PUTIN, THE LIBERAL?

An analysis of the Putin regime’s discourse on the ‘return’ of Crimea to the Russian Federation

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Abstract

On 16 March 2014 the residents of Crimea woke up in Ukraine, and went to bed in what claimed to be the Independent Republic of Crimea. Two days later, President Vladimir Putin and the leaders of Crimea signed an agreement to absorb Crimea into the Russian Federation. Russia’s interference in Crimea startled the international community, who immediately imposed sanction on Russia as a consequence of what they claimed to be an illegal annexation of Crimea. While traditional realist theory of international relations might appear to best explain Russia’s foreign policy towards Crimea, political events are without exception, accompanied by competing narratives. This thesis navigates the Putin regime’s discourse on the ‘return’ of Crimea and examines which theory of international relations explains their discourse best: realism or liberalism. In order to fully understand the discourse, the shared fate and fortune between Russia and Ukraine is accounted for with special emphasis on Crimea. The thesis uses Fairclough’s model for critical discourse analysis to make sense of the regime’s discourse before discussing which theory explains it best. The thesis’ main finding is that the historical, cultural, and identical ties between the two Slavic nations constitute large parts of the regime’s discourse. These elements, however, are not familiar to the realist theory of IR, and are largely inconsistent with the regime’s general worldview. The discourse is ambiguous because it is liberal and realist at the same time. Accordingly, neither the realist nor the liberal theory of IR explains the discourse best; rather it portrays a neorealist regime ‘hiding’ beneath a liberal discourse.

Key words: Russia, Crimea, Ukraine, International Relations (IR), Discourse, Discourse Analysis, Realism, Liberalism
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List of abbreviations

ASSR        Autonomous Soviet Socialist Republic
CDA         Critical Discourse Analysis
EU          European Union
ICJ         International Court of Justice
IR          International Relations
ISIS        Islamic State of Iraq and Syria
NATO        North Atlantic Treaty Organization
RSFSR       Russian Soviet Federative Socialist Republic
UN          United Nations
US          United States
USSR        Union of Soviet Socialist Republics
WWI         World War I
WWII        World War II
Q & A       Question and Answer

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1.0 INTRODUCTION

1.1 Introduction
WE LIVE IN A WORLD that bears little resemblance to that of a few decades ago. It is both networked and fractured, both full of promise and full of danger. It is characterized by cooperation but increasingly also war and conflicts. On 16 March 2014 the residents of Crimea woke up in Ukraine, and went to bed in what claimed to be the Independent Republic of Crimea (see Map 1.1). Two days later on 18 March, President Vladimir Putin and the leaders of Crimea signed an agreement to absorb Crimea into the Russian Federation (hereinafter: Russia). Russia’s interference in Crimea and the subsequent ‘return’ of Crimea to Russia sent shock waves through the international community, initiating a territorial dispute between Russia, Ukraine and the West. Two years later the situation is still characterized by unrest and conflict.

There is a continuing debate about whether the ‘return’ of Crimea to Russia was an annexation or a reunification. The Western world has claimed that the annexation was in clear violation of international law, and has consequently introduced economic sanctions against Russia. Russia, in contrast, has claimed its legitimate right for Crimea to reunite with Russia, through a referendum, in which the people of Crimea voted to reunite with Russia and leave Ukraine behind. This implies that there are different ways of understanding the same reality.

With the naked eye, Russia’s intervention mimics the realist theory of international relations (IR), but political events however, are without exception, accompanied by competing narratives (Owen & Inboden, 2015). Producing and presenting a discourse is a complementary step to an action, and the words and phrases of great powers resonate. The aim of this thesis is to navigate the Russian narrative in order to conclude which theory of IR explains their discourse best. The Russian discourse on the ‘return’ of Crimea is thus the fulcrum of this thesis.
1.2 Purpose and research question

The purpose of this thesis is neither to conclude whether the takeover of Crimea was an illegal annexation or a reunification, nor to take sides. Rather the purpose is to shed some new light on the Putin regime’s discourse in justifying and legitimising their interference in Crimea, and conclude whether the discourse confirms to the realist or liberal theory of IR. In this regard I put forward the following research question: How can theories of international relations account for the Putin regime’s discourse on the ‘return’ of Crimea to Russia?

The realist and the liberal theories have been chosen, as they are more specific to IR, and it is a deliberate choice to omit the constructivist theory of IR. Constructivism is not specific to the study of war and peace in IR, and constructivism is not expected to take the thesis much further than to conclude that each constructs their own reality. It is expected that the realist and liberal theory of IR will help the analysis further.

1.3 Scope

The scope of this thesis is directly guided by the research question. It is limited to examining only those aspects that help answer the research question. Other aspects will be disregarded. The focus in this thesis is on the Putin regime’s discourse (justification and legitimisation) in regards to Crimea’s ‘return’ to Russian jurisdiction. Western spectators often consider Russian foreign policy as somewhat mysterious: “Russia: it is a riddle wrapped in a mystery inside an enigma” Winston Churchill said in 1939 (Churchill, 2014). It is not always quite clear what the driving-forces or motives are, or rather; they are not easily conceivable for the (western) mind. Although a vivid
debate has flourished in the aftermath of this territorial dispute in regards to sanctions, trade restrictions, motives and the relations between Russia and the West, these areas fall beyond the confines of this thesis. Likewise, the current events relating to the war on ISIS that Russia is actively participating in, and the relation between Russia and Turkey also fall beyond the confines of the research question.

It is hereafter important to note that the ‘return’ of Crimea and the conflict in Eastern Ukraine are two separate things. The unrest in Eastern Ukraine falls beyond the confines of this thesis, however as it paved the way for Russia to enter Crimea, it has been included in the historical chapter, and serves as context in the following analysis.

Finally it could seem obvious to include a chapter on Russian foreign policy: from the beginning of the perestroika years to the final end of the Cold War and the presidencies of Yeltsin, Medvedev and Putin. This element, however, also falls beyond the confines of this thesis, because the thesis is specifically on Crimea and not on Russia’s foreign policy in general.

One of the reasons why this conflict is so complex is because there are multiple parties involved. The secessionists, the state, observers from the ‘outside’: EU member states, the United States (US) the United Nations (UN), and then of course there is Russia (Borgen, 2015). However, the international community, their position and opinions are not described in detail, as this also falls beyond the scope of the research question.

1.4 How this thesis stands out from previous research

This research allows building on and complementing other bodies of theoretical work. Books upon books have been written about Russian foreign policy, trying to place it within a theoretical framework. This thesis is likewise an attempt to place the Putin regime’s foreign policy towards Crimea within a theoretical framework, however looking at the discursive formation about the action, rather than the action itself. Recently published books: ‘Russian Approaches to International Law’ by Laurii Mälksoo and ‘Aggression Against Ukraine’ by Thomas D. Grant also address Crimea returning to Russia in 2014. But where Mälksoo deals with Russia’s conception of international law and combines three different problem areas (how international law has historically been construed in Russia, how it is theorised and understood in today’s Russia, and, how ideas about international law have shaped state practice and post-Soviet Russia) to understand Russia’s general approaches to international law, Grant attempts to explain the entire event within a legal framework only.
1.5 Structure of the thesis

To answer the complex research question, we must start by simplifying. Chapter 2 provides an account of the methodological framework. The methodological framework determines the way the research question is answered and the methodological choices, considerations and approach are therefore thoroughly explained and justified in chapter 2. Chapter 3 presents the theoretical framework: realism and liberalism. In addition, the chapter introduces selected aspects of international law, which are relevant for this thesis as it examines an international legal conflict. Chapter 4 presents the historical background. It is necessary to take into account a longue durée perspective of the historical context and the relationship between Russia and Ukraine. The fact that Russia and Ukraine have belonged to the same state structure through centuries and both nations belong to the East Slavic tribe implies that their cultural identity and languages are firmly rooted in similar soil - although they have developed partly in different directions (Sigurðsson, 2015). History also presents numerous conflicts between Ukraine and Russia, especially over the territory of Crimea. A deeper understanding of the historical context is necessary, as the somewhat tense relationship between the two post-Soviet republics to some extent underpins their actions, but it is especially important because history is being used as a Russian justification of the ‘return’ of Crimea.

