge for NATO states becomes how to find new ways to constrain rising Russian ambitions in the Black Sea and perhaps the Baltic region as well as the South Caucasus. Here the question arises whether Russian action in Ukraine is best explained not just in terms of specific Russian hopes of averting the return of a NATO accession option for Ukraine, or even the ambition of restoring Ukraine's track to participation in Russia-led integration schemes, but as part of a new and wider determination to use coercive and even military means to confirm Russian primacy among CIS states and even to seek greater compliance from the Baltic states.

*Russia's rising regional ambitions.* The current administration in Kiev is now wholly alienated from the Russia-led customs union and the Eurasian Economic Union. Even so, evidence that the Russian ambition to consolidate a regional political bloc among CIS partner states remains intact can be found in efforts in spring 2014 to invigorate the Foreign Ministers Council of the CSTO. The organization's members (Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Belarus and Armenia) had previously been reluctant to orchestrate foreign policy positions in this forum. But in April a

<sup>72</sup> Henry A. Kissinger, 'How the Ukraine crisis ends', *Washington Post*, 5 March 2014.

<sup>73</sup> Dimitri Trenin, 'The brink of war in Ukraine?', *Eurasia Outlook*, 1 March 2014, <http://carnegie.ru/eurasiaoutlook/?fa=54708>, accessed 22 Oct. 2014.

<sup>74</sup> This is the prescription offered by Mearsheimer, 'Why the Ukraine crisis is the West's fault'.

plan was issued for consultations and coordination on foreign policy, security and defence issues for the second half of 2014 and first half of 2015. Topics were agreed for joint statements of CSTO member states in the UN, OSCE and other forums.<sup>75</sup> This display of CSTO states bandwagoning with Russia, whether more or less reluctantly, helps explain the scarcity of public discussion by Central Asian officials on the consequences of the Ukrainian conflict, although Central Asia remains a seat of serious potential future conflicts.

For Russia's neighbour states outside the CSTO, Moscow's readiness to use force to pursue its interests has been confirmed, increasing their sense of vulnerability. In particular, Georgian politicians and experts have been alarmed by the assumption that Russia has the same reasons—or pretexts—for adversarial action towards Georgia as it had in respect of Ukraine (Georgia's signing an association agreement with the EU, its continued wish to join NATO) as part of a broader effort to assert primacy over neighbours. Fears have risen that Russia could initiate a process towards the outright annexation of Abkhazia and South Ossetia.<sup>76</sup> Georgian experts have also speculated that 'Russia needs Georgia as a transit corridor, in order to establish the Moscow–Yerevan–Tehran–Damascus geostrategic axis' and to enhance its influence in the Black Sea.<sup>77</sup> In an interview, the chairman of the US Congress Intelligence Committee, Mike Rogers, revived Georgian concerns about a possible Russian intention to establish a land corridor from the occupied Tskhinvali region through Armenia to Iran. Since 2008 Georgian officials have believed that the Russian general staff have an operational plan to force a corridor from South Ossetia to the 102nd Russian base at Gyumri in Armenia and possibly to use this for wider actions in Georgia, if Georgia were to turn down Russian demands for such transit in some wider crisis.<sup>78</sup>

A further object of an expansive Russian geopolitical agenda, which has heightened concerns in Moldova with its western-leaning leadership, may be Transnistria, which hosts a Russian base and a significant ethnic Russian population. However, Russia already has strong political, economic and military leverage over this unrecognized separatist enclave. Separatist leaders in eastern Ukraine may wish they had the same privileged relations with Moscow as their counterparts in Transnistria, but it is not clear what geopolitical advantage Russia would gain by formally recognizing Transnistria as a state or by seeking to incorporate it into the Russian Federation so long as it is separated from Russia by the territory of an unfriendly Ukrainian state. However, some Transnistrian politicians have declared that they would like the region to join Russia in Crimea's footsteps.<sup>79</sup>

<sup>75</sup> Speech by Sergei Lavrov, 3 April 2014, after session of CSTO Foreign Ministers Council, <http://www.mid.ru>, accessed 2 Sept. 2014.

<sup>76</sup> Giorgi Menabde, 'Will Russia annex Abkhazia and South Ossetia?', *Eurasia Daily Monitor* 11: 110, 18 June 2014, <http://www.jamestown.org/programs/edm/archives>, accessed 20 June 2014.

<sup>77</sup> Vakhtang Maisaia, interviewed in *Rezonansi* (Tbilisi), 4 April 2014, pp. 1, 2, BBC Mon TCU PRTtbs nk, accessed 10 April 2014.

<sup>78</sup> Interview with Rogers and discussion of these scenarios in Georgian newspaper *Kviris Palitra* (Tbilisi), 7 April 2014, BBC Mon TCU ec, accessed 20 April 2014.

<sup>79</sup> Fedor Lukyanov, 'Europe and federalization', *Rossiyskaya gazeta* website, Moscow, 2 April 2014, BBC Mon FS1 MCU 08414 ak/prt, accessed 5 April 2014.

The Russian government held meetings to discuss support for the region when Ukraine restricted passage across the Ukrainian–Transnistrian border and Moscow conducted an ‘anti-terrorist’ exercise with its servicemen stationed in Transnistria in March.<sup>80</sup>

Kiev’s concerns about Transnistria are understandable. Given the use Russia made of Crimean units without insignia, the use of ‘volunteer’ Transnistrian units in Odessa or along the Ukrainian Black Sea coast to assist fellow Russians in new political clashes cannot wholly be excluded. Nor is it fanciful to suggest that some in the Russian leadership now harbour hopes, through eventual ‘federalization’ or more direct control, of engineering a return of Russian influence as far as to the Danube via Ukraine’s Odessa region. This would provide greater access to Transnistria, perhaps including a military supply route and access to Moldova proper and Romania. In this sense the Odessa province may be viewed as the strategic focus of a longer-term effort to develop Russia’s ‘Novorossiya’ project, by inciting local protests accompanied by various forms of external intervention. Russian strategists are surely aware that if a hostile Ukraine were in one way or another to lose effective access to its Black Sea littoral with its coastal ports, having already lost Crimea, then its regional influence and the ability of western states to support it would be significantly diminished.<sup>81</sup>

These considerations make any Russian military focus on south Ukraine especially disturbing. In August 2014 military reinforcements sent by Moscow to bolster Ukrainian separatist fighters were used in part to enable a push towards the strategically located and poorly defended Ukrainian port city and industrial hub of Mariupol (its outskirts were reached, but it was saved by the timing of the ceasefire). However, Russian thinking on the strategic possibilities in southern Ukraine is likely to be evolving rather than predetermined. One influence has to be the poorer than expected support for anti-Kiev protests and Russian calls for federalization offered by ethnic Russians in Odessa province in spring 2014. But the strong Russian focus on Crimea as a strategic dividend suggests that military perspectives on the adjacent regions of Ukraine will continue to feature in the inner decision-making circles in Moscow.

*Crimea as a military/strategic asset.* It is undoubtedly the case that the Russian general staff have welcomed the Russian absorption of Crimea as a strategic windfall. The question remains how far the military/strategic desirability of this territory and military institutional interests and leverage in decision-making help explain Russian actions in February and March 2014, even if a wider agenda of forcing change in Ukraine as a whole developed thereafter. Certainly the gains are

<sup>80</sup> Interfax-AVN military news agency, Moscow, 18 March 2014, BBC Mon FS1 FsuPol iu, accessed 22 March 2014; Interfax-AVN military news agency, Moscow, 25 March 2014, BBC Mon FS1 FsuPol sv, accessed 30 March 2014.

<sup>81</sup> See Paul Goble, ‘Moscow threatens Ukraine from the West’, *Eurasia Daily Monitor* 11: 56, 25 March 2014; Vladimir Socor, ‘Moldova: Russia’s next target if the West falters in Ukraine’, *Eurasia Daily Monitor* 11: 98, 27 May 2014; Vladimir Socor, ‘Mariupol: a high value target in Russia’s war against Ukraine’, *Eurasia Daily Monitor* 11: 156, 8 Sept. 2014, all at <http://www.jamestown.org/programs.edm/archives/2014>, accessed 10 Sept. 2014.

regarded by the Russian military, not just the navy, as historic and substantial in terms of strategic capabilities and potential. First, Russian annexation of Crimea and acquisition of its assets resolved the anomalous position of the naval city of Sevastopol and the uncertainty of Russian basing rights there. Second, by taking control of the Ukrainian Navy and ejecting that part it did not wish to retain, the Russian fleet was confirmed over the Turkish fleet as the most powerful on the Black Sea. Third, Russia could invigorate ambitious plans for military development on and strategic reach from the Crimean peninsula.

