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‘MIMICKING’ THE WEST?
RUSSIA’S LEGITIMIZATION DISCOURSE FROM GEORGIA WAR TO THE ANNEXATION OF CRIMEA

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 post-Soviet Russian foreign policy was also registered in 2014. The annexation of Crimea represented the first incorporation of foreign territories by Moscow since the WWII. These two events determined the West to protest and blatantly contradict Russia’s 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 positions itself towards the criticism of the West and whether there is a continuity in Russian official legimization narratives.

Keyworlds: legitimization, Russian foreign policy, annexation of Crimea, 2008 Georgia war, emulation.

Introduction

Since the beginning of the 90s, there have been a number of conflicts in the former Soviet space Russia has been involved in – the one 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 every time as mediator or ‘peacekeeper’. From this point of view, the five-day war of August 2008

between Russia and Georgia differed considerably from the previous conflicts in the former Soviet space. Even if both Tbilisi and Moscow claimed that they were the innocent party (Killingsworth 2012: 228), neither denied 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 outbreak of the military conflict is a substantial study in itself - the parties involved accusing each other of 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 the Russian invasion of Georgian territory via the Roki tunnel that connects North Ossetia in the Russian Federation with South Ossetia in Georgia (Allison 2009: 176).

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 motivated his decision as being "the only possibility to save human lives" (Medvedev 2008c). Besides Russia, the two breakaway regions were recognized by Venezuela, Nicaraga, Nauru, Vanuatu and Tuvalu, the last two subsequently withdrawing their recognition. The status of the two secessionist regions has since remained frozen. In 2014 and in 2015 respectively, 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 2016: 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 fleeing of Ukrainian 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 Crimean peninsula, seizing 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 5,500-6,000 Russian soldiers together with their weapons had been transferred to Crimea from the Russian Federation, 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 the local 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. The status quo was excluded from the voting. According to Crimean and Russian official data, 96.77% of the 83.1% of population that took part in the referendum were in favor of joining Russia (RT, 2014), while according to the Mejlis of the Crimean Tatar People, that boycotted the referendum, there were only between 30 and 40% of those who voted during the referendum (ukrinform.ua, 2014), which would mean that only 29% - 38.7% of the Crimean population voted in favor of joining Russia.

The following day after the referendum, the Crimean parliament declared the independence of the Ukrainian peninsula and asked Moscow to admit it 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), 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 WWII 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 foreign 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 were constructed and the rationale behind the development and prioritization of one or another narrative element. The article argues that there is

continuity in Moscow's 2008 and 2014 legitimization arguments, and that the invocation of the West plays a central role in Russia's justification endeavours.

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 Russian main foreign policy makers – the President, the Prime-Minister, the Minister of Foreign Affairs, Russia's representatives to the UN, OSCE, etc. 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: 126), I have looked at how the arguments were constructed and evolved and I have scrutinized the similarities and differences between the two narratives.

The article is divided into three parts. It starts with a theoretical scrutiny of the Russian foreign policy approach towards the Western norms and values. In this part I have been interested in 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 were developed and prioritised in Russian official narratives. And finally, I compared the two legitimization narratives, assessing the commonalities and the limits of resemblance.

The Role of the West in the Formulation of Russian Foreign Policy

The positioning towards the West has played a central role in the formulation of the 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 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: 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: 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 argues, Russian policy makers have always been careful to emphasize the commonality of values and interests with Western countries, even when harshly criticizing the Western abuses of those shared ideals (Morozov 2013: 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 one. For instance, in the case of the bid to justify the systematic suppression of public protests in major Russian cities, President Putin was arguing that the limitation of the space for public activities not directly controlled by the authorities was in line with the presumably incontestable Western norms: "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"; and 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: 21). Thus, for Morozov, Russia is a subaltern actor, almost completely dependent on the West in both economic and normative terms (Morozov 2013: 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: 24-24).

Yet, while Moscow is looking at the West for legitimizing its policies, Sakwa remarks that throughout history 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: 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 latter 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. The last school of thought has dominated Russian foreign policy since the mid-2000s (see more in Tsygankov 2013, pp 4-9).

Tsygankov (2013) considers that even if Russia's foreign policy has been formulated in response to various international contexts, it has nevertheless 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 (e.g. the Euromaidan) as the West's 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, 280). However, this does not signal that Moscow is distancing itself 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 is still insisted 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 opposes the West, Russia cannot present a meaningful alternative and uses the language of liberal democracy to voice its concerns (Morozov 2013: 22).