The analysis consists of two steps and is presented in chapter 5 and 6. Chapter 5 (the first step) is a content analysis, which serves the purpose of identifying topics in the Putin regime’s narrative. Chapter 6 (the second step) is a discussion of the realist and liberal theory of IR, which is applied to the results of step 1. In chapter 7 the thesis finally sums up in a conclusion. Figure 1 is a visual presentation of the structure of the thesis.
2.0 METHODOLOGY

THIS CHAPTER WILL SET the methodological approach that will be used to answer the research question. The chapter starts with briefly clarifying specific expressions used in the thesis. Hereafter follows the research philosophy (ontology), followed by a presentation of the research approach. Finally the method and data collection method is presented. This chapter is structured progressively, i.e. the ontology contributes to the development of the research approach, which subsequently drives the methodological choices.

2.1 Clarifications

This thesis uses the expression ‘return’, as the idea is neither to conclude if the ‘return’ was an annexation or reunification: the expression is considered value neutral and therefore does not take sides. In addition, the thesis uses the expression ‘The Putin regime’ when referring to Russia and their foreign policy. This exact expression is chosen instead of the Kremlin or Russia, so as to refer to one particular political system. It helps identify a specific point in time in the Russian state policy, which is relevant for this thesis. Similarly ‘the West’ or ‘the international community’ is used when referring to the European Union (EU), the North Atlantic Treaty Organisation (NATO), and the US amongst other. This expression is simply an ease of expression.

2.2 Philosophical positioning

Choosing the ‘right’ philosophical positioning is important. The philosophical position is recurrent throughout the thesis, and dictates the methodological measures that follow. There are several paradigms, which differ in terms of their understanding of three fundamental theoretical questions: ontology, epistemology and methodology (M. Saunders, Lewis, & Thornhill, 2009).

In this thesis the philosophical positioning is as follows:

- The ontological vision is that there exists a reality independent of my observations and knowledge of it.
- The epistemological view is that it is possible to gather knowledge about reality, but that this knowledge will always be represented in an element of uncertainty.
- I view that both qualitative and quantitative method is appropriate to obtain valid and relevant knowledge.

As a consequence, critical realism is the chosen philosophical positioning of this thesis.
2.2.1 Critical realism

Critical realism argues for a new ontology, thus a critical realist research philosophy offers a third way between the two main methodological traditional philosophies: constructivism and naturalism (positivism) (Bhaskar, 2008), blending some of the most attractive features from both (Moses & Knutsen, 2007). Critical realism criticises constructivism and naturalism for being too unilateral and not including the necessity of a more structured and differentiated account of reality in which difference, stratification and change is central (Bhaskar, 2008). At its ontological core, critical realism comes closest to naturalism, as they recognise the existence of a ‘Real World’ independent of our experience or knowledge about it (M. Saunders et al., 2009). But the more complicated reality gets, the closer critical realism comes to the constructivist’ position (Moses & Knutsen, 2007). The reason for this is that the critical realist approach understands reality as more than the truth itself - there are many layers (stratification) to the truth (Moses & Knutsen, 2007) and production of new knowledge builds upon existing knowledge (Bhaskar, 2008).

The English philosopher, Roy Bhaskar, is regarded as the ‘father’ of critical realism. Bhaskar reasons that critical realism is an objectivist, yet ‘fallibilist’, theory of knowledge.1 (Bhaskar, 2008). Bhaskar argues that reality has depth and that knowledge can penetrate more or less deeply into reality, without ever reaching the 'bottom'. This means that the ‘truth’ can never be fully uncovered and that knowledge will always be represented with an element of uncertainty (Bhaskar, 2008). This requires the researcher to penetrate the immediate observable surface to identify the deep, underlying structures (layers) that will serve as the foundation for the research. With this ontological understanding critical realism allows for a ‘two step’ understanding of the world. First, the ‘thing itself” and the sensations it conveys. Second, the mental processing that happens sometime after the sensation meets our senses (M. Saunders et al., 2009). In other words, what we see is only part of the bigger picture (or the depth as Bhaskar calls it). If we want to understand what is going on in the social world, we must also understand the social structures that have given rise to the ‘thing itself” (M. Saunders et al., 2009).

Critical realism is favourable to this thesis, as it allows benefiting from both the constructivist and naturalist approach. The thesis undertakes a critical discourse analysis that embodies a strong constructivist view of the social world (Phillips & Hardy, 2002), however still allowing for the

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1 Bhaskar did not initially use the term ‘Critical Realism’. The philosophy was called ‘Transcendental Realism’ by Bhaskar. In his later book the term changed to ‘Critical Naturalism’. The term ‘Critical Realism’ is a combination of Transcendental Realism and Critical Naturalism and is an umbrella term.
involvement of the realist theoretical framework, which is closely linked to naturalism as a research philosophy. The benefits of critical realism’s two-step approach are equally visible in the analysis, which is divided into content (the thing itself) and context (the underlying processes). Choosing critical realism as research philosophy thus allows manoeuvring in between the two methodological traditional philosophies.

2.3 Research approach

Critical realism recognises many layers of the truth and therefore share with constructivism that the world is complex. Regarding methodology or how to ‘uncover the truths’, critical realists is compatible with several research methods - the choice simply depends on the nature of the object of study and what one wants to learn about it (Sayer, 1999). Methodological approaches are broadly defined as either inductive approach (also called exploratory) or deductive (also called conclusive) (M. Saunders et al., 2009). Figure 2 shows that where the inductive approach departs in a specific observation and moves towards broader generalisations and theories, the deductive approach departs in a general theory and moves towards something more specific (Govier, 2010). This thesis undertakes an inductive research approach. The study came to life from the observation that Russia’s foreign policy towards Crimea was somewhat inconsistent with their way of legitimising it. I conducted a preliminary interview and started to see patterns in the way the Putin regime justified and legitimised their involvement in the ‘return’ of Crimea. Not all topics in the discourse fitted perfectly into the realist theory of IR, and the research is thus steered by the inductive approach to find whether the realist or liberal theory IR supports the observations better.

Figure 2: Inductive and deductive levels of analysis

Source: own contribution on the basis of (M. Saunders et al., 2009)
2.4 Method and data collection

As previously described, the thesis is a two-step analysis as it firstly presents a content analysis and secondly a discussion of IR theories. The empirical data for the analysis is a combination of primary and secondary data. The primary data is collected through a semi-structured interview with an expert. The secondary data collection is written and non-written material. The data is treated differently, as the interview is not subject to a discourse analysis. The purpose of the interview is to act as supportive data to help identify the Putin regime’s discourses. The collection of secondary data is the subject of the analysis.

2.4.1 Primary data

The primary data collection was gathered by the use of a qualitative research approach.

2.4.2 Qualitative method

The primary data is collected using a semi-structured expert interview. The interview is a qualitative non-standardized, one to one and face-to-face interview. The interview serves two purposes: it serves the purpose of identifying recurring topic in the regime’s overall discourse on Crimea, and it helps place the content of the topics into categories. In addition the interview adds insight into where Russia positions itself within the liberal and realist theories of IR through their discourse.

In addition the interview provides an overall in-depth understanding of Russian foreign policy from an expert, who has knowledge from inside Russia. An interview is chosen as it allows for elaboration where there is a lack of understanding or where there is a need for a deeper understanding (M. Saunders et al., 2009).

2.4.2.1 Interview set up

2.4.2.1.1 Interview grid

A semi-structured interview is based on an interview grid with questions that have been prepared prior to the interview (M. Saunders et al., 2009). There are several ways to conduct an interview, however the semi-structured interview guide is consciously chosen as it allows for a certain amount of flexibility in the actual interview. The pre-produced interview guide allows in-depth specific questions, and the semi-structured interview allows the interviewer to deviate somewhat from the interview guide, when found relevant (M. Saunders et al., 2009). The semi-structured interview grid is chosen as it allows for flexibility as well as further information to arise during the interview. It
allows for the opportunity of turning the interview in a different direction than planned and mentions sub-topics, which the interviewer had not considered. This semi-structured interview is especially suitable if the interviewer’s research refers to an extensive problem area, where it is necessary to discover which issues are relevant in order to understand the situation (M. Saunders et al., 2009). This methodological approach is beneficial as it makes it possible to confirm discourses found in the data prior to the interview. In addition the method allows for further discourse topics to arise and be investigated during the interview. A questionnaire or a structured interview grid would simply not allow for this to arise and be explored during the interview.

The interview grid is a set of questions which purpose is to steer the interview in the direction needed to ultimately answer the research question (M. Saunders et al., 2009). I designed my own research questions and they were formulated precisely as to avoid any misunderstanding between the interviewee and I or to digress from the focus of the interview – however still allowing for flexibility. The interview guide can be found in appendix 1. The answers from the first four questions are not included in the transcript in order to protect the identity of the interviewee.