In April 2010 the Ukrainian and Russian parliaments had ratified an extension of the Russian Navy's lease of Sevastopol as a base for 25 years from 2017 after the expiry of the current lease. But President Yanukovich's approval of this extension was virulently opposed by Ukrainian opposition politicians, suggesting that efforts may well be made to revise it in the future. Moreover, Moscow had not really been content with the renewal, since the agreement failed to remove the restrictions of the 1997 lease which prevented any expansion of the Black Sea Fleet by allowing Russia only to replace old naval craft with similar ones. So Russia could not add new types of ships or naval aviation. These constraints were swept away in March 2014. Russia took possession not only of Sevastopol (thereby relieving itself of any future leasing payments) but also of the former Ukrainian naval bases of Novoozerne and Myrnyi (Donuzlav Lake), Saky, Balaklava and a marine infantry base at Feodosiya. Russia captured most of the Ukrainian Navy's 25 warships and numerous service ships. Seven shipyards were also acquired in Crimea, which will assist Russia's plans to upgrade its Black Sea naval forces.<sup>82</sup> For its part, Ukraine was left without suitable base locations or facilities outside Crimea for its remaining naval vessels.

The strategic significance of Crimea for Russia was not spelt out publicly by the Russian leadership as the political crisis in Ukraine unfolded, although some days before Yanukovich fled from Kiev former chief of the Russian general staff Yuri Baluyevsky insisted that Russia 'should urgently reinforce western strategic areas and the Black Sea Fleet' since events in Ukraine had created new threats to Russian security.<sup>83</sup> It was only once Russia had forcibly transformed its local presence after Yanukovich's departure that the scale of Moscow's military ambitions for the Crimean peninsula began to emerge. In late March the deputy Russian Defence Minister Yuri Borisov asserted that the military infrastructure of Crimea would be developed so as to be 'protected against all possible attacks' and that 'we cannot lose face in front of the whole world' or 'give reason to doubt our aspirations and capabilities'.<sup>84</sup> By September plans were offered for deploying 'a complete and self-sufficient group of military forces to the Crimean theatre', subordinated to the Russian Southern Military District.<sup>85</sup>

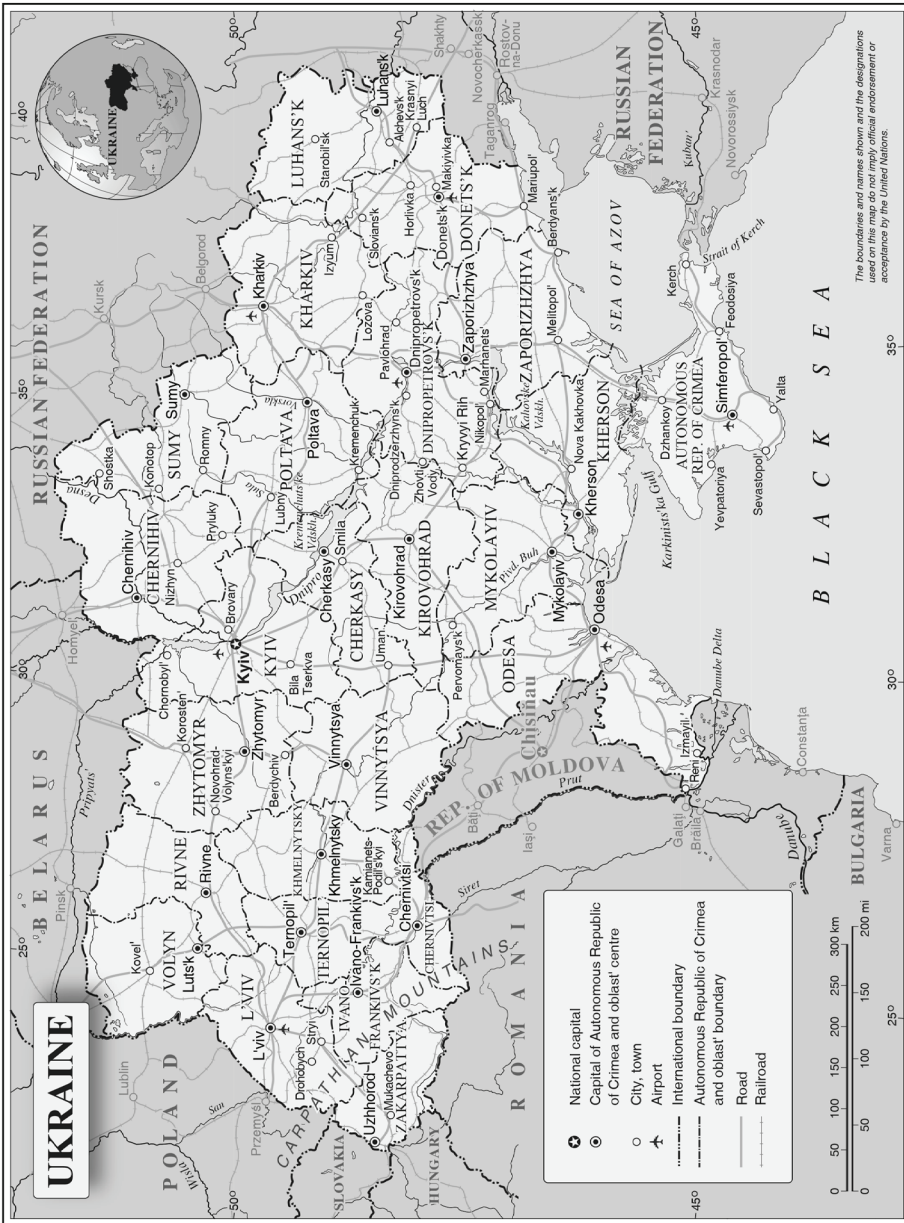
<sup>82</sup> John C. K. Daly, 'After Crimea: the future of the Black Sea Fleet', *Hot Issue* (Jamestown Foundation), 23 May 2014, <http://www.jamestown.org/programs/hotissues>, accessed 28 May 2014.

<sup>83</sup> Interfax-AVN military news agency, Moscow, 20 Feb. 2014, BBC Mon Alert FS1 MCU 200214 ym, accessed 25 Feb. 2014.

<sup>84</sup> Interfax-AVN military news agency, Moscow, 20 March 2014, BBC Mon FS1 FsuPol iz, accessed 25 March 2014.

<sup>85</sup> *Eurasia Daily Monitor* 11: 168, 24 Sept. 2014, <http://www.jamestown.org/programs/edm/archives/2014>, accessed 26 Sept. 2014.

Map 1: Ukraine, March 2014, showing major cities and internal boundaries



Source: United Nations, Department of Field Support, Cartographic Section.

Note: A number of city names in the text, following more common usage, differ from the transliterated names used on the map, namely: Donetsk—Donets'k; Kharkov—Kharkiv; Kiev—Kyiv; Luhansk—Luhans'k; Nikolayev—Mykolayiv; Sloviansk—Slovians'k; Zaporozhye—Zaporizhzhya.



In practice this promises a substantial programme of military reinforcement and the restoration of the basing system of the Black Sea Fleet in Sevastopol before its division with Ukraine. Moscow has revealed that this will mean at least recreating the 30th division of anti-submarine vessels as a unit of permanent readiness, reactivating a submarine base in Sevastopol, substantially modernizing and upgrading the naval weapons testing site at Feodosiya, developing plans to locate once again a Tu-22M3 long-range bomber regiment at the Gvardeyskiy airbase and using three other airports for warplanes (at Kacha, Saky and Belbak)—reviving the Soviet era image of Crimea as ‘an unsinkable aircraft carrier’—and delivering a variety of modern planes and helicopters to the upgraded infrastructure of airfields.<sup>86</sup> Plans are also under way for new coastal defence and artillery units in Crimea and more resources for air defence and reconnaissance. Consideration is even being given to reactivate and upgrade an early warning radar station in Sevastopol that would cover the Black Sea and Middle East.<sup>87</sup> A Russian general has suggested that Russian ground forces in Crimea by 2020 may amount to 7–10 combat brigades (1–2 brigades of paratroopers, 2–3 motorized infantry brigades, one tank brigade, 2–3 marine brigades and one coastal defence brigade).<sup>88</sup> A plan of activities to 2020 is being drawn up to ensure Russian security ‘in the territory of the Crimean Federal District’.<sup>89</sup>

All this suggests not just defensive military planning for Crimea, but an effort to restore the peninsula as a platform for power projection into the Black Sea and beyond. The geographical configuration of the peninsula, jutting out into the Black Sea, made it valuable for these purposes in the Soviet era. The Russian air force’s strategic aviation has already started to explore new patrol routes above the Black Sea, assisted by the expansion of ‘Russian’ territorial waters. Su-24 aircraft of the Black Sea Fleet have been practising strikes against imaginary enemy detachments of warships.<sup>90</sup> One territorial effect for Russia of seizing Crimea, apart from turning the Sea of Azov effectively into a Russian lake through full control of the Kerch Strait, is that the existing demarcation lines of the Black Sea continental shelf and exclusive economic zones are now brought into question. Russia will lay claim to parts of Ukraine’s continental shelf and exclusive economic zone, with its proven and potential hydrocarbon resources, while other Black Sea countries will not recognize the legality of this Russian effort to extend its maritime jurisdiction. Apart from this source of potential conflict, there is the possibility that

<sup>86</sup> Information from Russian Navy Headquarters, Interfax-AVN military news agency, Moscow, 24, 25 and 26 March 2014, BBC Mon FS1 MCU 240314 av/nm, BBC Mon FS1 FsuPol ibg, BBC Mon FS1 FsuPol sv, accessed 30 March 2014; *Rossiyskaya gazeta* website, 12 Sept. 2014, BBC Mon FS1 MCU 250914 prt/ag, accessed 20 Sept. 2014.

