Mimicking the West? Russia’s legitimization discourse from Georgia war to the annexation of Crimea

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Article info

Article history:
Available online 19 October 2019

Keywords:
Legitimization
Russian foreign policy
Annexation of Crimea
2008 Georgia war
Emulation

Abstract

The 2008 Georgia war represented a turning point in Russian foreign policy. It was for the first time since the dissolution of the Soviet Union when Moscow invaded an independent country and for the first time when two members of the Council of Europe fought against each other. A premiere for Russian post-Soviet foreign policy was registered in 2014 too. The annexation of Crimea represented the first incorporation of foreign territories by Moscow since World War II. These two events generated the West’s protest and blatantly contradict Russia’s proclaimed foreign policy discourse centered around the respect for states’ sovereignty and equality of actors in the international system. Starting from the assertion that the formulation of Russia’s foreign policy is determined by the West’s international behavior – Moscow looking whether to emulate or to find alternatives to it; the present paper will compare Russia’s legitimization arguments for the 2008 war and the 2014 annexation of Crimea trying to assess how Moscow answers Western criticism and whether there is a continuity in Russian official legitimization narratives.

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1. Introduction

Since the beginning of the 90s, there have been a number of conflicts in the former Soviet space in which Russia has been involved – that between Armenia and Azerbaijan over Nagorno-Karabkh; the secessionist wars of Abkhazia and South Ossetia in Georgia; or the Transnistrian war in the Republic of Moldova. However, Moscow has not recognized its direct involvement in any of these conflicts, posing all the time as mediator or ‘peacekeeper’. From this point of view, the five-day war of August 2008 between Russia and Georgia differed from the previous conflicts in the former Soviet space. Even if both Tbilisi and Moscow claimed that they were the innocent party (Killingsworth, 2012, p. 228), neither of them denied their direct involvement in the war.

The war in Georgia started on the night of 7–8 August, when the world’s attention was directed towards the opening ceremony of the Beijing Olympics. The precise details of the inception of the military conflict is a substantial study in itself – the parties involved accusing each other for having started the war, and competing in justification of their military involvement. Russia insists that “(Russian peacekeepers) were attacked first”; while Tbilisi claims that its operations against Tskhinvali followed both the bombardment of ethnic Georgian villages by South Ossetian forces and Russian invasion of Georgian territory via the Roki tunnel that connects North Ossetia in the Russian Federation with South Ossetia in Georgia (Allison, 2009, p. 176).

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https://doi.org/10.1016/j.postcomstud.2019.10.001
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After five days of fighting, on 12 August, Russian President Medvedev met French President Sarkozy who was also the president in office of the Council of the EU, and approved a ceasefire agreement. The document was signed by Georgia and Russia on 15 August in Tbilisi and 16 August in Moscow. Russia withdrew the majority of its troops from Georgia, except for those from Abkhazia and South Ossetia, including the territories that were controlled by Tbilisi before the war. On 26 August 2008, Russian President Medvedev signed the decrees recognizing the independence of Abkhazia and South Ossetia, based on the “free will of Abkhaz and Ossetian peoples” and defended his decision as being “the only possibility to save human lives” (Medvedev, 2008c). Besides Russia, the two breakaway regions were recognized by Venezuela, Nicaragua, Nauru, Vanuatu and Tuvalu, the last two subsequently withdrawing their recognition. The status of the two secessionist regions has since remained frozen. In 2014, respectively 2015 Moscow signed special agreements with Abkhazia and South Ossetia that envisage the creation of a common space of defense and security between the separatist regions and Russia (Rotaru, 2016a, p. 174).

While in the case of the 2008 war in Georgia, Russia “innovated” its foreign policy in the former Soviet space by recognizing the independence of the secessionist regions, in 2014, in Ukraine, Moscow went even further, by annexing a foreign territory. The events in Crimea occurred within the context of Euromaidan and the flight of President Viktor Yanukovych to Russia. At the end of February 2014, the pro-Russian forces, military men without insignia, the so-called “little green men,” started taking control of the Ukrainian peninsula, sizing its strategic institutions. Moscow claimed “that the ‘little green men’ were local ‘self-defence’ forces over whom Russia had no authority. However, in that period around 5500–6000 Russian soldiers together with their weapons had been transferred to Crimea from the Russian Federation” (Rotaru, 2016b), the evidence showing that together with the Crimean Self-Defence they contributed to the occupation of the strategic infrastructure on the peninsula (Wilk, 2014).

On 6 March 2014, the Crimean Parliament voted for the unification with the Russian Federation and ten days later organized a referendum, asking Crimean population “whether they wanted to reunite with Russia as a subject of the Federation or whether they wanted the restoration of the Crimean Constitution of 1992 and the preservation of the Crimea as part of Ukraine” (Rotaru, 2016b). The status quo was excluded from the voting. According to official Crimean and Russian data, 96.77% of the 83.1% of population who took part were in favor of joining Russia (RT, 2014). Meanwhile, according to the Mejlis of the Crimean Tatar People, that boycotted the referendum, the turnout would have been only between 30 and 40% (Ukrinform.ua, 2014), which would mean that only 29%—38.7% of the Crimean population voted in favor of joining Russia (Rotaru, 2016b).

“The following day after the referendum, the Crimean parliament declared the independence of the Ukrainian peninsula and asked Moscow to be admitted as a new subject of the Russian Federation. On 18 March 2014, Russian President Putin and the Crimean leaders signed the “Agreement on the incorporation of the Republic of Crimea into the Russian Federation” (Kremlin.ru, 2014; Rotaru, 2016b), the presidential decree in this regard being signed on 21 March 2014. These actions of Russia represented a severe infringement of international law and a great challenge for the post World War II “European security order based on sovereignty, independence and territorial integrity of states” (Mogherini, 2016).