In other words, Russia's 'neo-revisionism' should not be understood as meant 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 manoeuvre of the old dominant constellation" (Sakwa 3013: 215). In sum, Russia's reproving foreign policy discourse towards the West does not generate a substantive alternative (Sakwa 2013: 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 underlie 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.

Legitimizing a War

The invasion of Georgia and the subsequent recognition of the independence of the breakaway regions of Abkhazia and South Ossetia were justified by Russian political elites through a series of arguments framed into international and domestic law, and/or aimed to create emotions. From the beginning of the conflict Russia had argued that its intervention in Georgia was determined by a *humanitarian rationale*. In the 8 August 2008 speech, President Medvedev assessed that Russian troops had to take action in order to protect, on the one hand, the Russian peacekeepers that would had been attacked by Georgian peacekeepers, and on the other, the civilian population in South Ossetia, "civilians,

women, children, and old people" the majority of whom "[were] citizens of the Russian Federation" (Medvedev 2008a). As the events developed, the tone of the 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 any other 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 higher" (Medvedev 2008b). The deputy minister of foreign affairs, Grigory Karasin, assessed that even if the world genocide carried an emotional component, it was exactly what happened in Georgia: "South Ossetia was attacked on a national basis. We perceive it so" (Karasin 2008). And as Georgia "committed barbaric aggression" and "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 (e.g. Lavrov 2008a, Lavrov 2008b, Karasin 2008, Azimov 2008, etc.) 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 the Georgian chauvinistic policy from the beginning of 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 will even survive, if you do not recognize them as independent states" (Lavrov 2009). "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 argued that if it had not intervened there, the region

would have had a similar fate as South Ossetia because against it "a military provocation was prepared" (Lavrov 2008a). Russia's permanent representative to the UN, Vitaly Churkin, argued that it was "documented that after South Ossetia, the aggression of Georgia against Abkhazia was planned" 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 though; the legitimization of Russia's intervention in Abkhazia being, thus, based on assumptions and not on facts.

The humanitarian argument 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 the Kremlin 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 "civilians, 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 was used only at the beginning of the 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 was 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 that 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 would have started killing their Russian comrades in arms. And Russia "could not put up with it" (Lavrov 2009). By militarily intervening, 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, the 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" underlining that the military provocations, the attack of the peacekeepers – "grossly violated the regime established in conflict zones with the support of the UN and the OSCE" (Medvedev 2008c). Dmitri Medvedev stressed also that "when international rules are violated, the state and the entire international society must react in an adequate way" (Medvedev 2008c).

The recognition of the independence of the two breakaway regions by Russia was also motivated by appealing to the international law. The right to self-determination was invoked and it was claimed that the 'democratic' procedure was followed by the local 'authorities': 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 were 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 a 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 Saakashvili 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 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 his political goals – "the most inhuman way to accomplish its objective - annexing South Ossetia trough 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 the 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 2008c, Lavrov 2008b). 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" (Alison 2009: 178). On the other side, even if these statements question the sovereignty of Georgia, Russian foreign minister gave assurances that Russia had no claims over 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 *Der 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 the 1244 UN resolution that stopped the war in Kosovo, and no one put pressure on, no one was attacking anymore the Albanian population, which was not the case in South Ossetia and Abkhazia. "In other words, there was no reason for the Kosovo declaration of independence" (Lavrov 2009). By comparison, Russia's ambassador to the UN 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 the case of neither Abkhazia nor of South Ossetia in their relationship with Georgia" (Churkin 2008). In other words, the secession of Georgia's breakaway regions would have been 'more entitled' than that of Western-supported 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 had not taken 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 deporting South Ossetians to Russia, to cut the territory where Abkhazians live, to deprive Adzharia of autonomy, stated that only the title nation should rule over the territory of Georgia. This course was stopped 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 that in Kosovo NATO's military force was used, 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 the 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 another train of thought, Karasin pointed that "NATO first expanded eastward, and now we are told that the next will be Georgia and Ukraine. If the NATO machine is slowly but surely approaching our bedroom, we are also starting to get nervous" (Karasin 2008). Even if this last argument was not very present in Moscow's 2008 legitimisation discourse, it shows that the security dilemma[1] played a determining role in the events of 2008.