<sup>87</sup> Russian military sources, Interfax-AVN military news agency, Moscow, 24 and 28 July 2014, BBC Mon FS1 FsuPol stu, accessed 5 Aug. 2014.

<sup>88</sup> Unnamed general staff general, cited by Yury Barash, ‘Armed and dangerous: prospects for the development of the group of the Russian armed forces in Crimea’, *Defense-Express* website, Kiev, 29 May 2014, pp. 36–43, in BBC Mon KVV 240614 gk/mp, accessed 10 June 2014. This article provides a very full account of declared and potential Russian military development in Crimea.

<sup>89</sup> Statement by Defence Minister Sergei Shoigu, Interfax-AVN military news agency, Moscow, 31 March 2014, BBC Mon FS1 FsuPol sv, accessed 5 April 2014.

<sup>90</sup> As reported by ‘a source in the region’s military structures’, Interfax-AVN military news agency, Moscow, 4 June 2014, BBC Mon FS1 MCU 040614 evg, accessed 10 June 2014.



Russia might seek to renegotiate Ukraine's existing demarcation agreements with other Black Sea littoral countries.<sup>91</sup>

The value of Crimea for Russian power projection will be ingrained in those senior Russian military officers who lamented the end of the unified military structure of the Soviet period. The strategic availability of Crimea offers new possibilities in the region and further afield. Locally, in the current situation Russian forces in Crimea could be integrated into potential offensive operations in the south of Ukraine. Short of that, they would play an important role in any future plan to gain greater influence over the Odessa region or, more speculatively, to enforce a military supply route from Russia to Transnistria. Ukrainian military experts have argued that the structure, size and armaments of the Russian forces in the Crimean peninsula indicate Russian long-term planning with the southern regions of mainland Ukraine in mind, and that if Putin and his advisers had doubted the Russian ability, with local support, to gain control over Ukrainian settlements from Donetsk to Odessa there would have been no annexation of Crimea in the first place.<sup>92</sup>

Apart from scenarios involving Ukraine, it could be argued that the acquisition of Crimea was influenced by broader hopes, to which Putin is sympathetic, on the part of the Russian military to enhance its military presence and prowess abroad. The commander of Russian airborne troops admits to plans 'to further increase our combat potential and step up the presence of our troops outside our country'. A full technical rearmament of the airborne troops by 2025, which is part of the state defence order, will, he claims, 'allow us to perform tasks far beyond Russia'.<sup>93</sup> Defence Minister Sergei Shoigu has talked similarly of Russian plans to 'expand' its military presence 'in a number of key regions of the world', talks to this end being already under way with the Seychelles Islands, Singapore, Nicaragua and Venezuela.<sup>94</sup> To this may be added advanced plans for naval access in Vietnam. It is difficult to think of a strategic territory on the Russian periphery that could more easily be seized, and would better dovetail with this vision of broader military power projection, than Crimea.

On the other hand, the further extension of Russian military intervention into eastern Ukraine could be at cross purposes with Shoigu's 'far abroad' plans, since this risks drawing Russia into protracted low-intensity military actions on Russian borders. In this sense, while the annexation of Crimea fits well into the forward strategic planning of the Russian general staff, this planning could be undermined by the distraction of combat in eastern Ukraine. Moreover, senior Russian officers originally trained in Soviet military academies alongside officers

<sup>91</sup> Vladimir Socor, 'Naval basing and maritime borders in the Black Sea after Russia's annexation of Crimea', *Eurasia Daily Monitor* 11: 54, 21 March 2014, <http://www.jametown.org/programs/edm/archives/2014>, accessed 25 March 2014.

<sup>92</sup> Kostyantyn Mashovets, 'Crimea defence with a view to offence', *Narodna armiya* (Kiev), 21 Aug. 2014, in BBC Mon KVV 250814 ig/pd, accessed 30 Aug. 2014. The author assesses options for possible Russian military operations and offers details of the strengthening Russian forces in Crimea.

<sup>93</sup> Interview with Col.-Gen. Vladimir Shamanov, Interfax-AVN military news agency, Moscow, 1 Aug. 2014, BBC Mon Alert FS1 FsuPol iz, accessed 5 Aug. 2014.

<sup>94</sup> Interfax-AVN news agency, Moscow, 26 Feb. 2014, BBC Mon FS1 FsuPol sv, accessed 5 March 2014.

from the Ukrainian Union Republic can hardly welcome the reality of combat with the 'fraternal' Ukrainian people, which offers neither recognition, career advancement nor a sense of personal accomplishment.

### *Russian identity: ethnic, historical and imperial*

Various formulations of Russian identity have played a prominent role in Moscow's approach to the Ukraine crisis. First, they have formed central planks of the Kremlin's justificatory rhetoric about its actions in Crimea and eastern Ukraine, especially in persuading Russian domestic audiences of the legitimacy of these actions. Claims by the Russian leadership about ethnic Russians, Russian citizens, Russian compatriots, Russian-speakers or historic Russian justice have been aimed at sustaining a broad domestic support base among political and security elites, bolstered by popular approval. These claims are part of a drive at domestic political consolidation. Second, they have been articulated to generate support for Russian actions within Crimea and eastern (as well as hopefully southern) Ukraine among local populations, appealing to genuine sentiments of association with the wider Russian community or the Russian state and using this current of feeling to mobilize opposition to the central authorities in Kiev.

This leaves the question of how far the Russian leadership's beliefs about the rights of Russians, however defined and whether or not based on real conditions or attitudes at the local level, were a decisive influence on its policies in Ukraine. Alternatively, did Putin and his entourage appeal quite deliberately and instrumentally in the crisis over Ukraine to a spectrum of Russian nationalist thinking? At a general level, social constructivists would claim that identity considerations shape the political context over time in which decisions are made, and no doubt Putin's outlook draws on his own societal and cultural experience (including his Soviet heritage and security services background). Scholars have confirmed also that identity considerations have had a significant broader formative influence on Russian–Ukrainian relations since 1991.<sup>95</sup> On the other hand, it is difficult to argue that the broad discourse over Russian identity expressed in official comments on Ukraine explains specific policies taken by the Kremlin or their timing from February 2014.

Indeed, given the relative quiescence between different communities in Crimea for many years before February 2014, and the lack of overt efforts at political separatism in eastern Ukraine in the years before this or of Russian efforts to engage with such separatist agendas, the sudden upsurge of support by Moscow for Russian or Russian-speaking communities in Ukraine demands further explanation. It is important to note also that the strong emphasis under Putin's third presidency on incorporating religious (specifically, Orthodox Christian) values in Russia's domestic efforts at identity construction is irrelevant in the context of the crisis with Ukraine, and could even be counterproductive for generating

<sup>95</sup> Among many studies, see Mikhail A. Molchanov, *Political culture and national identity in Russian–Ukrainian relations* (College Station, TX: Texas A&M Press, 2002); Ilya Prizel, *National identity and foreign policy: nationalism and leadership in Poland, Russia and Ukraine* (Cambridge: Cambridge University Press, 1998).

support for military action in Ukraine. All this jars with the rhetoric of besieged Russians. In his major address to the Russian State Duma and Federation Council over Crimea, Putin evoked the threat of repression of 'Russian-speaking Crimea', of chaos for 'millions of Russians living in Ukraine and in Crimea', to argue that 'Russia found itself in a position it could not retreat from'.<sup>96</sup> Some days previously a comment by the Russian foreign ministry had tersely stated in response to the initial violence in Donetsk in eastern Ukraine that 'Russia is aware of its responsibility for the lives of its compatriots and nationals in Ukraine and reserves the right to defend these people'.<sup>97</sup>

Russian leaders' assertion of the need to protect *ethnic Russian* communities in Crimea and eastern Ukraine, although often linked to the wider category of Russian-speakers, stands in contrast with the rather cautious policies Moscow had adopted previously towards ethnic Russian diasporas in CIS states, although strident Russian support has sometimes been offered for Russians in the Baltic states. When Russian troops intervened in conflicts in Georgia and Moldova/Transnistria in the early 1990s, domestic political debates in Moscow had included appeals to protect Russian minority populations and Russian citizens. But such protection did not determine the decisions to intervene, nor was it used formally to justify those early interventions.<sup>98</sup> In later years, Russia refrained from promoting secessionism among the substantial Russian communities in Ukraine or Kazakhstan or the smaller diasporas in other CIS states.<sup>99</sup> These communities gradually received more Russian attention during and after the second Putin presidency, at least through support for their language rights and cultural ties under the malleable concept of the *Russkiy mir* (Russian world). In return, Moscow hoped the Russian diaspora would reach out to Russia. In April 2014, Foreign Minister Lavrov described the 'main uniting factor of the Russian diaspora abroad' as 'your disposition to be with your historical Homeland ... to reinforce its international authority and prestige'. He promised 'the consistent protection of the interests of the Russian diaspora in Ukraine and in other states'.<sup>100</sup>

Once Crimea had been pocketed by Russia, this language had an ominous ring to the leaders of CIS states with significant Russian communities. However, for Putin the political value of such large diaspora communities, including that in Crimea, appeared primarily to have been their role as a Russia-leaning political influence *within* Ukraine and Kazakhstan. In domestic debates, for example, they could encourage interest in the Russia-promoted customs union and Eurasian Economic Union, and in Ukraine could potentially dilute Kiev's inclination towards the EU. However, the community of Russians in Crimea lost this capacity to act as such an 'internal lobby' in Ukraine after the annexation of the peninsula. In the wider context, Russian leaders must surely be aware that an emphasis

<sup>96</sup> Address by Putin, 18 March 2014.