2.4.2.1.2 Presentation of data
The data is presented in full length and can be found in appendix 2. The interview is transcribed word-by-word as to present the direct reference. The full-length transcript makes it easier to interpret the data and makes the interview more valid and reliable, as the direct reference is presented. The interview was conducted in Danish, as both the interviewee and I are Danish, thus the interview is transcribed in Danish. The passages used in the following are, as a consequence thereof, translated into English. This inevitably entails an element of uncertainty to the reliability, however the uncertainty is not considered strong enough, and the interview is therefore included.

2.4.2.1.3 Choice of interview participant
The interview participant has been chosen on the basis of the participant’s expertise. The interviewee has lived and worked as a Danish diplomat in St. Petersburg, Russia. Today the interviewee is an established policy analyst, pundit and commentator on the post-Soviet space. The interviewee and I had prior to the interview been introduced through a work-related arrangement, thus there was an ease of access.
2.4.2.1.4 Interview situation

The established work-related relation allowed for a relaxed and comfortable atmosphere. The interview took place in a neutral setting in order to make the interviewee feel comfortable and to talk freely.

2.4.2.1.5 Reliability

It has been possible to conduct only one interview despite of repeated attempts to gather more interviews to support the thesis’ foundation. An in-depth interview with the Embassy of the Russian Federation in the Kingdom of Denmark has been desired. Throughout the first three months of this thesis a limited mail correspondence with the Embassy of the Russian Federation in the Kingdom of Denmark was established and an interview kindly requested. Unfortunately it was not possible to arrange such an interview. The Embassy of the Russian Federation in the Kingdom of Denmark appeared to have a restricted approach as regards to disclosure of information. The email correspondence was followed up by a phone call from the Embassy of the Russian Federation in the Kingdom of Denmark asking for an elaboration of choice of topic. The request was met, however the correspondence did not materialise after this conversation. The Russian News Agency TASS in Denmark have equally been reached out to through multiple attempts, without any response. In addition the Russian Centre for Science and Culture in Denmark has been contacted; however the request was directed back to the Russian Embassy. I had ease of access to one interview participant, and even the conducted interview was difficult to arrange. This demonstrates that is it a very complex field with limited access to data, which supports the relevance of this thesis.

As there is only one interview it is difficult to test for reliability through a crosscut of sources and check for cohesion. The interviewee is chosen on the base of expertise and it is believed that the interviewee was honest. There is no reason to believe otherwise, as the interviewee was not coerced to participate in the interview, nor did the interviewee’s attitude give any reasons not to trust the expertise. Overall cohesion and consistency between the responds from the interview and the other sources are comparable.

2.4.3 Secondary data

Secondary data provides easily accessible and quickly obtainable information in accordance with the subject of interest (M. Saunders et al., 2009). The secondary data in this thesis is gathered from the English version of the Russian President’s official website: http://en.kremlin.ru and the English
version of the Ministry of Foreign Affairs’ website: http://mid.ru/en. The English version of the Russian President’s official website publishes news about the President’s activities, transcripts, photographs, video and audio recordings of events involving his participation, texts of documents signed by the President, information on trips and visits, messages, and other current information relating to the work of the President and Presidential Executive Office. The English version of the Ministry of Foreign Affairs’ website publishes announcement, transcripts of statements and speeches by the Minister of Foreign affairs, Sergey Lavrov, speeches by the official representatives amongst other.

The secondary data extracted from the English version of the two websites are written material in the form of transcripts of official speeches, statements and interviews delivered by President Putin and Foreign Minister Lavrov. The transcripts are considered documentary secondary data, as they are written material. The common denominator for the data is that they - to a greater or lesser degree - touch upon Crimea.

The data was originally delivered (either spoken or written) in the Russian language, and have been translated into English prior to being published on the website. Therefore, the data is categorised as secondary, as it has been processed and is therefore the translator’s interpretation.

The chosen topic entails some limitations. I do not read, speak nor write Russian or Ukrainian. This is undoubtedly a limitation in terms of accessing parts of the data. The documents are official government documents, why it is assumed that the translations are correct; however it is not possible to have this confirmed. Nor is it possible to make sure that all relevant speeches are translated into English, consequently it is unknown what I am ‘missing out on’. This is, however, taken into account in the epistemological standpoint under which it was clarified that it is possible to gather knowledge about reality, but that this knowledge will always be represented in an element of uncertainty. The data has been selected on the basis of a certain timeframe. The timeframe spans from March 2014 till present day, which is the timeframe from the ‘return’ of Crimea to Russian jurisdiction to the latest interview by the president Putin regarding Crimea. All documents from the websites within this timeframe have been reviewed to ensure all relevant data was included in the following analysis.

2.5 Discourse analysis

The thesis applies a critical discourse analysis (CDA) to analyse the Putin regime’s discourse. Discourse analysis represents not only a method, but also a methodology. Discourse analysis embodies a strong constructivist view of the social world (Phillips & Hardy, 2002), thus choosing
critical realism as the overarching philosophical positioning shows its advantages. Critical realism allows for this ‘shift’ towards a more constructivist method. Discourse analysis is a general term that covers an extremely wide variety of approaches to the analysis of language (M. Saunders et al., 2009). Discourse is the collection of words and letterings we choose when we write or speak and by choosing specific words we demonstrate our attitude towards what we talk about. Language is not neutral and innocent – it is often value laden and consists of attitudes and judgments, which the sender conveys to the receiver, thus language create opinions and influence our attitudes (M. Saunders et al., 2009). When we choose our words, we express an attitude and opinion. Whether we use the word freedom fighter or terrorist is an expression of our attitude and opinion.

Discourse analysis is all about text analysis. Every text contains interpretations and in order to understand these it is necessary to analyse the discourse. When we combine text with social- and discursive practices, we are working with CDA (Pedersen, 2009). The CDA is chosen, as it does not limit the analysis to text, but include context and theory in order to make sense of the content.

### 2.5.1 Critical discourse analysis

The additional qualitative method in this thesis is CDA. According to the Dutch scholar Teun A. van Dijk, a CDA ‘should describe and explain how power abuse is enacted, reproduced or legitimated by the talk and text of dominant groups and institutions’ (Dijk, 1997:84). In this thesis legitimisation is the core research, and a CDA is consequently considered useful. The work of Norman Fairclough is central when operating within CDA. CDA applies a social constructivist approach, characterized by four premises. The premises are not specific to CDA, but common to all discourse analysis approaches (Jørgensen & Phillips, 2002):

- A critical approach to taken-for-granted knowledge
- Historical and cultural specificity
- Link between knowledge and social processes
- Link between knowledge and social action (Jørgensen & Phillips, 2002:5)

These are general philosophical assumptions that underpin most discourse analytical approach (Laclau and Mouffé’s discourse theory and discursive phycology). What can be interpreted from this is a constructivist worldview where knowledge of the world should not be treated as objective truth. The way in which we understand the world is historically and culturally specific and contingent (Phillips & Hardy, 2002). This means that our worldviews and our identities could have
been different had our society looked different or had there been event in our history that had proceeded differently. In addition, the premises mean that our ways of understanding the world is created and maintained by social processes (Jørgensen & Phillips, 2002).

From these four general assumptions the different discourse analytical approaches take off separately. Where discourse theory believes that society is constructed by discourses and the entire society can be interpreted through discourse analysis, Fairclough’s approach is more nuanced, as it includes the whole context, the actions and everything around the discourse (Fairclough, 1995).

2.5.2 Fairclough’s three-dimensional model for CDA

Fairclough has constructed a useful framework for the CDA, which this section will explain. Fairclough’s CDA does not limit the analysis to text, thus serves this thesis better than Laclau and Mouffe’s discourse theory. The thesis uses Fairclough’s CDA to the extent that it fits the purpose of the research question. This means that I ‘cherry-pick’ from Fairclough’s analytical approach. The CDA is not the end itself; rather it is the means to an end. Remembering that critical realism ‘requires the researcher, to penetrate the immediate observable surface to identify the deep, underlying structures’ (from critical realism section above), the following discourse analysis serves as a content analysis in order to ‘dig deeper’ and uncover the underlying layers in the discussion.