Both in 2008 and in 2014, Russia violated a series of international treaties and disregarded the sovereignty and the territorial integrity of its neighbouring countries. Yet, each time, Moscow rejected the criticism and tried to legitimize its actions both in the eyes of its citizens and of the external audiences. Within this context, the present paper will conduct a comparative analysis between Russia’s 2008 and 2014 justification narratives with the aim of assessing the way the arguments have been constructed and the rationale behind the development and prioritization of one or another narrative element. The article argues that there is a continuity in Moscow’s 2008 and 2014 legitimization arguments, and that the invocation of the West plays a central role in Russia’s justification endeavors.

As my main goal is to identify and compare the elements of Russia’s legitimization narratives after the war in Georgia and the annexation of Crimea, I found the qualitative content analysis to best fit the research purposes. As such, I have collected, analyzed and interpreted the content of official documents; speeches and statements of Russia’s main foreign policy makers — the President, the Prime-Minister, the Minister of Foreign Affairs, Russia’s representatives to the UN, OSCE, and others. The analyzed documents cover the period 2008–2016. In the first stage of the research I have identified the main patterns of Russia’s legitimization narrative for the war in Georgia; and then, for the annexation of Crimea. After that, by conducting an “intensive analysis” (Merriam, 1989, p. 126), I have looked at how the arguments were constructed and evolved and scrutinized the similarities and differences between the two narratives.

The article is divided in three parts. It starts with a theoretical scrutiny of Russian foreign policy approach towards the Western norms and values. In this part, I am concerned with how Moscow stands in relation to the West from the perspective of the legitimization mechanisms for its actions in the former Soviet space. The next section analyzes the legitimization arguments used by Moscow in the contexts of the war in Georgia and the annexation of Crimea. I identified the main patterns and scrutinized the way the arguments have been developed and prioritized in Russian official narratives. Finally, I compared the two legitimization narratives analyzed by the present paper, assessing the commonalities and the limits of resemblance.

2. The role of the West in the formulation of Russian foreign policy

The positioning towards the West has played a central role in formulation of Russian Federation’s foreign policy. Since the dissolution of the Soviet Union, Moscow has identified itself as being part of the community of Western states. The ‘feelings’ towards the West have varied over time from emulation to contestation. However, post-Soviet Moscow has always looked at
the West's international behavior to guide its own external actions. The first years of post-Soviet Russia, during Kozyrev's tenure as a foreign minister, represented the most enthusiastic phase of Russia's relationship with the West. Moscow was trying to fully emulate the Western model of governance. Russia was seemingly following a mimetic approach, a form of learning in which Russian society started copying the Western one in order to adapt its norms and standards of behavior. In other words, Russia was reduced to the status of 'pupil' and the West became the teacher (Sakwa, 2013, p. 207).

Yet, shortly, disappointed that the '90s economic reforms did not bring the expected prosperity, and frustrated by the loss of its international prestige, Moscow started to blame the West for its failures. However, despite this revolt, the Western model has continued to guide the formulation of Russia's foreign policy. Vladimir Putin embraced the vision of Russia as part of the West and articulated the European dimension as especially prominent in his foreign policy. At the basis of his vision has been his conviction that "Russia is and will be a major European power." Vladimir Putin clearly highlighted in his programmatic speech delivered to the Federation Council in March 2005 that he sees Russia moving toward the same values shared by other in the European continent, namely "the ideal of freedom, human rights, justice and democracy" (Tsygankov, 2007, p. 385). Vladimir Putin reiterated these stances in his 2012 article "Russia and the changing world" that presented his foreign policy vision for the next presidential mandate: "Russia is an integral, organic part of Greater Europe, of great European civilization. Our citizens feel that they are Europeans" (Putin, 2012).

As Morozov, scholar of the University of Tartu, argues, Russian policy makers have always been careful to emphasize the commonality of values and interests, even when it harshly criticizes the Western abuses of those shared ideals (Morozov, 2013, p. 22) Russia still considers itself as part of this community of states. Moscow has often used the references to Western norms and practices to legitimize political choices, even the most illiberal ones. In the case of the bid to justify the systematic suppression of public protests in major Russian cities, for example, President Putin argued that the limitation of the space for public activities not directly controlled by the authorities was in line with the presumably incontestable Western norms. Citing the UK as an example, he said: "Look, in London they have assigned one place [for political demonstrations]"; the disproportionate fines and prison terms for the smallest violations of public order by people exercising their right to public assembly were justified by references to "practices common to all European countries". Moreover, the bill that compels all NGOs receiving funding from foreign sources and engaging in any political activities to declare themselves "foreign agents" was motivated as taking the model of the U.S. Foreign Agents Registration Act (Morozov, 2013, p. 21). Thus, for Morozov, Russia is a subaltern actor, almost completely dependent on the West in both economic and normative terms, (Morozov, 2013, p. 16). The author continues by arguing that in order to legitimate any political move, Russia's leaders have to refer to the common European values and interests as it has no other sources of legitimacy other than repeated references to the universal values of the "civilized world" (Morozov, 2013, pp. 24–24).

Yet, while Moscow is looking at the West for legitimizing its policies, Sakwa, professor at the University of Kent, remarks that the history of Russia's engagement with the West has been accompanied by a permanent fear of adaptive mimesis — not to lose its own 'authentic' identity (Sakwa, 2013, p. 207). This tension between adaptation and authenticity has been manifested through the opposition between the Westernizer and Slavophile worldviews in Russian foreign policy, which is in line with Tsygankov's codification of Russian worldview philosophies. The scholar identified three persistent patterns in Moscow's foreign policy thinking and behavior that have been developed and determined over time by the established images of the country and the outside world - Westernist, Statist, and Civilizationist. The Westernizers highlight the similarity of Russia with the West and perceive the West as the most viable and progressive civilization in the world. The Civilizationists argue that Russian values are different from those of the West and seek to spread them abroad, outside the West, with predilection in the former Soviet space. The Statists are not inherently anti-Western, however, they argue that liberal values should be established to strengthen not weaken the state. This school of thinking has dominated Russian foreign policy since the mid-2000s. (Tsygankov, 2013, pp. 4–9).