<sup>97</sup> Comment on 14 March 2014, at <http://www.mid.ru>, accessed 2 Sept. 2014.

<sup>98</sup> Allison, *Russia, the West and military intervention*, pp. 127–9.

<sup>99</sup> For Central Asia, see Charles E. Ziegler, 'The Russian diaspora in Central Asia: Russian compatriots and Moscow's foreign policy', *Demokratizatsiya* 14: 1, Winter 2006, pp. 103–26.

<sup>100</sup> Speech on 14 April 2014 to the grandly titled World Coordination Council of Russian Compatriots Living Abroad, <http://www.mid.ru>, accessed 2 Sept. 2014.

on (Russian) ethnic identity, linked to separatism, especially the way it would resonate in Kazakhstan, is hardly compatible with their overall vision of a Eurasia project—indeed, that it jeopardizes that project.

The Russian leadership had refrained from interference in Crimea's early efforts to assert its autonomy during 1991–5, despite pro-Crimean sentiments among the Russian political elite and population. When the Ukrainian parliament annulled the 1992 Crimean constitution in March 1995 a Russian presidential aide on international affairs confirmed that 'events in Crimea are Ukraine's internal affair'. He issued a slight warning that 'the Russian leadership would like the adoption of these decisions to have no result in conflicts that Russia would need to get involved in settling'. But for the remainder of the 1990s there was no obvious attempt by Russia thereafter to incite such conflict in Crimea or elsewhere in Ukraine.<sup>101</sup> As Russia and Ukraine continued efforts to define their respective national identities, it appeared that mutually acceptable accommodations were gradually being developed, although one could still question the extent to which Russians were able to construct a distinct identity apart from that of the Soviet Union.<sup>102</sup>

This continued, indeed perhaps renewed, identification with the commonalities of the Soviet era in Putin's third presidential term helps account for Moscow's preference to use the loose categories of 'Russian-speakers' or compatriots (*soot-echestvenniki*) during the crisis around Ukraine, despite some explicit assertions of responsibility to protect the Russian diaspora as cited above. Another important reason for soft-peddling appeals to Russian ethnicity was the risk that more extreme Russian nationalism could develop a political momentum of its own, which would escape Moscow's control and exacerbate tensions in the North Caucasus. As it was, references to the right of ethnic Russians in Crimea to secede from Ukraine and join their ethnic kin in the Russian Federation offered ethnically non-Russian regions in the North Caucasus (despite the traumatic experience of Chechnya) a justification in principle for seeking secession from the Russian Federation.

Moscow's identification with Russian *citizens* or nationals in Ukraine, ultimately a legal category, did not appear to exert a strong influence on Russian crisis decision-making. Under Putin, Moscow has shown itself ready to view citizenship not just as a mark of identity but as a coercive resource. Tension had arisen between Moscow and Kiev earlier in autumn 2008 when the Russian consulate in Simferopol increased the distribution of Russian passports to Ukrainian citizens in Crimea. One justification offered by Russia for its military intervention in Georgia that summer had been the protection of Russian (but mostly ethnically South Ossetian) citizens, many of whom had quite recently been offered this citizenship by Russia—arguably 'manufactured' citizens.<sup>103</sup> But in 2014 the number and distribution of Russian citizens in Crimea or eastern Ukraine was unclear, and specific claims by Moscow to be acting to 'protect' Russians defined

<sup>101</sup> Dmitriy Ryurikov, *Izvestiya*, 21 March 1995. See Tor Bukkvoll, *Ukraine and European security* (London: Royal Institute of International Affairs, 1997), pp. 45–54.

<sup>102</sup> On these issues, see Molchanov, *Political culture and national identity in Russian–Ukrainian relations*.

<sup>103</sup> Roy Allison, 'The Russian case for military intervention in Georgia: international law, norms and political calculation', *European Security* 18: 2, June 2009, pp. 178–80.

in such terms of civic identity would have been difficult to pursue. Nor would such claims have generated the same extent of domestic support in Russia as claims to protect ethnic Russians and compatriots during the crisis.

There has been some effort to draw the categories of Russian citizen and compatriot closer together. In March 2014, after the occupation of Crimea, Russia drafted legislation to amend its existing citizenship law to fast-track Russian citizenship for eligible Russian-speaking applicants. Prime Minister Medvedev defined the Russophone criteria involved broadly: 'We are talking about people whose relatives or themselves have lived permanently in Russia, as well as in territories that belonged to Russia before the [1917] revolution, or were part of the Soviet Union.'<sup>104</sup> As this change was proposed just when a separate bill was being considered by the State Duma that would make it easier for Moscow to incorporate territories in foreign states into the Russian Federation, the new terms for Russian citizenship appeared to be part of wider medium-term Russian ambitions in the CIS region. But the citizenship law was tinkering around the edges compared to the decisive creation of over 2 million new Russian citizens, almost at a stroke, through the annexation of Crimea. Among these Putin claimed almost 1.5 million to be (ethnic) Russians and '350,000 ... Ukrainians who predominantly consider Russian their native language' (while 290,000–300,000 are Crimean Tatars).<sup>105</sup> The outcome *de facto* (if not *de jure* for nearly all other states) certainly augments the aggregate size of the ethnic Russian population of the Russian Federation.

To the extent that this 'citizen grab' influenced Putin's decision to absorb Crimea, it could be viewed primarily as a matter of extending the power and capacities of the Russian state (although substantial economic costs were also incurred), in the same way that Crimea provided strategic assets for Russia. The same impulse, based on strategy rather than identity, would lie behind claims, if confirmed, that Russian passports are being issued forcibly in population centres in eastern Ukraine controlled by separatists.<sup>106</sup> This is consistent with Putin's belief prior to the annexation that Crimea in some sense is rightfully, territorially Russian, regardless of basic principles of sovereignty. Putin revealed a similar view of South Ossetia, perhaps inadvertently, in discussing the 2008 intervention in Georgia, when he exclaimed: 'When an aggressor comes into *your territory*, you need to punch him in the face'—though in that case it led to recognition of South Ossetia as a state rather than annexation of the territory.<sup>107</sup>

This view of a right of acquisition over parts of the former Soviet state, probably shared by a significant part of nationalist opinion within Russia, has been rhetorically justified in Putin's current discourse over Crimea and Ukraine by appeals to historic justice and historic rights, which is in essence a form of revanchism,

<sup>104</sup> Farangis Najibullah, 'Russia mulls fast-track citizenship, sparking brain-drain concerns elsewhere', Radio Free Europe/Radio Liberty, 12 March 2014, [www.rferl.org/articleprintview/25294443.html](http://www.rferl.org/articleprintview/25294443.html), accessed 18 Oct. 2014.

<sup>105</sup> Address by Putin, 18 March 2014.

<sup>106</sup> Claim by Ukrainian State Border Service, UNIAN news agency, Kiev, 20 Sept. 2014, BBC Mon KVV 200914 aby, accessed 24 Sept. 2014.

<sup>107</sup> Putin in round-table meeting with Valdai Discussion Group (emphasis added), as reported by Bridget Kendall from Sochi, BBC News, Sept. 2008, <http://news.bbc.co.uk/2/hi/europe/7611482.stm>, accessed 18 Oct. 2014.

indeed irredentism.<sup>108</sup> For Putin, irredentist goals which were previously unrealistic became unexpectedly realizable. He may even have believed that the grave weakening of central state authority in Ukraine after the struggle against and collapse of the Yanukovich regime presented Russia with a historic opportunity. Redressing historic injustice then (selectively applied) was an appeal to a higher form of legitimation, superseding the mundane commitment to Ukrainian territorial integrity.

In this spirit Putin poured scorn on the Soviet leader Nikita Khrushchev's 'personal initiative' in 1954 to transfer the Crimean Region to the Ukrainian Union Republic, along with Sevastopol, although it was a federal city, 'in clear violation of the constitutional norms that were in place even then'. Putin reminded Russian politicians that with the collapse of the USSR millions overnight became 'ethnic minorities in former Union republics' and Crimean residents were 'handed over [to Ukraine] like a sack of potatoes'. Along with references to past shared glories between imperial Russia and the USSR on the one hand and Crimea/Sevastopol on the other hand, Putin presents an emotional case for reunion to bolster other claims advanced for annexation of the peninsula.<sup>109</sup> The appeal is for other nations to respect 'our lawful interests, including the *restoration of historical justice* and right to self-determination'.<sup>110</sup> The broad resonance this had among Russian elites as well as the wider public is indicated by former president Mikhail Gorbachev's interpretation of the annexation of Crimea: 'the people have made up their mind to correct the mistake' that occurred when 'Crimea was joined to Ukraine by Soviet laws', and this 'should be welcomed'.<sup>111</sup>

However, during March and April 2014 Putin's call to remedy historical injustice did not appear only as an exceptional argument to gain domestic approval in Russia for the reunification of Crimea with Russia proper. Putin proceeded to present Russians and Ukrainians as a 'single people', while at the same time, if not quite consistently, describing the 'Russian people' as becoming in 1991 'one of the biggest, if not the biggest divided nation in the world'. More specifically, Putin criticized the Bolsheviks after the revolution for adding 'large sections of the historical South of Russia to the Republic of Ukraine ... with no consideration for the ethnic make-up of the population', sections which, he said, today 'form the south-east of Ukraine'.<sup>112</sup>

This forms the basis of Putin's highly controversial endorsement of the historic notion of 'Novorossiia', a large governorship in the Russian empire, and currently a territorial concept to which pro-Russian separatists in the Donetsk and Luhansk provinces have laid claim. It is also a geopolitical image which has been associated previously with Russian nationalists such as the Eurasianist ideologue Aleksandr

<sup>108</sup> Speaking about the annexation of Crimea at the UN General Assembly, Russian UN Permanent Representative Vitaly Churkin proclaimed 'historical justice has triumphed': <http://mid.ru>, 27 March 2014, accessed 2 Sept. 2014.