Fairclough does not believe that society can be interpreted from text analysis alone. Fairclough criticises other linguistic approaches for their simplistic and superficial understanding of the relationship between text and society, and claims that text analysis alone is not sufficient for discourse analysis (Jørgensen & Phillips, 2002). The involvement of the social practice beyond discourse analysis is necessary in order to gain insight into the discursive practice (Fairclough, 1995). Fairclough thus goes beyond the traditional interpretation and involves the social practices, which is the same as context. In this case the context is content of the data that does not specifically deal with Crimea. The reason for this lies in the way Fairclough defines the discursive practice – namely as something that exists between the social practice and the text. This is illustrated in the figure 3.
Dimension one is about text – either spoken, written or visual images. Dimension one is concerned with how text is produced (created), what it is trying to achieve, and how it achieves its aims (Jørgensen & Phillips, 2002). Dimension two is about discursive practice through which texts are produced and consumed (received and interpreted). This enables the types of interpretations that might be made of the text. Dimension three is about social practice and context and examines propositions in text (M. Saunders et al., 2009). The discursive practice, cf. figure 3, is illustrated as the line between the texts and the social practice. The social practice affects the texts, but it happens through the discursive practice (Fairclough, 1995). The discourse practice is the way in which texts are produced and consumed or more specifically which genres and discourses that are used - but this is also affected by the social practice. The discourse is a form of social practice, which both constitutes the social world and is constituted by other social practices (Jørgensen & Phillips, 2002). This is what Fairclough labels the dialectical relationship.

As the chapter started by pointing out, the analysis only use Fairclough’s CDA to extent that it fits the purpose of the research question: in this case as a tool to combine content with context and theory. Therefore a detailed explanation of Fairclough’s model will not be provided. Fairclough’s CDA is applied as it does not limit the analysis to text, but allows for the involvement the whole context around the discourses. The following analysis will therefore not emphasise text analysis, but emphasise content and context. The critical discourse analysis will be based on the secondary data.
2.6 Method criticism: limitations and reflections

The scope of this thesis is directly guided by the research question and due to the extent it is limited to undertaking only those aspects that help answer the research question going forward. The chosen qualitative method, CDA, consequently has limitations, which are considered in the following.

CDA is not politically neutral. Contrary it is politically committed to social change along the lines of more equal power relations in communication processes and society in general (Jørgensen & Phillips, 2002). I do not however, focus on the social nor cultural change. I am only interested in the content of the discourses. It may be likely that I find such changes throughout the analysis. Even though these are not an interest in regard to this thesis, as it is not fully relevant to the research question at hand, I still find a CDA very useful and an appropriate tool to analyse the regime’s discourse as it allows for combination of CDA with a second theory.

A reflective approach towards the interpretation of the sources applied has been adopted. Since the majority of scholarly contributions to theories of IR stem from the West, the vast majority of the literature used in the theoretical and historical framework comes from Western scholars. They may be considered biased.

The thesis undertakes critical realism as its philosophical positioning. Critical realism is found beneficial, as it allows the author to manoeuvre in between the two methodological traditional philosophies: constructivism and naturalism. Critical realism is compatible with several research methods, why this thesis undertakes both qualitative methods in the form of an expert interview and Fairclough’s CDA, while at the same time allowing for a realist and liberal theoretical framework.

The methodology chapter, which sets out to present the research philosophy, research approach, method and data collection method, is covered. The thesis therefore moves on to look at the theoretical framework.
3.0 THEORETICAL FRAMEWORK

THIS CHAPTER WILL SET the theoretical framework. The overarching theoretical framework in this thesis is realism and liberalism. Where realism departs from the basic assumption that international relations by nature are conflictual and that these conflicts ultimately are decided by war (are threats thereof), liberalism argue that international relations can indeed include cooperation over conflict (Dunne, Kurki, & Smith, 2010).

The first section of this chapter is a brief introduction to IR. The second section is an introduction to the realist paradigm. Realism can be found in several guises and for the purpose of this thesis, classical, neoclassical and neorealism have been found to be the most appropriate. Following an introduction to classical, neoclassical and neorealism, three realist thinkers are presented. First an introduction to the classical realist, Thomas Hobbes and the security dilemma he represents. Hereafter follows an introduction to the ‘father’ of neoclassical realism, Hans J. Morgenthau and his notion of human lust for power. Finally, Kenneth Waltz, a neorealist thinker, is introduced. The arrangement of theorists is chronological as neorealism build upon classical realism. The fourth section is an introduction to the liberal paradigm of IR. The section starts with an introduction to liberalism, followed by an introduction to Immanuel Kant’s perpetual peace. The subsequent section introduces the notion of international law for international relations, and explains how IR scholarship perceives international law and the legal framework in which states interact. It presents the horizontal legal system through a review of the origin of modern international law and the sources of international law. Lastly a realist and liberal perspective on international law and the sources of international law in IR is presented.

The purpose of this chapter is to gain an in-depth understanding of liberal and realist theories of IR, as they are applied in the following analysis and discussion. Liberal and realist theories of IR have very different assumptions and approaches to how states operate in the international arena. Consequently they have different accounts of the same reality. But before we can answer how liberal and realist theories account for the Putin regime’s justification, we must first understand what the theories imply.

3.1 International relations

International relations are a relatively young academic discipline. The foundation of IR can be traced back to the end of the First World War (WW I), when realism won the first great debate between interwar idealists and post-war realists (Sigurðsson, 2015). IR seeks to explain how states,
in particular the most powerful ones, behave, and how they interact with each other on the international arena. The study of IR thus focuses on the analysis of the causes of war and the conditions of peace in the international system among states (Dunne et al., 2010). The discipline of IR is organised into different paradigms. These paradigms have different approaches to IR and different understandings of the same reality, two of which are presented in the following.

3.2 Realism

Realism is the oldest school of thought in IR studies. Realists have traditionally argued that they seek to understand world politics as it is, rather than, as it should be (Jackson & Sørensen, 2010). The core elements of the realist doctrine are state power, national security, self-interest and the rationality assumption (Dunne et al., 2010). The main reason for the success of this theory is that it describes the rationales for war and conflict, thus realism has been the prevailing IR theory for decades, not least during the Cold War (Sigurðsson, 2015). There are four basic elements to the realist theory: (1) a pessimistic view of human nature; (2) a conviction that IR are necessarily conflictual and that international conflicts are ultimately resolved by war; (3) a high regard for the value of national security and state survival; and (4) a basic scientism that there can be progress in international politics that is comparable to that in domestic political life (Jackson & Sørensen, 2010:59). These four elements drive the realist doctrine.

Realists consider the state as the primary actor in the international system - all other actors in the global system are either of lesser importance or simply unimportant (Jackson & Sørensen, 2010). This view allows for some criticism, as actors such as the UN, NATO and even Red Cross and Save the Children play important roles in today’s world. However, the basic idea behind the realist view is that states are the primary object of study. International politics is portrayed as power politics: “an arena of rivalry, conflict, and war between states in which the same basic problems of defending the national interest and ensuring the survival of the state repeat themselves over and over again” (Jackson & Sørensen, 2010:59). According to realist theory of IR this is exactly how the relation of states is best characterised. Realism operates under the assumption that relations of states exists in a world in which armed states are competing rivals and periodically go to war with each other (Jackson & Sørensen, 2010). This is inevitable as the pursuing goal above all is their survival in an anarchic system, and there exists no permanent or final solution to the problems of power politics (Varol, 2013). Realism, and one of the most significant contributors to the theory of neoclassical realism, Hans Morgenthau, received a lot of significance and success with his theory.
Morgenthau’s theory was in conformity with the image that characterised the conflict and polarity between the two superpowers at the time of realism’s modern development (Sigurðsson, 2015). Accordingly Morgenthau’s summary of realism became the standard introduction to IR in the 1950s and 1960s (Jackson & Sørensen, 2010). Later, however, several contemporary thinkers have also contributed to the theory of realism. Among these is the leading contemporary neorealist, Kenneth Waltz (1979). Waltz takes some elements from classical realism as a starting point, but focuses more on the structure of the system, and has a much more scientific approach to IR theory rather than the classical and neoclassical normative approach (Dunne et al., 2010).