Tsygankov (2013), professor at San Francisco State University of California, considers that even if Russia's foreign policy has been formulated in response to various international contexts, it has, however, displayed a remarkable degree of historical continuity. Even after the annexation of Crimea, Tsygankov (2015) argued that Russia's recent actions in Ukraine demonstrate both change and continuity in its foreign policy. The scholar considers that the assertiveness of Vladimir Putin's foreign policy is meant to signal that the Kremlin views revolutions in the former Soviet space, (for example, the Euromaidan) as Western attempts to undermine Moscow's role and status in Eurasia and insists on Russia being treated as an equal partner in relations with the United States and the European Union. (Tsygankov, 2015, p. 280). However, this did not signal that Moscow is distancing from the Western norms.

Within this context, assessing Russia's 2008 and 2013 Foreign Policy Doctrines, Morozov observes that even if the documents that present the main lines of Moscow's foreign policy criticize the Western countries for trying to “dominate the world economy and politics,” it still insists that the various models of development, Russian included, are based on the universal principles of democracy and the market economy. This official discourse, demonstrates thus that even when opposing the West, Russia cannot present a meaningful alternative and uses the language of liberal democracy to voice its concerns (Morozov, 2013, p. 22).

In other words, Russia's ‘neo-revisionism’ should not be understood as means to generate new rules, or establish a new international order. It is rather a form of practical diplomacy “where its foreign policy autonomy (and of other rising powers) constrains the freedom of maneuver of the old dominant constellation” (Sakwa, 2013, p. 215). In sum, Russia's critique foreign policy discourse towards the West does not generate a substantive alternative (Sakwa, 2013, p. 221), the Western norms and values continuing to be the reference for Moscow's legitimization arguments for its domestic and foreign policies.
Yet, if Western norms and values underline Russia’s domestic and international behavior, how does Russia explain its 2008 and 2014 actions in the former Soviet space? The following parts of the article will look at the way Russia has justified the invasion of Georgia and the annexation of Crimea trying to find out whether there are commonalities between the 2008 and 2014 legitimization discourses.

3. Legitimizing a war

The invasion of Georgia and the subsequent recognition of the independence of the breakaway regions of Abkhazia and South Ossetia have been justified by Russian political elites through a series of arguments. They were framed into international and domestic law, and/or aimed to create emotions. From the beginning of the conflict, Russia argued that its intervention in Georgia was determined by a humanitarian rationale. In President Medvedev’s speech on 8 August 2008, he argued that Russian troops had to take action in order to protect Russian peacekeepers that would have been attacked by Georgian peacekeepers. Additionally, the civilian population in South Ossetia, “citizens, women, children, and old people” the majority of whom “[were] citizens of the Russian Federation” (Medvedev, 2008a) had to be protected. As the events developed, the tone of Russian leader became even worse. During the 12 August 2008 speech (when the ceasefire was agreed) President Medvedev accused Georgian authorities of having killed “thousands of citizens, which cannot be called in another way but genocide,” and of conducting ethnic cleansing in South Ossetia. He also highlighted that if Russia had not intervened “the death toll would have been much bigger” (Medvedev, 2008b). The deputy minister of foreign affairs, Grigory Karasin, assessed that even if the world genocide carries an emotional component, it was exactly what happened in Georgia: “South Ossetia was attacked on a national basis. We perceive it so” (Karasin, 2008).

In addition, as Georgia “committed barbaric aggression” and that “the current Georgian regime does not correspond in any way to the high standards” Russia’s recognition of the independence of Abkhazia and South Ossetia “was the only possibility for ensuring not merely their security, but also the very survival of our fraternal peoples in the face of the chauvinistic course that had repeatedly manifested itself since the government of Gamsakhurdia,” when the slogan “Georgia for Georgians” was used by his followers (Lavrov, 2008a). The invocation of the name of Gamsakhurdia, the first president of post-Soviet Georgia, has been present in many post-2008 war discourses of Russian politicians (Lavrov 2008a, 2008b; Karasin, 2008; Azimov, 2008) This had an instrumental role in supporting Russia’s argument that its intervention was determined by the ‘genocide’ Tbilisi was committing in South Ossetia, which would have been a continuation of Georgian chauvinistic policy from the beginning in the 90s that led to civil inter-ethnic violence. Therefore, by militarily intervening in Georgia, Moscow “protected the rights of citizens of those republics to life and development” (Lavrov, 2008a). “In South Ossetia, Russia defended the highest of our common values, the highest of all human rights - the right to life” (Lavrov, 2008b).

Then, Moscow argued that the recognition of the independence of the two regions was the only solution: “we cannot guarantee that South Ossetia and Abkhazia even survive, if you do not recognize them as independent states” (Lavrov, 2008). “After what happened in Tskhinvali and was planned in Abkhazia, they have the right to decide for themselves”, “this is the only possibility to save human lives” (Medvedev, 2008c).

Even if Abkhazia was not subjected to Georgian military action in 2008, Moscow has argued that if it had not intervened there, the region would have had similar fate as South Ossetia because against Abkhazia, the Georgian regime “prepared a military provocation” (Lavrov, 2008a). Russia’s permanent representative to the UN, Vitaly Churkin, argued that it was “documented that after South Ossetia, it was planned aggression of Georgia against Abkhazia” and that “Abkhazians, not being crazy, could not wait that after South Ossetia, Georgians attack them too” (Churkin, 2008). Neither Churkin, nor any other Russian official has provided any proof in this regard, however. The legitimization of Russia’s intervention in Abkhazia has thus, been based on assumptions rather than facts.

The humanitarian argument has played a significant role in sensitizing both the foreign and domestic audiences. The Kremlin insisted on the fact that “among the dead were the Russian peacekeepers, who gave their lives in fulfilling their duty to protect women, children and the elderly” (Medvedev, 2008c) and that it had no other option but to send its troops as, according to the Constitution and the federal laws, it is the “duty [of the President] to protect the lives and dignity of Russian citizens wherever they may be” and in South Ossetia were dying “citizens, women, children, old people, and most of them - the citizens of the Russian Federation” (Medvedev, 2008a). On the other side, South Ossetia “could not ask NATO for help and addressed Russia. Because Russia has the mission to take care of the security of the Caucasian peoples” (Churkin, 2008). This part of the argument based on the provisions of the domestic rules were used only at the beginning of Georgia war, the focus being further shifted on the provisions of the international law.