<sup>109</sup> Address by Putin, 18 March 2014.

<sup>110</sup> Speech by Putin at event dedicated to the victory over Germany in 1945 (emphasis added), 9 May 2014, <http://www.eng.news.kremlin.ru/transcripts/7159/print>, accessed 18 Oct. 2014.

<sup>111</sup> Interfax news agency, Moscow, 17 March 2014, <http://www.interfax.com/newsinf.asp?id=489110>, accessed 18 Oct. 2014.

<sup>112</sup> Address by Putin, 18 March 2014.



Dugin, whose views formerly had been well outside mainstream Russian political discourse. In April 2014, in his annual Direct Line phone-in, Putin stressed the need 'to ensure the legitimate rights and interests of ethnic Russians and Russian speakers' in Novorossiia of tsarist days, encompassing 'Kharkov, Lugansk, Donetsk, Kherson, Nikolayev and Odessa' (and given to the Ukrainian Union Republic in the 1920s). This region had 'intertwined its roots with those of the Russian state' and Russia would 'fight for' these people to be able 'to defend their rights and determine their fate on their own'.<sup>113</sup> It seemed that early twentieth-century concepts of Eurasianism, articulating Russia's natural bond with nations on its southern and eastern borders, had moved to the core of a new nationalist foreign policy ideology endorsed by Putin himself. By August 2014, even if the southern regions of Ukraine had not followed the rebellions of Donetsk and Luhansk, 'Novorossiia' was increasingly a part of Kremlin discourse and the term the 'militia of Novorossiia' even was floated.

All this might appear to be driven by an underlying sense of identity—an amalgam of ethnicity, language, culture and historical rights, which is dismissive of the notion that a distinct Ukrainian nation exists. Certainly the metaphors used by Moscow which seem aimed at domestic Russian consumption take this guise. However, as argued above, the identity tags used seem to be attached to an exercise of structural power by Russia to enforce territorial adjustments rather than to reflect a reality manifested in responsive policy decisions in 2014. To take one example, as noted above, the Russian narrative about ethnic polarization and the subjugation of the Russian language in Ukraine jars with the fact that in the years before the 2014 crisis separatist agitation was minimal and there was no serious tension between ethnic Russians or Russian-speakers in Crimea and the population or authorities in the rest of Ukraine (despite complaints by Crimeans about their economic disadvantages), although some fault-lines did begin to emerge during the popular efforts to unseat Yanukovich. The same broadly stable coexistence between Russians (however defined) and Ukrainians was present in eastern Ukraine before 2014. Moreover, survey evidence in spring 2014 confirms that only a small proportion of Ukrainians in the eastern and southern parts of the state were in favour of separatism and union with Russia, and that nothing like a compact identity affiliation exists in the arc of territory described in Moscow as Novorossiia.<sup>114</sup>

If power politics trumps identity in the Russian interventions in Ukraine, perhaps not only was the Crimean occupation planned years ahead (though its implementation was contingent on wider events), but the separatist struggles in the Donetsk, Luhansk and wider eastern Donbas regions of Ukraine were also prepared with the encouragement of Russian security agencies long in advance, as claimed by Valentyn Nalyvaychenko, the head of the Ukrainian Security Service.<sup>115</sup> A Russian specialist dismissed the view that the Kremlin had been preparing for

<sup>113</sup> Direct Line interview with Putin, 17 April 2014. The Novorossiia concept also includes several southern regions of current Russia, including Rostov oblast and Stavropol and Krasnodor krais.

<sup>114</sup> For the polling data and assessment, see Wilson, *Ukraine crisis*, p. 124.

<sup>115</sup> Interview with Valentyn Nalyvaychenko, *Den*, 19 June 2014, p. 6, BBC Mon KVVU 230614 nm/pd, accessed 25 June 2014.

the separation of Novorossiia as far back as 2010 or even 2004, arguing that in this case groups of pro-Russian activists and militant groups would have been much more effective in the cities of eastern and southern Ukraine, whereas 'in reality, the movements for federalization in Kharkov, Zaporozhye and Odesa were weak' and riven by internal differences.<sup>116</sup> On another interpretation, however, Putin and his entourage miscalculated. In providing support for separatist groups in eastern Ukraine early in the crisis, they may have expected that an unrealistic level of popular resistance to the post-Maidan Kiev government would follow later in spring 2014 in southern Ukrainian cities. This could reflect wishful thinking by Putin and those he consults, once they had been drawn towards an agenda of Soviet or even imperial revisionism, previously confined to a fringe of Russian nationalist politics.

Arguably, the ideational influences of Russian nationalists marked by pronounced hostility to western powers and rather Manichaeic world-views have fed into Putin's decisions to cross political thresholds and sovereign borders in an unprecedented way for post-Cold War Russia. Dmitri Trenin claims that with the flight of Yanukovich from Kiev, Putin 'saw a threat of Galicia, or western Ukraine, which lies west of Europe's "civilizational boundary", taking over the entire country and turning it into an anti-Russian force'.<sup>117</sup> This kind of civilizational polarization and threat imagery is the stuff of Eurasianists such as Aleksandr Dugin, who hanker after the restoration of a larger state and geopolitical space under Moscow's control. Some have even presented Dugin as the philosophical inspiration behind Putin's occupation of Crimea.<sup>118</sup> Yet Dugin is not believed to have been close to Putin in the years preceding the intervention, and although his star rose with the Russian annexation of Crimea, by July 2014 he was complaining of feeling 'completely abandoned' by Putin who, he thought, was trying to cut his losses, going to deal with President Poroshenko 'and encouraging Nazi troops to destroy Novorossiia'.<sup>119</sup>

In fact Putin intervened on a larger scale the following month, before brokering a deal over the rebel-held areas in eastern Ukraine, which comprised only a fraction of the territory of historical Novorossiia. Other uncompromising Russian nationalists, such as Aleksandr Prokhanov, editor-in-chief of the *Zavtra* newspaper, or Sergei Glazyev, the presidential adviser on trade, may also have felt at this time that Russia had lost the chance to implement a bolder revisionist programme. However, Putin has to be wary that his freedom of manoeuvre is not curtailed by the revisionist political momentum he has unleashed. When the veteran head of Russia's Liberal Democratic Party, Vladimir Zhirinovskiy, called in March 2014 for the expansion of Russian land borders by incorporating the Donbas industrial region of Ukraine and some other Ukrainian regions, this proposal was

<sup>116</sup> Aleksei Fenenko, <http://www.russia-direct.org>, 29 July 2014, at *Johnson's Russia List* 2014: 155, 31 July 2014, <http://www.russialist.org/archives/index-archive.php>, accessed 10 Aug. 2014.

<sup>117</sup> Dmitri Trenin, 'Ukraine is not the only battlefield between Russia and the West', 21 March 2014, <http://carnegieeurope.eu/strategieurope/?fa=55049>, accessed 22 Oct. 2014.

<sup>118</sup> Anton Barbashin and Hannah Thoburn, 'Putin's brain: Alexander Dugin and the philosophy behind Putin's invasion of Crimea', *Foreign Affairs*, Snapshot, 31 March 2014, <http://www.foreignaffairs.com/print/138151>, accessed 18 Oct. 2014.

<sup>119</sup> 'Gutless Putin is betraying Ukraine rebels', *Guardian*, 3 July 2014, p. 30.

quickly disavowed by Russian officials.<sup>120</sup> Zhirinovskiy's provocative suggestion, aired just before the Russian occupation of Crimea, that a 'Central Asian Federal Region' should be created, incorporating all five of the former Soviet Central Asian republics (now CIS states), was given even shorter shrift publicly by the Russian leadership. Yet Putin may view such extreme notions as useful, since they position Putin's own irredentist, even neo-imperial, claims as relatively more 'centrist' in domestic debates and might serve to signal to other CIS state leaders that it is important to engage with Putin's own ideas about federalization or the provision of greater regional autonomy to the Russian diaspora. Even so, Putin must realize the dangers of trying to ride the crest of a new Russian irredentist wave. His readiness to take these risks may be explained in large measure by his overriding concern with domestic political consolidation in Russia, triggered by shock over the revolutionary upheaval in neighbouring Ukraine.