3.2.1 Thomas Hobbes and the security dilemma: classical realism

The seventeenth-century English political and legal philosopher, Thomas Hobbes is interesting to this thesis as he argues for a strong centralisation of power and institutionalisation as a solution to the ‘state of nature’. Parallel to Thucydides and Machiavelli,² Hobbes believed that human beings possessed an inherent desire to rule over others and seeks personal satisfaction (political freedom) at the expense of others (Dunne et al., 2010). These natural characteristics inevitably lead to conflicts and wars, a situation Hobbes characterised the ‘state of nature’. The state of nature is a condition with a permanent ‘state of war’. Every man, woman and child is endangered by everyone else and escaping from this pre-civil condition is above all (Jackson & Sørensen, 2010). Hobbes believed that it was possible to escape from the state of nature, but only with the creation of a sovereign state. The people are willing to form a security pact with the state, in which men and women cooperate politically due to fear of being hurt or killed by neighbours. They are, as Hobbes described, “civilized by fear of death” (Jackson & Sørensen, 2010:64). They are thus driven to organise under a sovereign state, which possesses absolute authority and power to protect the people. Under such civil conditions, men and women can pursue happiness and well-being, however, one such static solution also poses a serious political problem: ‘the security dilemma’ (Jackson & Sørensen, 2010). The security dilemma refers to the protection of states against other sovereign states. The very act of instituting a sovereign state to escape from the state of nature simultaneously creates another state of nature between states (Jackson & Sørensen, 2010). As world politics operate in international anarchy, the fact that there is no supranational authority ultimately drives the insecurity of this condition. There is no escape from the international security dilemma, because there is no possibility of forming a global state or world government. The international

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²Two realist theorists: the ancient Greek historian, Thucydides, and the renaissance Italian political theorist, Niccolò Machiavelli.
security dilemma however, is not as threatening or as dangerous as the original state of nature amongst men and women, as they can defend themselves through collective power of large numbers of people (Jackson & Sørensen, 2010). Even though a sovereign state can mobilise power to protect their people, the international state of nature is a condition of actual or potential war. There is no enduring peace or guaranteed peace between states and war is necessary when there can be found no other way to resolve a dispute.

3.2.2 Morgenthau and the human lust for power: neoclassical realism

Hans J. Morgenthau, by many introduced as the leading neoclassical realist thinker of the twentieth century, is a German-born lawyer and political scientist. Morgenthau developed his theory of realism during the First World War, thus his theory is strongly characterised by the context in which it was written. At this time legal positivism was the overarching doctrine and Morgenthau attacked this view. Morgenthau introduced the term *animus dominandi* in his seminal book *Politics Among Nations* from 1948. Similar to Hobbes, Morgenthau spoke of *animus dominandi* as the human lust for power. Morgenthau believed that states – just like human beings – are animals born to pursue power; consequently the human *animus dominandi* inevitably brings humans into conflict (Jackson & Sørensen, 2010). Effective central authorities are also a recurring topic in Morgenthau’s neoclassical realism, in which strong governments protect its citizens and defend borders. The international arena contrary is an anarchical, self-help system (Dunne et al., 2010) and politics is a “struggle for power over man, and whatever its ultimate aim may be, power it its immediate goal and the modes of acquiring, maintaining, and demonstrating it determines the technique of political action” (Jackson & Sørensen, 2010:66). Morgenthau emphasised, just like Hobbes, the desire to enjoy political space free from the intervention or control of foreigners – a free space that can only be obtained when power is mobilised within the sovereign state. According to Morgenthau balance of power between sovereign states is of utter importance, but balance of power is not sustainable in the long run. Once a state is too powerful, other states will try to outweigh, which ultimately causes mistrust (Dunne et al., 2010). Consequently Morgenthau emphasised the strength of the multipolar system of power balance, and considered the bipolar competition between the Soviet Union and the US too dangerous (Dunne et al., 2010).
3.2.3 Waltz and the structure of the system: neorealism

Neorealism – or structural realism – is usually associated with the leading contemporary thinker Kenneth Waltz. Waltz takes some elements from classical and neoclassical realism as a starting point, but turns towards the structure of the system rather than human nature and ethics contrary to Morgenthau and Hobbes. The focus is on the structure of the system and not on the human beings who create the system or operate the system (Dunne et al., 2010). The structure of the system is the system under which states perform their basic tasks. These tasks are more or less the same to all sovereign states, hereunder, foreign policy formulation. The only way states differ is in regard to their capabilities to perform these tasks (Jackson & Sørensen, 2010). The structure of the system is thus characterised by relative capabilities, which according to neorealism refers primarily to the military strength of one state relative to another. The structure of the system (the distribution of capabilities) is what determines the behaviour of states, not the motivations of the state itself (Varol, 2013). Waltz’s neorealism is strongly characterised by the Cold War. According to Waltz the international system comprises many powerful states, which all seek to survive, and each must do so on its own, since the system is anarchic. States are ‘like-units’ in addition to the main unit in the system, and through self-help states survive. While the structure is constant, units may change in their relative capabilities causing a shift in the balance of power (Waltz, 1979). The power struggle is thus determined by the structure of the system in which states seek to gain more power relative to other states to survive. Similar to Hobbes’ classical realism and Morgenthau’s neoclassical realism, neorealist also believe that war is always a possibility. Waltz’s neorealism however stands out from the former in the way neorealism considers the system. Neorealism argues for a bipolar system rather than a multipolar system. According to Waltz, peace can only be achieved when the balance of power is reached by the most powerful states (Waltz, 1979). It is therefore obvious that Waltz believes that bipolar systems are more stable as “with only two great powers, both can be expected to act to maintain the system” (Jackson & Sørensen, 2010:74).

As indicated, Waltz takes some elements from classical and neoclassical realism as a starting point such as the concept of international anarchy and self-help. Waltz further focuses on power politics, but believe unlike Morgenthau and Hobbes that foreign policymakers are constrained by the structures of the state system, i.e. military and economic capabilities (Waltz, 1979). Ultimately state leaders are prisoners of the system and structures dictate states policies (Jackson & Sørensen, 2010).
Realism includes, as we have seen, a variety of strands which differ in their fabrics, while all maintain the core foundations of a belief in the anarchical international system and the importance of material interests and structures, such as power balance and the relative distribution of capabilities. Where classical and neoclassical realism revolves around human lust for power, neorealism emphasises the structure of the system. Ultimately the security and survival of the state is essential to all three.

3.3 Liberalism

Liberalism is in stark contrast to realism. Just as realism can be traced back in history to ground-breaking writings by thinkers like Hobbes, liberalism has its roots in seminal works by 18th century liberal thinkers, most notably Immanuel Kant and John Locke (Dunne et al., 2010). Although liberalism, like realism, is a state-centric theory, it focuses on the limits of state power, and instead highlights democracy, individual rights, cooperation between states and economic interdependence. As realism became the most prominent theory in IR especially after the Second World War (WW II), liberalism grew under the shadow of the prevalent realism (Sigurðsson, 2015). Liberalism believes in the measurement of power through state economies, the possibility of peace and cooperation, as well as the concepts of political freedom and rights. Where realists argue that the human lust for power is paramount, liberalists take a more positive view on human nature. They acknowledge that individuals are self-interested, but that human reason can triumph over human lust for power. They do not emphasise war and conflict but believe that “when people employ their reason they can achieve mutually beneficial cooperation not only with states but also across international boundaries” (Jackson & Sørensen, 2010:97).

The power politics of realism are pretty much absent in liberalism. Firmly embedded in the Kantian peace philosophy, adherents of liberalism claim that the world becomes more peaceful as more countries convert to democracy. The anarchy of the international system can be managed through international organisations, which is one of the core elements of liberalism. Liberalists argue that as the world constantly develops and modernises, the need for international cooperation, peace and progress grows. There are three basic assumptions behind the liberal doctrine: 1) a positive view of human nature; 2) a conviction that IR can be cooperative rather than conflictual; and, 3) a belief in progress. In addition there are four main strands of liberalist thinking: a) Sociological liberalism; b) Interdependence liberalism; c) Institutional liberalism; and, d) Republican liberalism. The four strands will not be introduced separately, but in interplay with each other in the following, as they do not differ significantly from the basic liberal assumptions.
John Locke, a liberal philosopher in the beginning of the seventeenth century, is considered the ‘father’ of liberalism. Locke saw great potential for human progress in the modern civil society and capitalist economy, both of which could flourish in states guaranteed by individual liberty, free of authoritarian government (Jackson & Sørensen, 2010). The core concern of liberalism is the happiness of the individual, and states exist to underwrite the liberty of their citizens. The state is a constitutional entity, which enforces the rule of law that respects the rights of the individual’s rights to life, liberty and property (Jackson & Sørensen, 2010). This liberal view is in stark contrast to the realist’s doctrine, which sees the state’s first and foremost as a concentration and instrument of power.