The second most used legitimizing argument by Moscow was the legal factor. In this case, the official narrative has been constructed around the assessment that Russia acted in Georgia totally in accordance with the international law. It would have intervened there at the beginning to protect the lives of the Russian peacekeepers, who would have been attacked by their Georgian comrades. Moscow argued that when Georgian forces launched an attack on “sleeping” Tskhinvali, Georgian peacekeepers serving in one contingent with their Russian colleagues, would have joined the Georgian army and started killing their Russian comrades in arms. And Russia “could not put up with it” (Lavrov, 2009). By intervening militarily, Moscow “put into practice the human security principle, the principle of responsibility to protect and [made] it in strict compliance with article 51 of the UN Charter” (Lavrov, 2009). Within this context, Russian foreign minister reminded also the 1989 US intervention in Panama, that was decided by President Bush senior “after one US soldier was killed, another wounded, the
third beat, and his wife was sexually assaulted” (Lavrov, 2009), suggesting that Russia’s intervention in Georgia was more ‘entitled’ by comparison with the West’s motives for previous interventions.

The Kremlin accused Georgia of violating the UN Charter and other obligations Tbilisi had under international agreements “and contrary to common sense, unleashed an armed conflict victimizing innocent civilians” undermining that the military provocations, the attack of the peacekeepers — “grossly violated the regime established in conflict zones with the of the UN and the OSCE” (Medvedev, 2008c). Dmitri Medvedev stressed that “when international rules are violated, the state and the entire support international society must react in an adequate way” (Medvedev, 2008c).

In recognizing of the independence of the two breakaway regions, Russia has also been motivated by appealing to international law. It was invoked the right to self-determination and the ‘democratic’ procedure the local ‘authorities’ followed: the ‘presidents’ of Abkhazia and South Ossetia addressed Russia for the recognition of their ‘states’ based on the results of referendums and decisions of national parliaments; and the free will of the Ossetian and Abkhaz peoples have been guided by the provisions of the UN Charter, the 1970 Declaration on the Principles of International Law Governing Friendly Relations Between States, the CSCE Helsinki Final Act of 1975, and other fundamental international documents (Medvedev, 2008c). Foreign minister Lavrov went further by arguing that the essence of the 1970 Declaration was that “the state’s right to territorial integrity is due to its obligation to respect the right to self-determination and development of all peoples living on its territory.” Thus, by the “aggression against South Ossetia […] the shelling of peaceful sleeping city and the preparation of a similar blitzkrieg against Abkhazia […] President Saakashvili himself has destroyed the territorial integrity of his state” (Lavrov, 2008a). It was a “crime against its own people, because the violence was directed against the people South Ossetia earlier called citizens of its country” (Lavrov, 2009). This way, he “dashed all hopes for the peaceful coexistence of Ossetians, Abkhazians and Georgians in a single state” (Medvedev, 2008c).

Within this context, Moscow has tried to sensitize the ordinary Georgians, by underlining that “one should not confuse the regime of Saakashvili with the Georgian people, to whom we entertain a sincere feeling of friendship and sympathy” (Lavrov, 2008a). President Medvedev directly accused Saakashvili of having chosen genocide for achieving its political goals — “the most unhuman way to accomplish its objective - annexing South Ossetia through the annihilation of a whole people” (Medvedev, 2008c) and drew the attention of the using of double standards by the West: “when someone who commits murder of thousands of lives is characterized as a terrorist and a bastard, and the other - as the legally elected president of a sovereign state,” adding that “the ‘hooligans’ differ from normal people namely by the fact that when they smell blood, it is very difficult to stop them” (Medvedev, 2008b). “I consider him a war criminal” (Medvedev, 2013).

Lavrov argued also that Russia acted in Georgia in accordance with the right to self-defense under Article 51 of the UN Charter, “as the object of the barbaric aggression of Tbilisi were Russian peacekeepers and Russian citizens” (Lavrov 2008b, 2008c). This argument was reiterated by Vladimir Putin, as well: “What do you want us to do? Wave our penknives in the air and wipe the bloody snot off our noses? When an aggressor comes into your territory, you need to punch him in the face” (Putin, 2008). Yet, these statements are “unconvincing rationale for the sweeping Russian military action that followed” and legally unjustified as “at least in principle, the Russian forces were there not as representatives of Russia but as members of the Joint Peacekeeping Forces” (Allison, 2009, p. 178). On the other side, even if these statements question the sovereignty of Georgia, the Russian foreign minister gave assurances that Russia had no pretensions to someone else’s territory and reaffirmed Moscow’s commitment to the principles of territorial integrity and sovereignty, mutual respect, non-aggression, non-interference in the domestic affairs of states, the indivisibility of security (Lavrov, 2008b). Even if not a central argument, the Kosovo precedent entered Russia’s 2008 legitimization discourse, too. In an interview for Spiegel magazine, foreign minister Lavrov assessed the situation of Kosovo as being similar in appearance with that of South Ossetia and Abkhazia, even if the West is approaching these cases differently. He also underlined that Belgrade respected UN Resolution 1244 that stopped the war in Kosovo, and no one put pressure on, no one was attacking anymore the Albanian population in contrast to the South Ossetia and Abkhazia. “In other words, there was no reason for the Kosovo declaration of independence” (Lavrov, 2009). Russia’s ambassador to the UN has also underlined that Abkhazia and South Ossetia have much more historical and legal grounds to be recognized than Kosovo. “Kosovo is the historical heart of Serbia which is not applied neither to Abkhazia, nor to South Ossetia in their relationship with Georgia” (Churkin, 2008). In other words, the secession of Georgia’s breakaway regions was ‘more entitled’ than that of West’s support for Kosovo.