### *Russian domestic political consolidation*

The third possible explanation of the Russian interventions in Ukraine is rooted in the domestic political structure over which Putin presides and the threats to its stability perceived to emanate from the example of the overthrow of the Yanukovich regime in Ukraine and its replacement by a radical nationalist and western-oriented leadership in Kiev. On this assessment, the decisive political break in Ukraine that occurred with the flight of Yanukovich did not just set in motion worst-case planning in Moscow about a new lurch towards NATO by Ukraine. Nor was the primary concern a degeneration in the political or humanitarian environment for ethnic Russians or Russian-speakers. Instead, arguably the most decisive influence on Putin's own crisis decision-making was a determination to reverse or at least limit the political entrenchment and territorial control of what he termed 'an anti-constitutional coup' in Kiev and thereby to shield Russia itself from the potential spillover effects posed by the model of a populist alternative to authoritarian rule in Russia. Putin's response reflected his deep aversion to 'colour revolutions', a term which the Kremlin applied to street demonstrations leading to changes of regime or government, supposedly orchestrated by western powers for geopolitical ends.

The Russian leadership's hostility to 'colour revolutions' was originally focused on the Orange Revolution in Kiev in November–December 2004. The confirmation of Viktor Yushchenko as Ukrainian president in place of Viktor Yanukovich through large-scale yet peaceful street protests was wholly unexpected in Moscow and fuelled a belief that western states were using competition around election processes to shift local and foreign policy alignments in their favour by replacing incumbent leaders.<sup>121</sup> Almost ten years later Putin continued to scorn the Orange

<sup>120</sup> Aleksei Pushkov, chairman of the State Duma Committee for International Affairs, claimed that Zhirinovskiy's proposal was not the position of the United Russia party or, in his belief, 'of the majority of the State Duma', and was contrary to Putin's view that Russia did not need a split Ukraine: Interfax news agency, Moscow, 20 March 2014, *Johnson's Russia List* 2014: 63, 21 March 2014, <http://www.russialist.org/archives/index-archive.php>, accessed 30 March 2014.

<sup>121</sup> See Allison, *Russia, the West and military intervention*, pp. 133–8.

Revolution, claiming that 'to push the necessary candidate through at presidential elections, they thought up some sort of third round that was not stipulated by the law ... it was absurd and a mockery of the constitution'. Then his critique juxtaposed this to Ukraine in February 2014—'and now they have thrown in an organised and well-equipped army of militants'. In the period between these events came two further shocks. The first was the Arab Spring uprisings, which Putin portrayed as 'a whole series of controlled "colour revolutions"', where 'standards were imposed on these nations' leading to 'chaos, outbreaks of violence and a series of upheavals'.<sup>122</sup> The political degeneration of the Arab Spring revolts was grist to the mill for this Russian analysis. Second, Putin was shaken by Russia's own experience of street demonstrations between December 2011 and spring 2012, with tens of thousands protesting against vote-rigging in parliamentary elections and more directly against the system of rule. These were the largest anti-Kremlin protests since the 1990s and created a sense of vulnerability within the Russian ruling elite.<sup>123</sup> Already in spring 2011 a Public Opinion Foundation survey had found that 49 per cent of Russians were prepared to take part in protest demonstrations.<sup>124</sup> Publications on the theme of 'Russia next' began to flourish.<sup>125</sup>

Against this background, in 2014 Russian military leaders weighed in on the threat to the (largely authoritarian) CIS states of the CSTO posed by 'colour revolutions', whereby 'the socio-economic and political problems of individual states are used by outside forces under "democratizing" slogans to replace the undesirable governments with regimes controlled from abroad'.<sup>126</sup> Deputy Defence Minister Anatoly Antonov warned: 'We are closely watching such attempts targeting our nearest neighbours because they are directed against Russia.'<sup>127</sup> At a conference on the topic in the Russian defence ministry in May, Defence Minister Sergei Shoigu set a new and harsher tone by describing 'colour revolutions' as increasingly 'devised in accordance with the rules of warfare'. General Vladimir Zarudnitsky, chief of the main operations directorate of the general staff, described a process whereby opposition forces receive military aid from outside countries, before a coalition of countries may intervene to rout government troops and enable the armed opposition to seize power.<sup>128</sup> If 'colour revolutions' are presented in this way as a form of aggression, one critical analyst concluded, then annexing Crimea and supporting separatists in eastern Ukraine, in the mentality of the Kremlin, can be viewed as a kind of 'colour counter-revolution'.<sup>129</sup>

<sup>122</sup> Address by Putin, 18 March 2014.

<sup>123</sup> See e.g. 'Rally defying Putin's party draws tens of thousands', *New York Times*, 10 Dec. 2011.

<sup>124</sup> 'Authoritarian Russia watches as Middle East unravels', Radio Free Europe/Radio Liberty report, 3 March 2011, [http://www.rferl.org/content/authoritarian\\_russia-watches\\_as\\_mideast\\_unravels/2327204.html](http://www.rferl.org/content/authoritarian_russia-watches_as_mideast_unravels/2327204.html), accessed 22 Oct. 2014.

<sup>125</sup> See e.g. Aleksei Vasil'ev and Nikolay Petrov, *Retsepty Arabskoy Vesy: Egipet, Libiya, Siriya ... Rossiya?* (Moscow: Algoritm, 2012).

<sup>126</sup> Russian First Deputy Defence Minister Arkady Bakhin, at meeting of defence ministers of CSTO member states, 10 June 2014, Interfax news agency, Moscow, 10 June 2014, BBC Mon FS1 FsuPol gyl, accessed 15 June 2014.

<sup>127</sup> Interfax-AVN military news agency, Moscow, 9 April 2014, BBC Mon FS1 FsuPol gv, accessed 15 April 2014.

<sup>128</sup> As reported by Aleksandr Golts, 'Defence Ministry breathes life into Putin's phantoms', *Yezhednevnyy zhurnal*, 26 May 2014.

<sup>129</sup> Golts, 'Defence Ministry breathes life into Putin's phantoms'.

This was the template placed by Moscow on the events leading to the flight of Yanukovich from Kiev. In his initial remarks on 4 March, Putin condemned these events as 'an anti-constitutional takeover, an armed seizure of power', which was well prepared with 'western instructors'. Putin declaimed: 'Only constitutional means should be used on the post-Soviet space, where political structures are still very fragile.' He alluded further to his domestic power concerns over such a transfer of power in the post-Soviet area in noting that 'if one person can get away with doing this, it means that everyone is allowed to try, and this means chaos'. The takeover in Kiev left Yanukovich as 'the only undoubtedly legitimate president', though Putin admitted 'he has no political future'.<sup>130</sup> For Russia, this controversy was cast not just as a competition about legitimate rule between Moscow and Kiev, but crucially also as one about whether states from outside the immediate region have any right to engage in such a discussion about standards of political legitimacy—with obvious comparative implications for Russia's own political arrangements. This framing lies at the core of contrasting Russian and western understandings of earlier 'colour revolutions' as well as the new Maidan revolution in Ukraine.

However, Putin's challenge to the outcome of the Maidan revolution went further, as he called into question the legitimacy of the 'new state' formed by this 'coup' and with it the validity of all previous bilateral treaties Ukraine had signed with Russia. With this threat of wiping clean the template of Russian–Ukrainian relations he called for a new constitution to be adopted and put to a referendum of Ukrainian citizens: in other words, he was defining how Ukraine should build its state. This soon turned into a demand for the federalization of Ukraine.

The explanation of these demands, and of the accompanying intervention in and destabilization of Ukraine by Russia, offered by the liberal specialist Lilia Shevtsova is that Putin intended to realize not just geopolitical goals, but the 'civilizational goal' of eliminating the idea of the Maidan as an alternative to the Russian 'personalized power system'. This would enable the continued reproduction of that system in the post-Soviet space.<sup>131</sup> Putin's vocal domestic critic and opposition politician Alexey Navalny adds the claim that 'Putin's rash behaviour ... is motivated by the desire for revenge against the Ukrainian people for revolting against a Kremlin-friendly government'. Navalny viewed the call for a referendum to determine Crimean sovereignty as risky, given the reality of Russia as a federation of numerous disparate regions, ethnic groups and languages. But, for Putin, annexation 'is a strategic choice to bolster his regime's survival', since it would raise 'nationalist fervour to a fever pitch' and under the banner of fighting external enemies would serve to distract mass opinion from real problems in Russia such as corruption and economic stagnation.<sup>132</sup>

This is about harnessing populism for purposes of domestic political consolidation; and to a considerable extent it seems to have worked. The reunification of Crimea with Russia, if not the interference in eastern Ukraine, successfully

<sup>130</sup> Interview with Putin, 4 March 2014.

<sup>131</sup> Lilia Shevtsova, 'Falling into Putin's trap', *The American Interest*, 10 March 2014, pp. 5–6, <http://www.the-american-interest.com/articles/2014/03/10/falling-into-putins-trap>, accessed 22 Oct. 2014.