3.3.1 Kant’s perpetual peace
Kant’s perpetual peace from 1795 has in particular been greatly influential in the development of liberalism within IR. Liberalism acknowledge the anarchical system of realism, but insists that “the realists does not exhaust the list of constraints on war over which states can and do exercise in some control” (Dunne et al., 2010:102). Liberals argue that democracy, economic interdependence and international organisations constrain states on war and realists do not consider these elements. Kant (and especially republican liberals) argues that democracies are most likely to be peaceful with all kinds of states. As democracies operate on the principle that conflicts should be resolved peacefully by negotiation, states are less likely to go into war or threaten each other. In addition democratic leaders are held responsible through democratic institutions. This gives them an incentive to avoid conflict. The second Kantian argument touches upon economic interdependence, hence international trade. When states trade with each other they become interdependent and the benefits from absolute gain derived from economic openness is a great incentive to cooperate (Jackson & Sørensen, 2010). Unlike realists, liberals recognise the importance of international organisations. International institutions, like the UN and NATO, can constrain decision-makers by positively promoting peace and facilitate cooperation. When states lock one another into mutually constraining institutions, states impose constraints on themselves, which is an integral part of the liberalist worldview to keep peace among states. Figure 4 is a visual representation of Kant’s liberal theory and shows how the interplay between international organisations, economic interdependence and democracy foster peace among states.
In addition, liberals (especially Robert Keohane) argue that the single most important condition for peace is the existence of common interests. If states have common interests, they do not compete. Especially institutional and interdependence liberals acknowledges the primary importance of states and their analytical starting point is somewhat realist (states are the primary actor, the international system is anarchical, and the power of states is significant), but the liberal core remains, namely the idea that international institutions can facilitate cooperation (Dunne et al., 2010).

Liberalism is a reaction to the strong realist paradigm; consequently liberals have reacted differently to the strong realist influence – especially neorealism. Where some liberals accept several realist claims, others argue that the world is changing in some fundamental ways, which are in line with liberal expectations (Jackson & Sørensen, 2010). These are labelled respectively ‘weak liberals’ and ‘strong liberals’. ‘Weak liberals’ are similar to the above-mentioned liberalists, where the analytical starting point is similar to realism, but where the liberal core remains. ‘Strong liberalism’ however does not in any way sympathies with the realist paradigm. The end of the Cold War gave a strong boost to a more pronounced liberal posture and is considered the foundation of the ‘strong liberal’. Strong liberals argue that world politics are changing from a state system to a transnational political system (Jackson & Sørensen, 2010). This means that states are cooperating, thus there is a shift in history towards a more integrated system. Strong liberals are strong opponents to neorealism. Where neorealist argue that history is ‘the same damn thing over and over again’ (Jackson & Sørensen, 2010:117) (meaning that anarchy leads to insecurity and the risk of war), strong liberals argue that society has gone through immense change and that the interdependence between states is
essential to the world order) (Dunne et al., 2010). Strong liberals do not abandon the notion of the anarchical system, but argue that there can be legitimate and effective authority in IR in an anarchical system, thus world anarchy does not produce the insecurity neorealist argue (Jackson & Sørensen, 2010). According to strong liberals there are two types of peace in today’s world: one among heavily armed powers and the second among consolidated democracies (Jackson & Sørensen, 2010).

3.4 Realism vs. liberalism

The two overarching IR theories presented are extensive and comprehensive. The following figure, figure 5, is a representation of the two IR paradigms and depicts the realist and liberal approach in relation to their prospects for war and peace. The purpose of the figure is to ‘boil it down’ into the key assumptions, which will be activated in chapter 6: Realist or liberal?

Figure 5: Prospects for war and peace – realism vs. liberalism

Source: (Jackson & Sørensen, 2010:120)

Where realists argue that international relations operate under raw anarchy, liberals argue that anarchy need not be raw because legitimate authorities exist. The reason for their view lies in the basic liberal assumptions, which include a positivistic view on human reasoning. As a consequence
of the realist assumption that human lust for power exceeds that of human reason, humans and consequently states are self-centred and struggle for power because of their high regard for the value of state survival. Contrary liberals are willing to lock one another into mutually constraining institutions to secure peace.

The above theories demonstrate realism and liberalism’s different set of assumptions and consequently approach to IR. Both theories will serve as the starting point in the discussion, chapter 6. The two theories do not share the same worldview or approach to IR. Similarly they do not share the same conception of the legal framework within IR. In the following, the main principles of international law are presented. They will serve as a framework to better understand how liberalism and realism conceive international law.

### 3.5 International law for international relations

International relations are regulated under a framework of principles that facilitate and regularise such encounters. International law is a horizontal system where states are considered equal and where there exist no single, defined, legislative body (Cali, 2010). This can make international law difficult to pin down. This subchapter however, is an attempt to clarify the main principles of international law. In order to answer the research question it is important to understand the basic principles of international law: how is it created and by whom because the conflict falls under the international legal framework. This chapter starts with a brief introduction to the origin of international law, and then takes us through realist and liberal perspectives on international law.

#### 3.5.1 The origin of modern international law

The modern discipline of international law is traditionally traced back to the sixteenth and seventeenth centuries, known as The Peace of Westphalia of 1648 (Cali, 2010). The issue of how to govern relations between diverse empires, societies or tribes however, has been an on-going question since ancient times when the Spanish scholar Francisco de Victoria (1486-1546) first touched upon the issue of international law. According to Victoria, international law was a divine law as prescribed by the Pope and the secular power, the Emperor (Cali, 2010). Victoria had a very holistic view where divine law was the overarching umbrella law that came from God (Cali, 2010).

In 1648 there was a shift away from the divine order to a system of states. The Protestant Reformation led by Martin Luther, a catholic priest, set the religious world aflame when he criticized the Catholic Church, and insisted that the pope had no authority over purgatory (Weber,
Parsons, & Tawney, 1930). The Reformation led to the splitting of the church and inevitably wars. The Thirty Years War (1618-1648) left most of Europe devastated, and it was in the midst of these wars that the Dutch scholar Hugo Grotius wrote his monumental work, *The Right of War and Peace* (1626). Grotius managed to shift the basis of law from religion to natural law: law to be binding on all people and states, regardless of religion (Cali, 2010). Grotius was the first scholar to speak of actual sovereign states and to examine the practices between them (later known as IR). Grotius is thus considered the ‘father’ of modern international law.

The Thirty Years War was concluded by the peace settlement: The Peace of Westphalia in 1648. The peace settlement sought to prevent further religious conflicts by advocating for sovereign states, which had absolute power within its own territory, to adopt whatever religion they desired (Cali, 2010). In years to come natural law was severely criticized, especially by legal positivist. They argued that natural law was imprecise and subjective, as different states could arrive at different conclusions as to what was dictated by ‘nature’ and what was not. The nineteenth century positivist had a very state-centric focus, and argued that international law was based on the observable actions of states, and that states were supreme, thus could do as see fit. Only if a state had consented to a certain rule, it was considered bound by that rule (Cali, 2010). This approach made it possible to avoid wars, because even though a state was legally permitted to go to war, it would run the great risk of facing an enemy or several opposing states more powerful than itself. However, in 1914 the balance of power system collapsed culminating in WWI. The League of Nation emerged in the smoke of WWI under the Treaty of Versailles to promote international cooperation and to achieve peace and security and to prevent such death and destruction from ever recurring in the future. The League of Nations was the first major international institution established by states, whose goal was to secure future peace and security by coordinating the behaviour of states (Cali, 2010).

The League of Nations however, failed to succeed, and in 1945 the UN replaced the League of Nations3 (*History of the united nations.2015*). To this day, one of UN’s finest tasks is the development of international law. The Charter of the United Nations sets the objective “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (*International law.2015*).

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3 Critics argue that the League of Nations was doomed to collapse because of their idealistic vision and their incapability to incorporate and understand the real interest of states: power.
3.5.2 International law and the sources of international law

In the absence of a world government the standards that sovereign states agree to, are typically laid down in international agreements called treaties (Cali, 2010). International law is the set of rules generally regarded and accepted as binding in relations between sovereign entities. It serves as a framework for the upholding of stable and organised international relations. Much of international law is consent-based governance, which means that international law is created by states often through treaties. Consent-based international law entails that states are not obliged to abide to a particular international law, unless they have expressly consented to a particular course of conduct. However, there does exist other aspects of international law, which are not consent-based, but still obligatory to abide to. These are customary international law and jus cogens. Jus cogens are the highest-ranking peremptory norm, which states cannot contract out of. What complicates things further is that not all theories of IR accept the same sources of international law. The following chapter will examine how the realist and liberal paradigm perceives international law in international relations.