This entitlement was further supported with historical arguments. Moscow was arguing that when Georgia started the process of independence in 1989—1990s many state documents of the Georgian SSR, including those tying in a single state Abkhazia and Georgia, were canceled. Thus, when Georgia achieved independence, after a referendum Abkhazia did not take part in, there appeared two states not related to each other: Georgia that exited the USSR and became an independent country; and Abkhazia, which remained part of the Soviet Union. (Churkin, 2008). The invocation of the regime of Gamsakhurdia fits also into this argument: “the government of Gamsakhurdia directly encouraged to deport South Ossetians to Russia, to cut the territory where live Abkhazians, to deprive Adzharia autonomy, stated that only the title nation should rule over territory of Georgia. This course was able to stop in time, but Mikhail Saakashvili — [is now] the worthy continuer of Gamsakhurdia’s ideas” (Lavrov, 2008a).

The criticism of the West, in particular of the US, comes in continuation of the above arguments. Russia has reminded international community that in Kosovo there was used NATO’s military force that in the first days of its intervention in Serbia NATO bombed the television tower in Belgrade “because it did not like the programs broadcast there” (Churkin, 2008). The deputy foreign minister Karasin accused the West, in particular the US of “trying to label [Russia] as aggressor,” however, “America has been cunning. For five years the US has armed the Georgians […] has sent wrong signals, so that Saakashvili
could, and unfortunately still can feel safe. America will support him no matter what he has done” (Karasin, 2008). In other train of thoughts, Karasin pointed that “NATO first expanded eastward, and now we are told that the next will be Georgia and Ukraine. If NATO machine is slowly but surely approaching our bedroom, we also starting to get nervous” (Karasin, 2008). Even if the last argument has not been very present in Moscow’s 2008 legitimization discourse, it shows that the security dilemma\(^1\) played a determining role in the Russo-Georgian war.

4. Legitimizing annexation

As in the case of the war in Georgia, the legal and humanitarian arguments have been the most present in Russian legitimization discourse after the annexation of Crimea. Since the beginning, President Putin has highlighted the legality of Moscow’s actions in Ukraine, stating that the incorporation of peninsula came after a “fair and transparent” referendum held in Crimea “in full compliance with democratic procedures and international norms,” the Supreme Council of Crimea basing its decision on the provisions of the UN Charter that “speaks of the right of nations to self-determination” (Putin, 2014a). Moreover, as in the case of Kosovo “the UN International Court of Justice ruled that, when it comes to sovereignty, the opinion of the central government can be ignored” (Putin, 2016). Crimean’s secession would have complied with the international rules. President Putin also reiterated that “when Ukraine seceded from the USSR it did exactly the same thing” (Putin, 2014a) and that when Crimea was transferred from Russian SFSR to Ukrainian SSR — it was done through a decision “made behind scenes,” “in clear violation of the constitutional norms that were in place even then” (Putin, 2014a). From this perspective, the incorporation of Ukrainian peninsula was presented as a reparation of an illegal historic action.

The annexation of Crimea was also justified by the fact that it occurred within the context of “an unconstitutional coup, an armed seizure of power” (Putin, 2014b) executed in Kyiv by “Nationalists, neo-Nazis, Russophobes and anti-Semites” that “continue to set the tone in Ukraine to this day.” As there was “no legitimate executive authority in Ukraine”, the government did “not have any control in the country” (Putin, 2014a), inhabitants of Crimea chose “democratically” to join Russia. Within this context, the presence of Russian military forces in Crimea between February–March 2014 was justified by the fact that Russia had “to help create conditions so that the residents of Crimea for the first time in history were able to peacefully express their free will regarding their own future” (Putin, 2014a).

Despite the evidence of violating several international treaties, Moscow has tried to prove also that the incorporation of Crimea was done without breaching Russia’s international commitments. Foreign minister Lavrov, for instance, has argued that even if Russia incorporated Crimea, Moscow has not violated the Budapest Memorandum because “it contains only one obligation—that is, not to use nuclear weapons against Ukraine. [And] no one has made any threats to use nuclear weapons against Ukraine” (Lavrov, 2016). However, this statement shows a discretionary interpretation of an international treaty. As, besides references to the use of nuclear weapons, the Budapest Memorandum specifies that the signatory parties commit themselves to respect also the independence, sovereignty and territorial integrity of Ukraine; and would refrain from the threat or use of force against Ukraine.

As in the case of 2008 war, the humanitarian argument has been very present in the Crimea legitimization narrative too. Moscow has accused the Ukrainian authorities of having tried to deprive the Russian minority of its “historical memory, even of its language and to subject [Russians] to forced assimilation” (Putin, 2014a). Furthermore, “the so-called authorities” that organized the ‘coup’ in Kyiv introduced a draft law to revise the language policy, “which was a direct infringement on the rights of ethnic minorities” (Putin, 2014a). Aside from the infringement of their rights, Russian ethnics would have had their lives in danger after the change in power in Kyiv. “The Russian speaking population was threatened and the threats were absolutely specific and tangible” (Putin, 2014b). As they opposed the “coup” they “were immediately threatened with repression […] the first in line here was Crimea, the Russian-speaking Crimea” and it was within this context that “the residents of Crimea and Sevastopol turned to Russia for help in defending their rights and lives” and “we had no right to abandon the residents of Crimea and Sevastopol to the mercy of nationalist and radical militants” (Putin, 2014d).

According to foreign minister Lavrov, Russia’s actions in Crimea “prevented bloodshed there. It prevented a rerun of the Maidan type of protests and war, which later erupted in the South-East” (Lavrov, 2014b). Moscow insisted that it “was not simply about land […] what was at stake here were the millions of Russian people, millions of compatriots who needed our help and support” (Putin, 2015a). Moreover, the Russian president expressed his concern for all Russians living in Ukraine: “we are very concerned about any possible ethnic cleansings and Ukraine ending up as a neo-Nazi state” (Putin, 2014f).