Legitimizing an Annexation

When compared with the case of the war in Georgia, one can easily notice that the legal and humanitarian arguments have also been the most present in the Russian legitimization discourse after the annexation of Crimea. Since the beginning, President Putin had highlighted the *legality* of Moscow's actions in Ukraine: the incorporation of the 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), thus, Crimea's secession would have complied with the international rules. President Putin reminded also that "when Ukraine seceded from the USSR it did exactly the same thing" (Putin 2014a) and that when Crimea was transferred from the Russian SFSR to the Ukrainian SSR – it was done through a decision "made behind closed doors," "in clear violation of the constitutional norms that were in place even then" (Putin 2014a). From this perspective, the incorporation of the 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 Kiev 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 violation of several international treaties, Moscow tried to also prove that the incorporation of Crimea was done without breaching Russia's international commitments. Foreign minister Lavrov, for instance, argued that even if Russia incorporated Crimea, Moscow had not violated the Budapest Memorandum because "it contains

only one obligation—i.e., 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 agreement. As, besides references to the use of nuclear weapons, the Budapest Memorandum specifies that the signatory parts commit themselves to also respect the independence, sovereignty and territorial integrity of Ukraine; and would refrain from the threat or use of force against Ukraine (see Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons).

The *humanitarian argument* also played a central role in the Crimea legitimization narrative. Moscow 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 Kiev introduced a draft law to revise the language policy, "which was a direct infringement on the rights of ethnic minorities" (Putin 2014a). Besides the infringement of their rights, Russian ethnics would have had their lives in danger after the change in power in Kiev. "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, stating that "we are very concerned about any possible ethnic cleansings and Ukraine ending up as a neo-Nazi state" (Putin 2014f).

The *Kosovo precedent* was also very much invoked in Russia's Crimea legitimization narrative. The aim of this argument was not only to justify the secession of the Ukrainian peninsula, but also to draw attention

towards the West's double-standards approach. "Our Western colleagues created a very similar situation with their own hands when they agreed to the unilateral separation of Kosovo from Serbia, exactly what Crimea is doing now" and yet, while "Kosovo Albanians were permitted to do so [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 a double standard; this is amazing, primitive, blunt cynicism" arguing that "if the Crimean local self-defence units had not taken the situation under control, there could have been casualties as well" (Putin 2014a). Foreign minister Lavrov also rejected the argument of human casualties - "is it really necessary that a lot of blood be spilt in Crimea in order to obtain the consent of the Crimean people to have the right to self-defence? 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 also pointed that Kosovo was not the only place where referendums were not held and that 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 if its actions in Crimea would have been 'more' legal.

The *historical factor*, more present in 2014 legitimisation discourse comparing to that of 2008, 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, Russian soldiers gave their lives to bring Crimea into the Russian empire and Sevastopol is the birthplace of Russia's Black Sea Fleet. Thus, every place in Crimea "is dear to our hearts, symbolizing the Russian military glory and outstanding valour" (Putin 2014a). The importance of Crimea for Russian spirituality and history was 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* was invoked in the Crimea legitimization narrative especially in 2014. President Vladimir Putin explained that if Crimea had not seceded from Ukraine "NATO's navy would have been installed in Sevastopol", "in this city of Russia's military glory" (Putin 2014a), and that "from the naval point of view Sevastopol is more important than the base in Vladivostok or even more so than 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 be sure 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 2008, Moscow did not insist publicly too much on this argument, however; even so, this helps us better understand the rationale behind the Kremlin's actions both in Georgia and Ukraine.

Like in the case of the 2008 Georgia war, in the Crimea narrative, the Kremlin stressed its *respect for the sovereignty* of its neighbours: "we have always respected the territorial integrity of the Ukrainian state," however, it 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 Moscow'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 shows once again that the two legitimization narratives have many common features, as the next section of the article will show.

Following a Known Path?

When analyzing Russia's 2008 and 2014 legitimization narratives, the first thing that strikes is that in both cases two similar arguments were most frequently used: the legality of Moscow's actions and the humanitarian factor. The legal factor was 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 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 (e.g. the cases of Rwanda, Kosovo or Lybia), and the UN Charter and other international treaties have also been invoked for accusing Georgia of violating its provisions.

Another common feature was the 'vilification' of the authorities in Tbilisi and Kiev. The Georgian President was accused of being the main responsible party (the scape goat) 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 were formulated against the government in Kiev – the "Nationalists, neo-Nazis, Russophobes and anti-Semites" that "executed an unconstitutional coup" left the country ungoverned: the state lost monopoly on violence and the new "illegal" government, by threatening the Russians living in Crimea, determined the inhabitants of Ukrainian peninsula to secede.

The humanitarian factor was constructed both in the 2008 and the 2014 legitimization narratives by starting from some facts and developing further on assumptions. In the case of the Georgian war, Moscow first brought to the fore the war casualties, then centered the argument around the accusation against Tbilisi for having committed 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 having caused thousands of deaths. Russian state-controlled media related that Georgia's attack on South Ossetia had resulted in more than 2.000 deaths, mostly Ossetians, the 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 & Nalbandov 2012: 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 the South Ossetian militia, both in South Ossetia and, for a period, even deeper in Georgia (Alison 2009: 183). And finally, Moscow argued that Tbilisi was planning a similar attack on Abkhazians, without providing any evidence in this regard.