3.5.3 Realist perspective on international law in international relations

Hobbes and Waltz do not differ much in their interpretation of international law; Morgenthau however stands out with his Functional Theory. The classical realism of Hobbes makes provision for international law, and believes that international law can moderate the international ‘state of nature’ by providing a framework of treaties that are of advantage to all states (Dunne et al., 2010). States themselves can arrange for these agreements and rules with each other to provide a legal foundation for their relations as a solution to the security dilemma (Jackson & Sørensen, 2010). Because international law within the classical realist framework is created by states, states will only adhere to it, if it is in the security and survival interests of the states to do so, otherwise it will be ignored (Cali, 2010). According to Hobbes, security, survival and domestic peace are the core values and of fundamental importance to classical realists – should international law interfere with such national peace, the state would not feel compelled to oblige.

Morgenthau’s notion of international law differs somewhat from Hobbes and Waltz. Morgenthau was very much in line with the realist view on the importance of power, but Morgenthau added to this view in the notion of international law with the development of his functional theory. What

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4 A repeated practice which gives sense of legal obligation (Cali, 2010)
5 Jus Cogens is written into the Vienna Conventions and includes genocide and slavery.
drives the functional theory is the dual functional relationship between the social forces and international law:

“On the one hand, international law is the function of the civilisation in which it originates, that is, of the regulative ideas laid down in the ethics and mores of this civilisation, of the political, economic and general social forces prevailing in it, and, finally, of the specific psychological factors manifesting themselves in the individuals determining it. On the other hand, international law is a social mechanism working towards certain ends within this same civilisation which, in turn, as far as determined by it, becomes a function of this same international law” (Morgenthau, 1940:274).

Morgenthau was adamant that morality (ethics and mores) thus imposed limits to the use of power (Dunne et al., 2010). Law must be in conformity with these elements, thus there must be a dual relationship between the civilisation and law. Furthermore, Morgenthau differed between two types of international law; law founded upon permanent and stable interests of the state and law founded upon temporary and fluctuating interests of the states. Where law founded upon stable interest was considered valid, law founded upon unstable interest was not necessarily valid, because morality was not automatically considered (Cali, 2010).

The core of Waltz’ neorealist theory is the balance of power in the international system. The balance of power is also the core value when it comes to neorealist notion of international law (Dunne et al., 2010). Waltz argues that state behaviour is best explained by the balance of power, which is measured by, inter alia, size of territory, the strength of the military and economy (Dunne et al., 2010). With this understanding of the structure of the international system, international law is largely irrelevant. International law is a product of the interests of powerful states. The one with the most power decides and powerful states will follow international law when it is in their interest and will ignore it when it is not (Cali, 2010). Subsequently follows that international law does not shape the behaviour of states – power and the use of force does. This view is very much in conformity with Hobbes’ classical realism.

Overall, the realist ideology would argue that the emergence and maintenance of international norms is largely a product of the interest and influence of powerful states. Consequently, powerful states only choose to adhere to the rule of law, if it is in their interest.
3.5.4 Liberal perspective on international law in international relations

Kant offers a programmatic formula for peace, rather than a philosophical analysis of the nature of international law (Tesón, 1992). The liberal approach to international law reflects Kant’s theory of ‘perpetual peace’. The formula for peace proposes that “republican constitutions, commercial exchange embodied in ‘cosmopolitan law’, and a system of international law among republics governed domestically by the rule of law equals peace” (Dunne et al., 2010:96). Peace is the fundamental purpose of international law, and is obtained through commerce, democracy and international institutions.

The aim of this chapter was to introduce the theoretical framework. The liberal and realist theory of IR have been presented in order to understand the underlying assumptions from which they conduct foreign policy. The two theories have very different approaches and prospects for war and peace. Where realist theory has a pessimistic view of human nature and assumes that IR are necessarily conflictual and ultimately resolved by war as a consequence of anarchy and *animus dominandi*, liberals have a much more positivistic approach to IR and believe that commerce, democracy and institutionalisation facilitate international peace. This understanding is used in the following analysis and discussion to place the Putin regime’s discourse within one of the two theories. First however, a historical review is presented.
4.0 CRIMEA AND ITS BORDERLAND

THE CRIMEAN PENINSULA or Crimea colloquially has a complicated history. It has experienced turbulent times characterized by war, deportations, changing ideologies and resettlements. The recorded history of Crimea can be traced back to the 5th century BC, when Greek colonies settled along its coast. This chapter however departs after the medieval period, at the 15th century with the surface of the Crimean Khanate, as the settlement of the Crimea Khanate was the first time Crimea experienced a strong identity as a nation.

This chapter will take us through the complicated history of Crimea, the unrest within Ukraine and the relationship between Ukraine, Crimea and Russia. The historical context is of much importance as it presents how Russia and Ukraine have developed together – and separately. Their shared history plays an important part in the regime’s justification as they link their arguments to historical events, and a *longue durée* of the historical context is therefore considered central to the following analysis.

4.1 The strategic and economic importance of Crimea

The Crimean peninsula in itself is not a very spectacular piece of land. The strategic geography of Crimea however, tells us a completely different story. The peninsula is a rough diamond shape nearly 300 kilometres across from eastern to western tip and roughly 200 kilometres from north till south (Google Maps, 2016). It is located south of the Ukrainian region of Kherson and west of the Russian region of Kuban. Two seas surround the peninsula: the Black Sea and the Sea of Azov. It is this exact location that makes Crimea strategically vital.

The location of the port and naval base of Sevastopol has played a significant part throughout history. Although relatively small, Sevastopol's unique naval and maritime features has been the centre of attention from the dawn of its existence. History preserves many examples of conflicts and disputes in and around the region. Sevastopol has been the home of the Russian Black Sea fleet and thus has significant military importance to Russia (Wilson, 2014). The Black Sea ports of Crimea provide quick access to the Eastern Mediterranean, Balkan and Middle East. Not only is the harbour of Sevastopol a deep-water port and can accommodate a fleet of large ships, it also secures Russia’s presence in Ukraine. It is noteworthy that when the Ukrainians spoke about the “Russian naval base *in* Sevastopol” the Russians said that the “Russian naval fleet *is* Sevastopol” (Glebov, 2014).

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6Russia's own Black Sea port at Novorossiysk is not deep enough and lack the necessary infrastructure (Litovkin, 2014).
This might seem a minor point, but it clearly shows how valuable the Sevastopol is to the Russians (Sigurðsson, 2015).

The prospect of NATO’s eastward expansion and EU enlargement also determines Russia’s interest in the development of the Black Sea region. For Kremlin, a NATO-leaning government in Kiev would strongly jeopardise Russian presence in the region (Wilson, 2014). In March 2014 Prime Minister Dmitry Medvedev said that Crimea was now Moscow’s headache (Wilson, 2014), and this was perhaps not entirely wrong. Russian press has estimated that Crimea and Sevastopol will need $2.6 billion annually to balance their budget and an additional $2.9 billion for developments, at least until 2018 (Wilson, 2014). In addition a new bridge over the Strait of Kerch is necessary to get Russian land link to Crimea, which is currently under construction (Metzel, 2016). The cost for the bridge rose from $1.5 billion to $6-7 billion within just four months of construction (Wilson, 2014).

### 4.2 A shared history

Crimea has experienced several settling waves; however it was not until the 13th century that the former settlers, the Mongols, gave Crimea its present-day name of Krym (Hall, 2014). In the mid-15th century a political organism - the Crimean Khanate – emerged on the ruins of the Golden Horde and united Crimea hereunder. The Crimean Khanate was a state established by a direct descendent of Ghengis Khan. The majority of the inhabitants in the Crimean Khanate were Muslim Crimean Tatars. Several non-Muslim minorities also occupied the territory, although small in number (Sigurðsson, 2015). In 1783, the Crimean Khanate ceased to exist as an independent state and its territories were incorporated into the Russian Empire (Hall, 2014). The majority of the Muslim Crimean Tatars migrated en masse as a reaction to an immensely oppressive tsarist policy, and by 1917 the Crimean Tatars primarily lived outside of the Russian Empire (Useinov, 2014).