The Kosovo precedent has again played a central role in Russia’s Crimea legitimization narrative. Its invocation has been aimed not only for justifying the secession of the Ukrainian peninsula but also to draw attention towards West’s double standards approach. “Our Western colleagues, with their own hands, have created a very similar situation, when they agreed to the unilateral separation of Kosovo from Serbia; this is exactly what Crimea is doing now.” Yet, while “Kosovo Albanians were permitted to do [to become independent], Russians, Ukrainians and Crimean Tatars in Crimea are not allowed” (Putin, 2014a). Referring to the human casualties that led to Kosovo’s independence, President Putin rejected it as a legal argument for independence: “the ruling of the International Court says nothing about this. This is not even double standards; this is

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\(^1\) Security dilemma occurs when one state perceives as a threat to its own security or prosperity its neighbours’ integration into military alliances or economic groupings that are close to it and, its source – exclusivity, “transforms integration from a positive-sum process by definition, into a zero-sum game that is excluded from the integration initiatives offered to its neighbours” (Charap and Troitskiy, 2013: 50).
amazing, primitive, blunt cynicism”. Russian leader then argued that “if Crimean local self-defense units had not taken the situation under control, there could have been casualties as well” (Putin, 2014a). Foreign minister Lavrov has also rejected the argument of human casualties: “is it really necessary that a lot of blood is split in Crimea in order to obtain the consent of Crimean people to have the right for self-defense? This is an anti-humanitarian statement of the problem” (Lavrov, 2014a). Russian President Putin argued even that Crimea acted in a ‘more’ legal way than Kosovo, as Pristina “declared its independence by parliamentary decision alone. In Crimea, people did not just make a parliamentary decision, they held a referendum, and its results were simply stunning” (Putin, 2014f). Minister Lavrov pointed also that not only in Kosovo there were no held any referendums but even “Germany’s reunification was conducted without any referendum, and we actively supported this” (Lavrov, 2015). In other words, while Russia supported the West even when their actions ‘were not fully in compliance with international norms’, the West has not supported Moscow, even when its actions in Crimea have been ‘more’ legal.

The historical factor, was more present in 2014 legitimization discours compared to that of 2008, and was in particular directed towards the domestic audience, appealing to the patriotism and the sentiment of brotherhood and unity of Slavic people: “everything in Crimea speaks of our shared history and pride,” prince Vladimir would have been baptized there, “the graves of Russian soldiers whose bravery brought Crimea into the Russian empire”.

Lie there and Sevastopol is the birthplace of Russia’s Black Sea Fleet. Thus, every place in Crimea “is dear to our hearts, symbolizing Russian military glory and outstanding valor” (Putin, 2014a). The importance of Crimea for Russian spirituality and history has been reiterated by other Russian officials too: “I believe that Crimea was a very special case, a unique case from all points of view. Historically, geopolitically, and patriotically” (Lavrov, 2014b).

The security argument has been invoked in Crimea legitimization narrative especially during 2014. President Vladimir Putin explained that if Crimea had not seceded from Ukraine “KATO’s navy would have been installed in Sevastopol, “in this city of Russia’s military glory” (Putin, 2014a), and “from the naval point of view Sevastopol is more important than the base in Vladivostok or even more so the base on the Kamchatka Peninsula” (Putin, 2015c). What worried the Kremlin was that “if Ukraine joins, say, NATO, NATO’s infrastructure will move directly towards the Russian border”, and as Moscow “could not believe that Ukraine would not become part of the North Atlantic military bloc [...] it could not allow a historical part of the Russian territory with a predominantly ethnic Russian population to be incorporated into an international military alliance, especially because Crimeans wanted to be part of Russia” (Putin, 2014c). These statements illustrate the central role the security dilemma played in Russia’s decision to annex Crimea: “we could not allow our access to the Black Sea to be significantly limited; [or that] NATO forces cardinally change the balance of forces in the Black Sea area” (Putin, 2014g).

Like in the case of the 2008 Georgian war, the Kremlin has stressed its respect for the sovereignty of its neighbours: “we have always respected the territorial integrity of the Ukrainian state,” however, highlighted the special relationship Russia has with this neighbouring country: “we are not simply close neighbours but [...] we are one people. Kiev is the mother of Russian cities. Ancient Rus is our common source and we cannot live without each other” (Putin, 2014a). Moreover, “I see no difference between Ukrainians and Russians, I believe we are one people” (Putin, 2015b); “we in Russia always saw the Russians and Ukrainians as a single people” (Putin, 2015a). Vladimir Putin stressed also that “Russia had never intended to annex any territories, or planned any military operations there, never” (Putin, 2014b), the incorporation of Crimea would have come as a response to the will of the local inhabitants — “the final decision to return Crimea to the Russian Federation was only based on the results of the referendum” (Putin, 2014b). Russian foreign minister, Sergey Lavrov also reiterated Moscows’s respect for the principle of sovereignty in international affairs, however, “countries claiming that their sovereignty must be respected have to respect the rights of ethnicities residing in this country and prevent violations of the right to self-determination through the use of sheer force” (Lavrov, 2015), an explanation almost identical with that offered by Russian foreign minister in 2008, when Moscow accused Tbilisi of “destroying the territorial integrity of the state” by “directing the violence against its own citizens” (Lavrov, 2008a). This is not the only common feature of the two-legitimization narrative, as the next section of the article will show.

5. Following a known path?

When analyzing Russia’s 2008 and 2014 legitimization narratives, the first thing that strikes one is that in both cases two similar arguments have been most frequently used: the legality of Moscow’s actions and the humanitarian factor. The legal factor has been constructed around the UN principles in both cases - the right to self-determination and the responsibility to protect being the most invoked. The reliance on these principles is not at random. In fact, they confer Russia a large margin of maneuverability. As these two principles are widely debated both by law specialists and experts in international relations, often sparking controversy about their legal application, this allows Moscow to exploit the grey areas in these unconsolidated international norms on self-determination and responsibility to protect. In fact, the West has been also criticized for abusing the principles of self-determination and responsibility to protect (for example, the cases of Kosovo or Libya), and the UN Charter and other international treaties have also been invoked for accusing Georgia of violating its provisions.

