

Russia's Legitimizing Narrative for Annexation: Impetus or Pretext?

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Author Note "Investigate. Figure things out for yourself. Spend more time with long articles. Subsidize investigative journalism by subscribing to print media. Realize that some of what is on your screen is there to harm you. Learn about sites that investigate foreign propaganda pushes."
-Timothy Snyder, *On Tyranny: Twenty Lessons from the Twentieth Century*

Abstract Following the Russian Federation's annexation of Crimea in March 2014, the Kremlin constructed a legitimizing narrative to justify its inflammatory foreign policy decision. This narrative in turn builds an argument for the legality of the annexation, as well as one for its morality. These arguments were presented as the driving forces for its decision to occupy and annex the peninsula and then diffused by Russia's political class in addition to their security-related justifications. But a closer examination of these arguments and how they relate to realities on the ground suggests they are closer to being pretexts for the annexation than being its driving forces. This narrative offers a glimpse into how the Kremlin uses notions of identity, historical links, and international norms championed by the west to legitimize its foreign policies on the international scene.

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Introduction

Russia's annexation of Crimea in March 2014 marked the first time in the post-war period that a European power forcibly wrested territory from another. Understanding the geopolitical and diplomatic costs this move would incur from the West, the Russian leadership promptly marshalled a set of legitimizing justifications and framed them as the impetus for its decision to occupy and annex Crimea. This "legitimizing narrative" (Knott 2018) built and purveyed by Russia's political class generates two concrete sub-arguments: the right to self-determination for Russians in Crimea and humanitarianism undertaken to protect a threatened Russian population (Rotaru 2019).

Western leaders were quick to expostulate Russia's military excursion into Crimea as a breach of Ukrainian sovereignty and to denounce the subsequent referendum as illegitimate. In covering this event, North American and European media outlets predominantly expressed the consensus of their governments, who widely impugned or ignored Russia's legitimizing narrative and alleged its real motivations to be essentially geopolitical. To determine whether or not the justifications invoked by Russia were the driving force of its Crimean excursion, one must first explicate the narrative and its sub-arguments, then scrutinize them to see if they square with facts on the ground. Ultimately, this account demonstrates Russia's legitimizing narrative to be a pretext for the annexation of Crimea and not, as claimed by the Kremlin, to be the impetus for it.

The Legitimizing Narrative and Sub-arguments

Vladimir Putin's March 14 national address was the first and most widely circulated expression of this legitimizing narrative, it was then echoed and amplified by Russian media outlets. The first part of this narrative begins very broadly from the premise that Crimea is and always has been an integral part of Russia. Its incorporation into the Russian empire in 1783 and historic place in Russia's national consciousness is elevated to nearly mythological heights, while the peninsula's transfer to Ukraine in 1954 is cast as legally tenuous, if not outright invalid. More straightforwardly, the fact that 58% of Crimea's population is ethnically Russian is used to justify Russia's claim to it (Deliagin 2015). Therefore, there is a historical, legal, and demographic case made for Russian annexation. All three of these arguments were relayed in some form by Putin in his March address. He opened the speech by enumerating various milestones integral to Russian history which occurred in Crimea before putting it summarily that, "In people's hearts and minds, Crimea has always been an inseparable part of Russia. This firm conviction is based on truth and justice and was passed from generation to generation..." (Putin, March 2014). After noting the multiethnic makeup of Crimea, he highlighted the fact that 1.5 million of Crimea's 2.2 million inhabitants are Russian and then described the 1954 transfer as "a decision made in clear violation of the norms that were in place even then" (Putin 2014).

The second part of the narrative concerns the post-Yanukovich leadership in Ukraine. This argument's most extreme variation holds that 2014's Euromaidan protests were a Western-orchestrated coup that aimed to install a Russophobic, neo-Nazi government to subvert Putin's regime (Deliagin 2015, 8-9, 23). More moderate renditions accuse the West of propping up the post-Yanukovich government and then blithely papering over its far-right elements because of its pro-Western stance. Despite its variation, the crucial part of the narrative remains fixed: Russian compatriots became endangered by a chauvinistic Ukrainian government. The first part of this narrative establishes Crimea as essentially Russian, while the second underlines the dangers posed to Russian compatriots by the new Ukrainian government. A legal argument for self-determination is woven out of the narrative's establishment of Crimea as Russian, and a moral case for humanitarian intervention stems from its claims to a dangerous atmosphere in the region.