Russia constructed the humanitarian argument in the case of Crimea in a similar way. Starting from the facts that the rights of national minorities had not been totally respected by the Kiev authorities, that 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 'expressed its concerns' that not only in Russian speaking Crimea but in the entire Ukraine there could have occurred ethnic cleansing (Putin 2014f) even if there were no registered cases in this respect; and on the same basis, it alleged that the lives of Crimeans were in real danger because they did not support the 'coup' and the Ukrainian nationalists would have mobilized to coerce Russian ethnics there (see Putin 2015e).

Thus, in both 2008 and 2014 legitimization narratives, the role of facts in constructing the humanitarian argument was not central. Russia invoked "documents on planned aggression" against South Ossetia (Churkin 2008) and the "friendship train" (the 'nationalist' forces from Kiev were expected to come to Crimea by train) (Sputnik 2015) without evidence in this respect. These elements are in line with 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 well disseminated/present in the public sphere is the version of facts one presents. In other words, how dominant the narrative is. 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 was not meant only for external legitimization but it addressed also 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 was mainly put on the 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 Kiev, 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 was used as a legitimizing element in both the 2008 and 2014 narratives. This argument was invoked both for accusing the West of a 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 or Ukraine's history and spirituality. The questioning of the legality of Kosovo's independence was put on the fact that Pristina had not held 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 intertwinement 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 the reparation of a historical injustice made by Soviet authorities in 1954. The independence of Abkhazia was motivated also by the fact that during the 1989-1990 process of independence in Georgia many state documents of the Georgian SSR, including those that tied in a single state Abkhazia and Georgia, were canceled. Yet, Moscow never mentioned the way these former Soviet republics became part of the USSR.

The security arguments even if not very present either in 2008 or in 2014 legitimization narratives were very clear expressed. The expansion of NATO towards Russia's borders was starting to "get Moscow nervous" in 2008 and determined the Kremlin to annex Crimea to not allow 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 did not insist 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 the 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 the 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 the 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 the 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 was implemented in 2014 too, with further developments of some elements (i.e. 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).

Conclusions

Both in 2008 and in 2014, Moscow constructed its legitimization narratives on similar elements and in both cases prioritized same particular aspects: the international legality of its actions whether based on UN principles or by comparison with the West's previous actions (the 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 became 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 the humanitarian factor leaves a great margin of maneuverability especially when few actors have access to the exact data from the operation theaters, the legitimizing actor being able to manipulate field data in order to justify certain actions (e.g. the exaggerated figures of war casualties in 2008). The grey areas of these yet unestablished principles were exploited by Russia both in 2008 and 2014. Moscow 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.

While Russia insisted on the Kosovo precedent both in its 2008 and 2014 legitimization narratives, it also tried to 'devaluate' it by comparing it with Abkhazia, South Ossetia and Crimea. In the 2008 narrative, the emphasis was on the 'non-entitlement' of Kosovo Albanians to declare their independence: Belgrade respected the UN resolution that had ended the violence in Kosovo, thus, the local population was not under threat anymore; and Kosovo has a particular historical and spiritual importance for Serbian state. By comparison, the Kremlin argued that it had to intervene and later to recognize the independence of Abkhazia and South Ossetia because the lives of the civil population were in danger and these regions were historically separated from the Georgian state. In the Kosovo-Crimea comparison, Moscow emphasized the legal character of the process of independence: while in Crimea there was a referendum, thus, the local population expressed its will, in Kosovo the independence had been 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 was not totally fact-based either in 2008, or in 2014. The figures of human casualties were exaggerated by Russian sources during the Georgia war in order to justify the accusations of genocide against Georgian authority, and in the case of Abkhazia, Moscow justified its military intervention on Tbilisi's alleged plans to attack the breakaway region. The Russian humanitarian narrative in the case of Crimea was also based on assumptions. While President Putin emphasized that in the Ukrainian peninsula there was not a single shot fired and there were no human casualties (see Putin 2014a), he insisted also on the fact that the 'nationalists' from Kiev 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 resolutions, 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 of the annexation of Crimea were explained, President Putin quoted both a UN International Court decision and statements of the US submitted to the UN International Court regarding the Kosovo case (Putin 2014a) 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 (e.g. the responsibility to protect, the right to self-determination) was central.

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

NOTES

[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).

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