Another common feature has been the ‘viliﬁcation’ of the authorities in Tbilisi and Kyiv. The Georgian President was accused of being the one responsible (the scapegoat) for the human loss and for the compromising of the territorial integrity of his country — the territorial integrity being interpreted as linked with the obligation to respect the right to self-determination and development of all people living in the country. And similar accusations have been formulated against the government in Kyiv — the “Nationalists, neo-Nazis, Russophobes and anti-Semites” that “executed an unconstitutional
“coup” made the country ungoverned: the state lost monopoly on violence and the new “illegal” government, by threatening the Russian living in Crimea, determined the inhabitants of Ukrainian peninsula to secede.

The humanitarian factor has been constructed both in the 2008 and the 2014 legitimization narratives by starting from some facts and developing further on assumptions. In the case of Georgian war, Moscow first brought to the fore the war casualties, then centered the argument around the accusation of Tbilisi of committing genocide and ethnic cleansing in South Ossetia and introduced the element of preparation or expectation of similar events in Abkhazia. The argument of genocide was built on false figures though. Both the authorities and Russian journalists were accusing Tbilisi of causing thousands of deaths. Russian state-controlled media related that Georgia’s attack on South Ossetia would have resulted in more than 2,000 deaths, mostly Ossetians, majority of them Russian citizens. This figure was subsequently reduced even by the Russian Federation’s Investigation Committee of the General Prosecutor’s Office to 162 civilian casualties (Fawn and Nalbandov, 2012, p. 59). Then, Moscow’s claims of ethnic cleansing committed by Georgia against Ossetians contrasted with undeniable evidence, including satellite images, of the destruction of Georgian villages and the forced displacement of thousands of ethnic Georgians by South Ossetian militia, both in South Ossetia and, for a period, even deeper in Georgia (Allison, 2009, p. 183). And finally, Moscow argued that Tbilisi was planning similar attack on Abkhazians, without providing any evidence in this regard.

In a similar way, Russia constructed the humanitarian argument in the case of Crimea too. Starting from the facts that the rights of national minorities have not been totally respected by Kyiv authorities, the new government tried to cancel the 2012 law “On the principles of the state language policy” and that far right forces were involved in the Euromaidan protests as well; Moscow has ‘expressed its concerns’ that not only was the Russian speaking Crimea but in the entire Ukraine there could have occurred ethnic cleansing (Putin, 2014d) even if there have been not registered any cases in this respect; and on the same basis, assumed that the lives of the Crimeans were in real danger because they did not support the ‘coup’ and the Ukrainian nationalists would have mobilized to coerce Russian ethnicities there (Putin, 2015e).

Thus, in both 2008 and 2014 legitimization narratives, the role of facts in constructing the humanitarian factor has not been central. Russia has invoked “documents on planned aggression” against South Ossetia (Churkin, 2008) and the “friendship train” — the ‘nationalist’ forces from Kyiv were expected to come to Crimea on train — (Sputnik, 2015) without evidence in this respect. These elements are in line with the Soviet-born British journalist Peter Pomerantsev’s (2016) observation that we are living in a post-fact world, where “facts no longer matter much,” only interpretations, more important being how much disseminated/present in public space is the version of facts one presents. In other words, how dominant is the narrative. Which in the end makes a certain political action acceptable. Thus, legitimization is not necessary connected to the facts or evidence but to the dominant discourse. In other words, “Putin doesn’t need to have a more convincing story, he just has to make it clear that everybody lies, undermine the moral superiority of his enemies” (Pomerantsev, 2016).

The humanitarian argument has not only been meant for external legitimization but has also addressed the domestic audience. While in the case of South Ossetia Moscow insisted that most Ossetians were also Russian citizens, in the case of Crimea the focus has been mainly put on Russian ethnicity of the inhabitants of the Ukrainian peninsula. Thus, in the first situation Moscow invoked the constitutional duty to protect its citizens wherever they are, while in the latter situation — that the fellow citizens would have not forgiven Moscow authority for leaving their blood brothers in distress. The invocation of ethnic cleansing, genocide and chauvinistic policies of the governments in Tbilisi and Kyiv, real or based only on assumptions, were meant to sensitize the domestic audience and to boost the support for Kremlin’s actions among Russian citizens.

The Kosovo precedent has been used as a legitimizing element in both 2008 and 2014 narratives. This argument has been invoked both for accusing the West of double standards approach towards international norms — recognizing Kosovo while refusing to recognize Abkhazia and South Ossetia and the will of Crimea’s people; and for underlining that Pristina’s decision was ‘less’ entitled than those of Sukhumi and Tskhinvali and less ‘legal’ than that of Crimea. The lack of entitlement of Kosovo’s independence was argued by the fact that Belgrade respected the 1244 UN resolution, no one was attacking anymore, and, thus, the Albanian population did not have real reasons to secede; and by the fact that Kosovo is the historical heart of Serbia, while neither Abkhazia, South Ossetia or Crimea meant so much for Georgia’s respectively Ukraine’s history and spirituality. The questioning of the legality of Kosovo’s independence was put on the fact that Pristina did not hold a referendum for independence in comparison with Crimea, where the local population decided their own future “in full compliance with democratic procedures and international norms” (Putin, 2014a).