Russia's post-annexation justifications are highlighted by much of its political class as hewing to the international values championed by the West, including humanitarian intervention and national self-determination. By highlighting the legality and morality of the annexation, Russia seeks to put itself on par with the West (Rotaru 2019, 3-4). The legal argument for the right to self-determination of Crimea's population serves as a testimony to this. The crux of this rationale is not only that Crimea is Russian for a raft of legal, historical, and demographic reasons and should, therefore, have a right to self-determination, but also that its population actively hankered for secession even before 2014. This desire for secession was allegedly galvanized by the ousting of Ukraine's pro-Russian president, Viktor Yanukovich (Deliagin 2015, 9-11). Due to the budding perceptions of the Euromaidan forces as Russophobic chauvinists who were being held at bay by Yanukovich's leadership, his removal from office augured a threatening climate for the Crimean Russians. According to this argument, Crimea should have the right to secession as an ethnic enclave, especially in light of the precedent set by the West in making the Albanian-majority Kosovo an independent polity against the violent protest of Serbia (Rotaru 2019, 9-10). Putin pays special heed to this Kosovo precedent in his speech, using it to decry the West for hypocrisy by lamenting that "For some reason, things that Kosovo Albanians (and we have full respect for them) were permitted to do, Russians, Ukrainians and Crimean Tatars in Crimea are not allowed" (Putin 2014). This forms the mainstay of the argument for the right to Crimean self-determination: an ethnic enclave, distinct from the state under which it is formally attached, desires and should have the right to determine its national future. This right and desire were prioritized given the enclave's sense of endangerment by a hostile government and the pre-existing desire for self-determination.

The use of a referendum underscores this need to play by the West's rules. In using a widely recognized mechanism, Russia could claim a fair and democratic secession process (Rotaru 2019, 6). Indeed, this was hailed by Sputnik's report of an 83.1% turnout, of which 96.77% voted in favour of reunification with Russia (Sputnik 2018). Not only was the annexation in accordance with an idealized international legal precedent, but it was also facilitated by democratic means and received with soaring popularity by the locals. As shown, the legitimizing narrative's aim to establish Crimea as an indelible part of Russia and to portray its population as longing for secession lends itself quite predictably to the argument made for the legality of the annexation. The allegation that Russian Crimea was potentially in danger from Russophobic forces added a douse of urgency to the situation.

The second part of the narrative builds the moral argument. This is that the occupation of Crimea was a humanitarian mission launched to keep peace in the region and to protect Crimea's Russian population from neo-Nazi elements sanctioned by the new Kyiv government (Deliagin 2015, 9-23). Russia's foreign minister Sergey Lavrov echoed this argument when he said of Russia's intervention that it "prevented bloodshed there. It prevented a rerun of the Maidan type of protests and war, which later erupted in the South-East" (Lavrov 2014). The emphasis on preventing 'bloodshed' as opposed to instability or chaos couches the venture in humanitarian language meant to belie the security concerns at play, which would have detracted from the benevolent aura being built around the occupation. However, the gist of this moral argument is that the Ukrainian far-right, which dominated the Rada, was giving free rein to neo-Nazi paramilitary groups in Crimea. The post-Yanukovich Ukrainian government is hostile to Russian ethnics due to their fascistic ideology which mandates ethnic homogeneity. Therefore, they are not likely to protect the Russian minority in Crimea from being terrorized by neo-Nazi paramilitary groups. Putin's description of the architects of Yanukovich's ousting as "Nationalists, neo-Nazis, Russophobes and anti-Semites..." who "continue to set the tone in Ukraine to this day" brings this

view to bear (Putin 2014). He later points to Kiev's decision to abolish Russian as a regional language as a bellwether for its drift into fascism.

This event was quickly reported by RT, whose article opens by stating "Ukraine's swift abolition of the law allowing the country's regions to make Russian a second official language has worried European MPs and officials and has been condemned outright as a 'violation of ethnic minority rights' by Russian diplomats" (RT February 2014). Furthermore, the violent altercation between pro-Russian and pro-Maidan demonstrators in May 2014 which resulted in the burning of a trade union building and the deaths of 39 people (predominantly Russians), was quickly mobilized as posthoc proof of a neo-Nazi paramilitary presence. RT reported this event in an article published on May 2, 2014, alleging that it was pro-Kiev 'radicals' donning far-right insignia who surrounded the building and set it on fire (RT May 2014). In short, the contention being made is that neo-Nazi paramilitaries and a hostile government pose a danger to Russians in Crimea. Following this, the Russian state has a special obligation to intervene and prevent any such danger from being realized.