<sup>132</sup> Alexey A. Navalny, 'How to punish Putin', *New York Times*, 20 March 2014.

raised Putin's domestic approval ratings to levels which must for the time being allay his concerns about the large-scale demonstrations in Russian cities a few years previously. This has been greatly assisted by the wholly controlled narrative over Ukraine in the Russian mass media. The pro-Kremlin polling body VTsIOM gave Putin a Soviet-era style 96 per cent approval rating by the Russian public in March 2014 for annexing Crimea.<sup>133</sup> Even if we dismiss such a statistic, it is clear that in spring 2014 Putin was riding on the crest of renewed populist support, and something of a Putin personality cult has been forming. This has allowed him to reinforce further central control in Russia over dissent and criticism of the existing power structure. There are efforts to control critical views on the internet of the Russian official narrative. Anti-war protesters have selectively been detained or warned, and in May 2014 new legislation in effect made calling Crimea 'occupied' or Ukrainian a criminal offence, since calls for 'separatism' or 'dismantlement of the Russian Federation' were criminalized.<sup>134</sup>

All this has been accompanied by some unsavoury appeals to counter the 'fifth column' in Russia, reminiscent of the Stalin era. For example, the deputy head of the State Duma defence committee, Frants Klintsevich, a member of the ruling United Russia party, spoke darkly of the need to act against efforts to divide Russia up 'like in Ukraine through Maidan, through internal contradictions, through nationalists and through the so-called fifth column'. But he claimed that such subversion would be difficult now as 'there is a sufficiently monolithic, consolidated and patriotic civil society in Russia'.<sup>135</sup> A more extreme, alarmist view is that of Igor Strelkov, the former 'defence minister' of the so-called Donetsk people's republic, who rails against a network of agents of influence and traitors, passing themselves off as Putin's friends, calling for reconciliation in Ukraine, while 'the West and the fifth column make practically no secret of their plans to oust President Putin and completely dismantle Russia' through a Moscow Maidan and palace coup. To thwart this plan and preserve Russia, 'the defence of Novorossiia' is presented as critically important.<sup>136</sup>

Strelkov has no official status in Russia. But his views share with the new official populism an important central element—the invocation of external enemies in the West to justify actions in Ukraine and control mechanisms at home. Sergei Markov expresses this starkly and links it back to the issue of Putin's rule by claiming that Washington's aim in the emerging geopolitical Cold War, seeking to repeat what happened in Ukraine, is 'to install a pro-western government in Moscow which could lead to the breakup of Russia' while 'Siberia, the Caucasus and the Far

<sup>133</sup> *Eurasia Daily Monitor* 11: 63, 3 April 2014, <http://www.jamestown.org/programs/edm/archives/2014/>, accessed 10 April 2014.

<sup>134</sup> Richard Arnold, 'In response to Ukraine, Russian domestic repression increases', *Eurasia Daily Monitor* 11: 51, 18 March 2014, <http://www.jamestown.org/programs/edm/archives/2014>, accessed 20 March 2014; <http://www.kremlin.ru/news/20796>, accessed 18 Oct. 2014.

<sup>135</sup> Interview with RIA Novosti news agency, Moscow, 2 Sept. 2014, BBC Mon FS1 FsuPol iu/hg, accessed 10 Sept. 2014.

<sup>136</sup> Briefing given by Strelkov on 11 Sept. 2014, *Moskovskiy komsomolets* website, 11 Sept. 2014, BBC Mon FS1 MCU 130914 prt/evg, accessed 20 Sept. 2014.



East will demand autonomy'.<sup>137</sup> Justifications based on the need to thwart this kind of fanciful scenario could be presented if Russia were to decide to send a large military contingent into Ukraine, resulting in full-scale war (which could no longer be 'deniable'). This threat hung over Kiev for much of the middle of 2014, from March to September. Even an advance of Russian troops on Kharkov (which Strelkov hoped for after capturing Sloviansk, an outpost for such an advance) or the declaration by Russia of a no-fly zone in the Donbas, would have required the invocation of similar threats from western powers.

For Shevtsova, however, consolidation of Russia on a wartime footing around the Ukraine crisis in 2014 may have only a short-lived effect and will eventually be followed by public discontent with the regime. This then will require Putin to plunge Russia into further wars or search for new ways to direct attention to external enemies.<sup>138</sup> Threat inflation has indeed become a staple in the official narrative. Speaking at a meeting to prepare a new Russian national armament procurement programme for 2016–25, Putin declared Russia to be under a growing multitude of outside threats emanating from the United States and its allies, among them that of events in and around Ukraine. The West 'organised and provoked' the Ukraine crisis, he claimed, as a pretext to reinvigorate NATO and deploy western forces close to Russia's borders.<sup>139</sup> Although NATO made only limited attempts to reassure its weaker members bordering Russia during the fighting in eastern Ukraine, a former Russian air force commander-in-chief suggested, rather unrealistically, that Russia should 'counter' NATO by setting up air force bases near the United States.<sup>140</sup>

This drumbeat of the 'enemy at the gate' may have served to consolidate support among Russian domestic elites and the public. But it fails to address the underlying threat to 'regime security' in Russia which Putin and his entourage perceive in the example of revolution in Ukraine and the empowerment of nationalist pro-western politicians committed to non-authoritarian governance. Arguably this is a key element in explaining Moscow's demands to reconstitute the Ukrainian state politically and the Russian structural disruption of Ukrainian statehood through military intervention beyond Crimea alone. Russia's support for the constitutional reform of Ukraine referred to in the 21 February agreement between Yanukovich and opposition politicians has been a baseline position for Moscow.<sup>141</sup> After the collapse of the Yanukovich regime, Russia's occupation of Crimea was followed quickly by its insistence on a new federal arrangement in Ukraine which would restrict the scope of Kiev's political authority over the rest of the country.

<sup>137</sup> Sergei Markov (Director of the Institute of Political Studies, Moscow), 'Russia must stop US expansion in Ukraine', *Moscow Times*, 20 March 2014.

<sup>138</sup> Lilia Shevtsova, 'The Putin Doctrine: myth, provocation, blackmail, or the real deal?', *The American Interest*, 14 April 2014, p. 11, <http://www.the-american-interest.com/articles/2014/04/14/the-putin-doctrine-myth-provocation-blackmail-or-the-real-deal>, accessed 22 Oct. 2014.

<sup>139</sup> Pavel Felgenhauer, 'Kremlin sees Ukraine as part of overall US-led assault on Russia', *Eurasia Daily Monitor* 11: 159, 11 Sept. 2014, <http://www.jamestown.org/programs/edm/archives/2014>, accessed 20 Sept. 2014.

<sup>140</sup> Army General Petr Deynekin, Interfax-AVN military news agency, Moscow, 3 Sept. 2014, BBC Mon FS1 FsuPol sv, accessed 10 Sept. 2014.

<sup>141</sup> Russian Foreign Ministry comment, 21 Feb. 2014, <http://www.mid.ru>, accessed 25 Feb. 2014.

This outcome could be enabled by supporting and inciting efforts to form a new separate federation, ideally in the entire south-east of Ukraine, which would set itself beyond the control of the revolutionary leaders in Kiev. Moscow could play on centrifugal currents across its borders in Ukraine, and new friendly political forces in this region, empowered in a new constitution, could frustrate the workings and pro-western initiatives of the central authorities in Kiev. In late March, Sergei Lavrov called for the regions to be granted sweeping powers in a new federal structure, including over 'external economic and cultural ties with neighbouring countries or regions'—in the case of eastern Ukraine, with Russia.<sup>142</sup> By May the Russian call was for a discussion regarding Ukraine's 'future state order with participation of all the political forces and all regions of the country'.<sup>143</sup> After a more overt Russian military incursion in late August, Putin urged talks on 'statehood' for eastern Ukraine.<sup>144</sup>

The agreement reached the following month, enshrined in Ukrainian laws, provided self-governance to certain areas (less than 40 per cent) of the Donetsk and Luhansk provinces (oblasts) for three years. It won Russian praise. However, it almost certainly falls short of Russian hopes earlier that spring, as well as the ambitions of local separatist groups. These hopes depended on a much wider geographic scope of anti-Kiev agitation, which failed to materialize.<sup>145</sup> The central government never lost control of the major cities of Odessa, Nikolayev, Kherson, Kharkov and Dnipropetrovsk. The self-governance agreement retains ample scope for future clashes of interpretation over the territories involved (which make little sense geographically or economically as a separate political entity), the distribution of competences between Kiev and the regions, and the control of the border.

Therefore Putin may believe that, with the creation of small Russian quasi-protectorates in eastern Ukraine, reinforced by Kiev's awareness of his readiness to use force and Russian leverage through trade and energy relations, he retains substantial options over time to influence and constrain the political orientation and governance of Poroshenko's administration in Kiev, as well as its external relations. Moreover, after summer 2014 Russian leverage could exploit the shrinking Ukrainian economy and rising Ukrainian budget deficit, despite the improved prospects for Ukrainian exports to the EU. Yet Putin may underestimate the degree to which his use of force has acted to consolidate Ukrainian society since February 2014, beyond parts of eastern Ukraine and Crimea, in the will to resist Russian domination. Ideally, one prominent Russian specialist has suggested, over time Putin 'would like to see central Ukraine, with Kiev, join with the eastern and southern regions of the country in a compact aligned with Russia'.<sup>146</sup> But this now seems a remote possibility.