Another common feature of the 2008 and 2014 legitimization narratives is the intertwining of legal and historical arguments. The annexation of Crimea, besides being presented as in accordance with the democratic norms and international rules, was described also as a reparation of a historical injustice made by Soviet authorities in 1954. The independence of Abkhazia was motivated also by the fact that during Georgia’s process of independence in 1989–91 many state documents of the Georgian SSR, including those that tied in a single state Abkhazia and Georgia, were canceled. Yet, Moscow has never mentioned the way these former Soviet republics became part of the USSR.²

² After the fall of the Russian Empire, Georgia, which included both Abkhazia and South Ossetia, became independent. In 1921 the Red Army invaded Georgia and annexed it. The Soviet government established Abkhazia as a Socialist Soviet Republic (SSR) associated with Georgian SSR. In 1931, Abkhazia was transformed into an Autonomous Soviet Socialist Republic within Georgian SSR. South Ossetia was from the beginning an autonomous oblast’ (region) within Georgian SSR.
The security arguments even if not always present either in 2008, or in 2014 legitimization narratives have been very clearly expressed. The expansion of NATO towards Russia’s borders was starting to “get Moscow nervous” in 2008 and determined the Kremlin to annex Crimea for not allowing NATO forces to eventually come to the land of Russian military glory and change the balance of forces in the Black Sea. Even if the security dilemma appears to play a determining role in Russian foreign policy decisions, Moscow has not insisted too much on this argument in its legitimization narratives, preferring instead to invoke the international law, the humanitarian factor and the Kosovo precedent. This strategy allows Moscow to divert attention of the foreign audience from Russia’s strategic interests that guided its actions both in 2008 and in 2014 and to easily frame its legitimization narratives into West’s similar rhetoric.

The comparison of Russia’s Georgia war and Crimea legitimization arguments has, thus, revealed a big resemblance. Indeed, there were some specific elements in construction of the 2008 and 2014 legitimization discourses that differed, such as the preferential interpretation of a specific international treaty (Budapest Memorandum, in 2014), or the invocation of domestic law (the constitutional right to defend Russians citizens wherever they are, in 2008) however, generally the structure of legitimization discourses of 2008 and 2014 is very similar. This suggests continuity and planning in Russia’s legitimization narratives: after ‘testing’ a strategy of justification in 2008, it appears that it has been implemented in 2014 too, with further developments of some elements, such as, self-determination not only for the purpose of legitimizing the recognition of independence of a breakaway region but also for the annexation of a territory.

6. Conclusions

In both 2008 and 2014, Moscow has constructed its legitimization narratives on similar elements and in both cases it has prioritised same particular aspects: the international legality of its actions whether based on UN principles or by comparison with the West’s previous actions (Kosovo precedent); and the humanitarian factor. While at the beginning, Moscow revealed the security dilemma and the preoccupation for its national interests, with the crystallization of the official legitimization narrative, the arguments of international legality and humanitarian intervention have been the most developed and insisted on.

The insistence on the principles of self-determination and responsibility to protect is very appropriate for Russia’s goals. They are not very well established in international law; and the invocation of humanitarian factor leaves a great margin of maneuverability especially when few actors have access to the exact data from the theaters of operation, the legitimizing actor being able to manipulate field data in order to justify certain actions, for example, the exaggerated figures of war casualties in 2008. The grey areas of these unestablished yet principles have been exploited by Russia both in 2008 and 2014. Moscow has highlighted the case of Kosovo, where the Western community based its actions on the same principles, and accused the West of using double standards by condemning Russia’s actions in South Ossetia, Abkhazia and Crimea. Yet, while blaming the latter of discretionary approach, Moscow has totally avoided any reference to its own behavior during the Chechen wars.

When Russia has insisted on the Kosovo precedent both in its 2008 and 2014 legitimization narratives, Moscow has also tried to ‘devalue’ it by comparing with Abkhazia, South Ossetia and Crimea. In the 2008 narrative, the emphasis has been put on the ‘non-entitlement’ of Kosovo Albanians to declare their independence: Belgrade has respected the UN resolution that ended the violence in Kosovo, thus, the local population was not threatened anymore; and Kosovo has a particular historical and spiritual importance for Serbian state. By comparison, the Kremlin has argued that it had to intervene and then to recognize the independence of Abkhazia and South Ossetia because the lives of civil population were in danger and these regions were historically separated from Georgian state. In the comparison Kosovo-Crimea, Moscow emphasized the legal character of the process of independence: while in Crimea there was a referendum, thus, local population expressed its will; in Kosovo the independence was decided only by a parliamentary decision — thus even if recognized by a large number of Western states the independence of Pristina was presented as ‘less legal.’

The construction of Russia’s legitimization narrative around the humanitarian intervention has not been totally fact-based either in 2008, or in 2014. The figures of human casualties have been exaggerated by Russian sources during the Georgia war in order to justify the accusations of genocide against Georgian authority. In the case of Abkhazia Moscow has justified its military intervention on alleged plans of Tbilisi to attack the breakaway region. Russian humanitarian narrative in the case of Crimea was based on assumptions as well. While President Putin emphasized that in the Ukrainian peninsula there was not a single shot fired and there were no human casualties (Putin, 2014a), he insisted also on the fact that the ‘nationalists’ from Kyiv would have planned to attack the civil population in Crimea, and that is why Russia had to resort to humanitarian intervention there.

The invocation of the West: its actions — as a precedent, or the norms it supports; has been very present in Russia’s legitimization narratives. Moscow has insisted on the need of “fair manner” of interpretation of the UN, Helsinki Final Act, the Paris Charter and other international treaties’ principles, in reference to the right to self-determination (Lavrov, 2015), and has invoked in particular the actions of the US. In his 18 March Address, where the main arguments behind the decision to annex Crimea were explained, President Putin (2014a) quoted both UN International Court decision and statements of the US submitted to the UN International Court regarding the Kosovo case and insisted on the fact that Russia was acting in the same manner as the US did. In other words, Moscow’s strategy is not necessary to prove that it acted right, but that its actions are in line with those of the West. This appears to have been the guiding line both in 2008 and 2014 Russia’s legitimization narrative,
where the mimicking of the West’s arguments, for example, the responsibility to protect, the right to self-determination, has been central.

The resemblance of the arguments used by Moscow to justify the war in Georgia and the annexation of Ukrainian peninsula suggests also the existence of a strategy of legitimation. After ‘testing’ a series of justifying arguments for violation of sovereignty and territorial integrity of Georgia in 2008, Russia appears to follow the same legitimizing narrative for the violation of sovereignty and territorial integrity of Ukraine in 2014.

Acknowledgement

This work was supported by a grant of the Romanian National Authority for Scientific Research, CNCS – UEFISCDI, project number PN-II-TE-2014-4-0534.

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