Realities on the Ground

While these arguments contain fulcrums of truth, they do not entirely suffice as an explanation for why Russia annexed Crimea. The first and most pertinent legal prerequisite for militarily aiding a self-determination movement is that the movement at hand be *bona fide*. That is, to be genuine it must have sprung into existence organically, often developing over a course of many years (Grant 2015, 8-9). This criterion stems from a consensus reached by a variety of states in dealing with the very same Kosovo precedent Putin likened to the annexation. As mentioned, it also necessarily entails a long-term course of development to be *bona fide*. This requirement is made all the more manifest by another criterion allowing for the use of force only after *protracted* efforts within the legal order (Grant 2015, 9). By stressing the strong Russian identification of the Crimean majority, as well as claiming its desire for self-determination was longstanding, the Kremlin sought to establish the movement for secession as *bona fide* in its legal sub-argument.

However, both the notion of a Russian co-national and the claim of their pre-existing desire for self-determination does not hold up under scrutiny. To begin with, Eleanor Knott's study of identity in Crimea between 2011 and 2013 attenuates the idea of a Russian-majority and completely dispels the claim of a longstanding, majority desire for secession. Much of the research undertaken regarding identity in Crimea poses its questions in unitary terms: Russian or Ukrainian, Tatar or Jewish, etc., which is not how many in the region identify, regarding themselves in more mixed terms instead. While it is true that among various identity options a Russian identification prevails, this answer is forced onto certain respondents as a second preference in the absence of more nuanced options. This error in conducting a spate of censuses ratchets up the number of 'Russian' residents, who might otherwise identify in less rigid terms (Knott 2018, 4).

Nevertheless, the Russian population of Crimea still forms an indisputable majority. Though even this fact does not clearly lend itself to Russia's argument for legality. Knott's study finds a two-fold division between self-identifying Russians in Crimea: there are those who feel a cultural loyalty to Russia but no similar allegiance to the Russian Federation and there are those 'discriminated' Russians, who do profess some allegiance to the Kremlin (12-13). However, even among this latter group, an overwhelming majority did not support any kind of separatism in 2012 and 2013, mostly because of its potentially destabilizing effects (14-16). To be sure, the tumult of the Euromaidan movement likely swayed this group's opinions in a pro-secession direction, but a matter of months is not enough time for a *bona fide* self-determination movement to arise (Grant 2015, 86-87). This study shows that the undercurrent pressing for secession among Russians in Crimea was anything but longstanding and that there was, in fact, a splintering of opinion among

them on the question of separatism. In other words, in the years immediately prior to the annexation of Crimea there were extremely low levels of secessionist aspirations among the group most likely to hold them and not all self-described Russians felt a sense of loyalty to the Russian Federation. In light of these facts, the Russian claim to have been acting on behalf of a legitimate self-determination movement does not stand.

As to the referendum itself, the fact that it was widely condemned as not being up to UN standards discredits the Russian claim of a perfectly legitimate secession process (Grant 77). Indeed, this skepticism was voiced in the *Forbes* article “How Russia Rigged the Crimea Referendum”, which points to the 123% turnout in the city of Sevastopol alongside a report that a journalist from Kiev was allowed to vote after showing his Russian passport. This raised the possibility that occupying Russian soldiers were allowed to vote by authorities regulating the process. The article also notes widespread allegations of voter intimidation, including a public beating by pro-secession militiamen (Adesnik 2014). The referendum was itself mired in corruption and does not dovetail with the Kremlin’s claim to legal legitimacy.

Finally, despite constant reference to ‘compatriots’, the Russian state has a notoriously amorphous definition of this term. Following the collapse of the Soviet Union, Russian policymakers failed to reach a consensus on how a Russian national ought to be defined; vying conceptions ranged along linguistic, ethnic and religious lines, with some proposing even Ukrainians and Belarusians be included (Shevel 2011, 187-188). Rather than settle for a specific national definition, this ambiguity was codified in the 1999 Compatriots Law, which conferred much greater diplomatic and strategic leeway in Russia’s dealings with its near abroad. Not only is the legal rationale for the Crimean Russians’ right to national self-determination more tenuous in this light, seeing as there is no concrete definition of a Russian national, but it also signals the self-interestedness of the Russian state. The fact that this ambiguity was codified rather than resolved for the sake of flexibility in its foreign policy indicates the Federation’s designs on most of the post-Soviet space. During deliberations over the Compatriots Law and its 2010 amendments, one of the greater dilemmas was whether or not to categorize Russians living in Ukraine as compatriots. If they did not, they would doom their ethnic kin to disaffection. Though if they did, they ran the equally undesirable risk of alienating all of Ukraine, which was as much their province (Shevel 195-196). The intentionally ambiguous definition of a Russian national indicates opportunism on the part of the Russian state, which in turn suggests insincerity in its claim to be acting for self-determination.