<sup>142</sup> "Federal" Ukraine is the only way to end crisis, says Russia', *The Times*, 31 March 2014, p. 33; interview with Lavrov, 30 March 2014, <http://www.mid.ru>, accessed 5 April 2014. See also interview with Lavrov, 17 April 2004, <http://www.mid.ru>, accessed 20 April 2014.

<sup>143</sup> Russian Foreign Ministry comment, 12 May 2014, <http://www.mid.ru> accessed 15 May 2014.

<sup>144</sup> 'Putin "urges talks on statehood for east Ukraine"', BBC News, 31 Aug. 2014, <http://www.bbc.co.uk/news/world-europe-29003116?print=true>, accessed 31 Aug. 2014.

<sup>145</sup> 'Ukraine autonomy plan wins plaudits in Moscow', *Wall Street Journal*, 18 Sept. 2014, p. 3.

<sup>146</sup> Dmitri Trenin, 'Putin on the couch', op-ed, 13 March 2013, <http://m.ceip.org/2014/03/13/putin-on-couch/h3qf>.

Indeed, there are substantial and growing challenges ahead for the cohesion of Putin's own system of rule. The demonstrative effect of post-Maidan political arrangements in Ukraine, a country still mired in clientelism and non-transparent flows of power, cannot be predicted. More important is the probability of stagnation, even recession, in the Russian economy during 2014–16 if not beyond, aggravated by western sanctions, and the impact of this on Putin's popularity and regime stability. For all Putin's hopes that seizing Crimea has yielded a golden political dividend for him within Russia, sustaining separatism in eastern Ukraine is likely to exacerbate legitimate domestic economic and political grievances at home. This policy also risks further spillover of instability from the region into Russia, delaying the return of refugees, a significant and open-ended Russian economic liability for the separatist territories, and even encouragement for the revival of separatist impulses in the North Caucasus.

## **Conclusion**

The Russian interventions in Ukraine have shaken the international community. Russia engaged in coercive efforts to manipulate local politics and undermine sovereign decision-making in Kiev, which continued and escalated militarily after the election of President Poroshenko. More disturbing still is the channelling of this activity to enable a territorial extension of the Russian state in Crimea and the creation of potential protectorates in eastern Ukraine. The strategic and political consequences of a Russian readiness to rewrite borders in this way are most serious. This demands a concentrated effort to understand the extent to which Moscow seeks to challenge the current European international order and to better explain Russian actions towards Ukraine.

The first part of this article has argued that in a rule-based system legal rhetoric matters, and that the contestation of legal interpretations frames international diplomacy. It is important to engage with and refute international legal claims and justifications which fall outside core established principles, especially over the use of force, as happened during the crisis over Ukraine. In the matter of military interventions in the post-Cold War years, western states do not have an unblemished record. However, this in no manner serves to justify Russian actions in Crimea and eastern Ukraine, especially the grave step of annexation. The Russian effort has been 'to find justifications in precedent or law to excuse its actions in Ukraine and to muddy the waters of international opinion'.<sup>147</sup> In response, the deconstruction of Russian legal claims, as briefly conducted in this article, is one necessary step to restore some semblance of stability in Russian relations with its neighbour states, especially Ukraine, and to pre-empt more serious fractures in the international legal order.

Turning to explanations of Russian interventions in Ukraine, this article argues that it is insufficient to think simply in terms of geopolitical (and indeed geo-economic) competition between western powers and institutions (principally

<sup>147</sup>Hague, 'Russian actions in Crimea'.

the EU and NATO) and Russia, with Ukraine as the proving ground. Yet this wider framing has been an important influence on the perceptions of politicians, as the choice between a more western-oriented or a Russia-oriented political trajectory for Ukraine seemed to crystallize with the sudden collapse of the Yanukovich regime. In reality, a polarization of choices was never practical for Ukrainian leaders. The Ukrainian economy and trading patterns are likely to remain strongly interlinked with Russia, while the option of Ukrainian accession to NATO would be unlikely to find approval among major European NATO states in the medium term.

Nevertheless, the Russian perception of the new Ukrainian leadership as especially hostile to Russia and its political system seemed to trigger strategic worst-case thinking and with that a rapid decision to implement a plan for the occupation and eventual annexation of Crimea. Nor was Putin oblivious to the moment of opportunity, given the obvious weakness of the Ukrainian state and its security apparatus. If strategic denial of Ukraine (and in the first place Crimea) to NATO was a strong impulse underlying this action, it was reinforced by the substantial gain of the territory of Crimea as a strategic asset. This perception was soon expressed in Russian military planning. Russian actions in eastern Ukraine followed to ensure continued leverage on Kiev's choices. A more far-reaching goal, if a broader pro-Russia support base could be achieved in southern Ukraine, was effectively the fracturing of the Ukrainian state and the creation of a new Russia-oriented federation, perhaps as the first stage towards greater control of the central state and its foreign policy, boosting the prospect of Russian primacy in the wider CIS region.

By comparison, explanations of Russian actions based on identity are less convincing. Moscow's choice to identify with ethnic Russians, Russian-speakers and Russian 'compatriots' in the crisis was useful in generating domestic support for coercive action in Ukraine. But as these communities were under no real threat, despite the strident narrative channelled through Russia's state-controlled media, this identification does not offer significant explanatory value for such extreme Russian behaviour at the specific time it occurred. The 'Novorossiya' concept and calls for the righting of historical wrongs similarly appear as the instrumental use of images, symbols and language for other ends. Absorbing Crimea with its large ethnic Russian population certainly boosted Putin's domestic approval ratings, but to the extent that this populist gain influenced Kremlin decision-making, it had more to do with a search for domestic political consolidation rather than the simple gravitational pull of Moscow towards Russian ethnic kin or compatriots.

Indeed, domestic political consolidation emerges as an important influence on Russian action in Ukraine, as a continuing effort to quash the opposition to Putin's centralized rule expressed in the large protest demonstrations in Russian cities as recently as late 2011 and early 2012. For Putin, the presumed association between these protests, earlier 'colour revolutions' and now the new Maidan revolution in Kiev was difficult to swallow. From this arose a determination to limit the political gains of the new Ukrainian leadership, constrain its foreign policy options and

seek ways to reverse the political and normative model represented by what he characterized as a western-learning 'clique' which had seized power illegitimately. Even with Poroshenko's election as president, an 'alternative' Ukraine could be fostered in the east, although the popularity of embroilment in eastern Ukraine could not be assured among the Russian public. In this sense the ouster of Yanukovich had been felt very personally by Putin, and its consequences in Kiev were not just a strategic, but also a political and normative challenge to Putin's vision of Russia-led Eurasian integration, bringing together a set of states with rigid, hierarchical political systems.

Ultimately, Russian conduct in Ukraine since February 2014 not only forms a challenge to states on its periphery; it also calls for efforts to avoid a dangerous escalation of tensions involving western powers, since core legal principles are contested, and alternative rules and understandings to manage the competitive tensions that remain in the post-Soviet region are far from agreed. Putin has evoked the scenario of a world where states 'live without any rules at all' and where there are heightened risks from internal instability in states, 'especially when we talk about nations located at the intersection of major states geopolitical interests'<sup>148</sup>. In the Soviet era tacit codes of conduct developed between the USSR and western states in an effort to regulate dangerous competition between their interests in the Third World.<sup>149</sup> Nothing similar has been attempted for the CIS region, where Russian and western interests are fluid and intersect, while even the Baltic states now appear less secure.

The practical risks are reflected in a discussion held in April 2014 between the Russian Chief of the General Staff and the Chairman of the US Joint Chiefs of Staff about measures to prevent dangerous military activity in areas in which military forces training and exercises are held.<sup>150</sup> The risks of unregulated competition are also reflected in the warning by a Russian specialist of the danger of Russia being drawn into a direct military conflict with Ukraine, 'which would actually be a second Afghanistan for Moscow', the implication being that this would form the first post-Cold War proxy conflict between Russia and western states.<sup>151</sup> The stakes would certainly be raised if some NATO states were to offer Kiev direct military supplies, as well as training, to offset in some measure the Russian support for separatist forces. The September 2014 ceasefire and subsequent agreement curtailed the extensive military operations of late summer. Unfortunately, this leaves a lasting settlement and a wider political stabilization of Ukraine still critically dependent on how Russia chooses to support the ill-defined and precarious self-governing enclaves in the Donetsk and Luhansk provinces.

<sup>148</sup> Putin in address to session on 'new rules or no rules' of Valdai International Discussion Club, 24 Oct. 2014, <http://eng.news.kremlin.ru/news/23137>, accessed 24 Oct. 2014.

<sup>149</sup> See Roy Allison and Phil Williams, 'Crisis prevention patterns and prospects', in Roy Allison and Phil Williams, eds, *Superpower competition and crisis prevention in the Third World* (Cambridge: Cambridge University Press, 1990), pp. 249–57.

<sup>150</sup> Conversation on 24 April 2014, Interfax-AVN military news agency, Moscow, 25 April 2014, BBC Mon Alert FS1 FsuPol hb, accessed 30 April 2014. Russian Army General Valeriy Gerasimov complained of the increase in NATO's military activity near Russia's borders.

<sup>151</sup> Sergei Karaganov, 'How to avoid a second Afghanistan', *Vedomosti*, 28 July 2014.