The moral argument for the occupation and annexation stands on sturdier ground, though it too cannot be an impetus. In an opinion piece published by *The Guardian*, Ukrainian academic Olexiy Haran accurately points to the multi-ethnic, liberal nature of the Euromaidan protests, which were sparked by an Afghan-born journalist’s social media post and whose first victim was an ethnic Armenian. Haran frames the Kremlin’s rhetoric regarding the far-right presence in Ukraine as a mere ploy to justify its aggression (Haran 2014). By cloaking the developments in Ukraine with terms such as ‘fascist’ and ‘Nazi’, the Russian leadership shrewdly capitalizes on the enormous reserve of anti-fascist sentiment imbued by the Russian national consciousness after the Soviet Union’s epochal war with Nazi Germany. This is meant to garner domestic support in addition to foreign sympathy for its occupation (Biersack and O’Lear 2014, 254-255).

While one might argue Haran underplays the far-right presence in Ukraine, another *Guardian* article published the same day scrutinizes the Kremlin’s allegations of a far-right putsch in greater detail. Luke Harding draws attention to the minority presence of the once-avowedly fascist *Svoboda* in the Rada, though notes its perception among Western observers and minority communities within Ukraine as having been largely moderated since a leadership change in 2004.

In emphasizing the multi-ethnic makeup of the post-Yanukovich leadership and drawing attention to the murkiness surrounding far-right paramilitaries in the east, the reader is compelled to draw the same conclusion Haran puts forth in his op-ed (Harding 2014). Namely, that the far-right menace is at best an exaggeration of grotesque proportions. The alarmist bent of Russian media on this point starkly contrasts with more tempered Western reporting. The Odessa building fire, for instance, was rightly reported by CNN as being in an ongoing state of investigation, such that the perpetrators could not be identified. Perhaps unfairly, the article ignores all mention of a reported far-right presence (Walsh, Carter and Butenko 2014).

Furthermore, the Russian claim to have been preventing the 'bloodshed' of which Lavrov speaks, as well as the threat to the Russian minority more generally were not backed up by any governments or international organizations at the time (Grant 2015, 81). Within a year of the annexation, the only other states to acknowledge Crimea as a part of Russia were Afghanistan, Nicaragua, Syria and Venezuela (Sterio 2015, 296-297). Conspicuously absent were some of Russia's most reliable international supporters, including Kazakhstan and Belarus, whose dithering on recognition dealt a partial rebuke to the Russian leadership's pretension to legitimacy. Belarusian President Alexander Lukashenko's description of the referendum as a "bad precedent" days after it was held only furthered this taint on Russia's narrative (RFE 2014). Indeed, the mass exodus of Ukrainians and Tatars following the annexation and not after the ousting of Yanukovich indicates minorities were more apprehensive at the prospect of Russian rule than post-Euromaidan Ukraine (Grant 2015, 86-87). In sum, the notion that the Ukrainian government is a far-right junta is demonstrably false, while the alleged paramilitary presence was far too nebulous to plausibly constitute an impetus for invasion and annexation of the peninsula.

Conclusion

Russia's legitimating narrative cannot itself be invoked as a justification for the annexation of Crimea, but the sub-arguments it generates are more substantive. The essence of this legitimating narrative is that Crimea is an indispensable part of Russia- legally, historically, and demographically- and that Russian Crimea was endangered by far-right elements in post-Yanukovich Ukraine. However, the derivative arguments for legally aiding a self-determination movement and protecting a threatened population in a humanitarian mission do not hold up under scrutiny. The facts outlined suggest the legitimizing narrative's components were more likely pretexts for annexation as opposed to the actual driving forces for it. Russian anxieties about neo-Nazism in Ukraine are understandable, given its history of occupation by Nazi Germany and Stepan Bandera's concurrent puppet regime in Ukraine. However, this history was also cynically wielded by the Russian elite in a bid to offset the blowback from an invidious foreign policy decision.

The sub-arguments proffered by Russia are essentially pretexts for Crimea's annexation and therefore one can extrapolate its entire legitimizing narrative to be an ad hoc maneuver. This is not necessarily predictive of its real motivations, many of which are still being debated, but rather indicative of the way the Kremlin mobilizes history, identity, and Western international norms to project power in its near-abroad. A similar narrative accompanied Russia's invasion of Georgia in 2008 (Rotaru 2019), and such means of legitimization are sure to persist in Russia's future foreign policy.

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