The February Revolution in 1917 ended in the collapse of the Russian Empire, which meant that the peripheral areas of the former empire were seeking own statehood. In November 1917, the People’s Republic of Crimea was established alongside the creation of the Ukrainian People’s Republic in January 1918 (Useinov, 2014). Their political independence and sovereignty as states nonetheless were soon gone, after a lost confrontation with the Bolsheviks. As a consequence the People’s

---

7 Mainly Christian Armenians, Georgians, and Greeks (Sigurðsson, 2015)
8 The population went from an estimated 5 million during the Khanate rule to less than 300,000 at the time of the Bolshevik Revolution in 1917 (Hall, 2014)
Republic of Crimea and the Ukrainian People’s Republic were incorporated into the newly established Union of Soviet Socialist Republics (USSR) (Useinov, 2014). In October 1921 the Bolshevik government under Vladimir Lenin’s leadership established the Crimean Autonomous Soviet Socialist Republic (Crimean ASSR) within the Russian Soviet Federative Socialist Republic (RSFSR). At this point the peninsula was occupied by a series of different nationalities as a consequence of its distinct history. Table 1 shows that in 1923 the largest national group were Russians taking up almost 50 percent of the region’s population, followed by Crimea Tatars accounting for 25 percent - the rest of the Crimean Tatars had migrated prior to the Revolution. The remaining 25 percent were a mix of Jews, Germans, Armenians, Bulgarians and other nationalities not accounted for (Useinov, 2014).

Table 1 Population of Crimea divided into nationalities as of 1923

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Percentage of total Crimean population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russians and Ukrainians</td>
<td>49,1</td>
</tr>
<tr>
<td>Crimean Tatars</td>
<td>25,0</td>
</tr>
<tr>
<td>Jews</td>
<td>8,0</td>
</tr>
<tr>
<td>Germans</td>
<td>6,4</td>
</tr>
<tr>
<td>Armenians</td>
<td>2,0</td>
</tr>
<tr>
<td>Bulgarians</td>
<td>2,0</td>
</tr>
<tr>
<td>Others</td>
<td>7,5</td>
</tr>
</tbody>
</table>

Source: (Useinov, 2014:212)

The reluctant migration continued during WW II under the orders of Soviet Unions’ General Secretary, Joseph Stalin. Stalin deported various Crimean nationalities under the pretext of collaborating with the Nazi regime (Sigurðsson, 2015). Stalin deported over 200,000 people from Crimea, the majority to Central Asia and northern Russia. Many of those left behind died as a result of the 1933 famine that devastated Crimea under Stalin (Pohl, 2000). In 1935 there were 23 Crimean Tatar language publications in the Crimean ASSR - by 1938 14 of them had been eliminated (Pohl, 2000). It has later been revealed and recognized that the true intentions behind the deportations was an ethnic cleansing aiming at particular ethnic and national groups in the USSR (Useinov, 2014).
In 1945 following the deportations under the regime of Stalin, the status of Crimean was degraded from an autonomous republic to an *oblast*\(^9\) still belonging to the RSFSR (Useinov, 2014). The massive deportation caused a visible shift in Crimea’s demographic composition, and Russians were now by far the largest ethnic groups in Crimea followed by Ukrainians.

In spite of ethnic Russians being the predominant group in Crimea, the oblast was transferred to Ukrainian jurisdiction in 1954 (Sigurðsson, 2015). The transfer was a gift to commemorate the 300\(^{th}\) anniversary of the reunification of Ukraine with Russia as well as a “natural outgrowth of the territorial proximity of Crimea to Ukraine, the commonalities of their economies, and the close agricultural and cultural ties between the Crimean oblast and the Ukrainian SSR” (Kramer, 2014). The decision to transfer Crimea to Ukrainian territory was approved unanimously in the Act of 26 April 1954 on ‘Transferring the Crimean Oblast from the Russian SFSR to the Ukrainian SSR’ (Useinov, 2014:214).

Until the late eighties the status of Crimea as an oblast under Ukrainian SSR was never under attack (Belitser, 2000). It was, however, subordinated to the Communist Party of the RSFSR under which the ‘Russification’ of Crimea and Ukraine was intensified (Szeptycki, 2014). The Ukrainian Autocephalous Orthodox Church and the Ukrainian Greek-Catholic Church were banned and most leaders deported, killed or arrested (Szeptycki, 2014). Only the Russian Orthodox Church had some limited freedom. At this point in time, the composition of Crimea’s population consisted mainly of post WW II settlers, primarily ethnic Russians and Russian-speaking people, accounting for approximately 65 percent, and Crimea became more ‘Russian’ than ever before (Useinov, 2014).

During the turbulent Perestroika period\(^{10}\) in 1987 (which ultimately precipitated the collapse of the USSR), Secretary General of the *Politburo* of the Communist Party of the RSFSR, Mikhail Gorbachev, made the return of the deported Crimean Tatars possible. Gorbachev opted for restructuring and transparency through policy reforms (Szeptycki, 2014). The newly returned Crimean Tatars and Ukrainians called for the restoration of the Crimean ASSR as well as the Ukrainian Autocephalous Orthodox Church and the Ukrainian Greek-Catholic Church to come out from being underground (Szeptycki, 2014). The homecoming of thousands of Crimean Tatars

\(^{9}\)The term is analogous to "state", “region” or "province".

\(^{10}\) The Perestroika was a political movement for reformation within the Communist Party of the RSFSR.
however, further pushed the inter-ethnic tension in Crimea, and pro-Russian ethnic separatism was becoming more and more evident (Shapovalova, 2014). Ukraine was as Russian as ever before.

4.3 Independent at last
In 1988 towards the fall of the USSR, Crimea pushed for a restoration of the Crimean ASSR. The claim was supported and in 1991 the Ukrainian parliament adopted a new law providing ‘autonomous status for the Crimean ASSR as a sovereign subject of the reformed USSR within the borders of Ukraine’ (Belitser, 2000). Alongside Crimea, Ukraine proclaimed its independence on 24 August 1991, retaining Crimea under the Helsinki Final Act of 1 August 1975. The decision of independence was adopted in a referendum, where almost all Ukrainian oblasts supported the independence with more than 80 percent, with the notable exception of Crimea (54.2 percent) and Sevastopol (57.1 percent) (Szeptycki, 2014).

With the independence of Ukraine and Georgia, Russia lost 22 out of 26 harbours and naval bases in the Black Sea (Shapovalova, 2014), intensifying Russia’s claim for Crimea. Their claim was linked to the jurisdiction over the Russian Black Sea Fleet and harbour in Sevastopol over which Russia wanted to maintain control of (Shapovalova, 2014). The Russian parliament wanted to declare the 1954 decision invalid. In Russian political discourse at the time, the view on the 1954 decision to ‘give’ Crimea to Ukraine was an unlawful decision made solely by the First Secretary of the USSR Communist Party Nikita Khrushchev (Shapovalova, 2014). Allegedly Crimea was a ‘gift’ to his wife who was from Ukraine, as well as a strategic move to ensure support from Ukraine to strengthen his political position in Moscow (Shapovalova, 2014). The decision was taken according to all Soviet Union decision-making requirements, thus Russia did not succeed in having the decision invalidated. The Russian parliament further claimed Sevastopol to be a part of Russia, as Sevastopol was a separate administrative entity within Crimea on the basis of a RSFSR Supreme Soviet degree from 1948. According to the parliament this meant that Sevastopol was not transferred alongside Ukraine in 1954 (Shapovalova, 2014). Sevastopol was (and still is) unquestionably important to Russia as the base of the Russian Black Sea Fleet and maybe even ‘the cornerstone of all Russian claims to Crimea and Sevastopol’ (Plokhy, 2000), consequently the claim continued.

In 1992 Ukraine and Russia managed to divide the fleet facilities. It was an agreement that was meant to last until 1995 under which Russia would be given the right to anchor its fleet in the
harbours of Sevastopol (Shapovalova, 2014). Ukraine allowed for Russian military presence (thus allowing Russians fuelling separatist tendencies among the population of Crimea) on its territory and in return received Russia’s legal recognition of its territorial integrity and sovereignty over Crimea (Shapovalova, 2014). The agreement however shortly ran into new problems, when Russia pressured Ukraine to pass a large share of their rights to the Black Sea Fleet, as a payment for Ukrainian gas debt to Russia. Ukraine was cornered and passed 30 percent of its shares (division now being 81.7 percent for Russia and 18.3 for Ukraine) alongside its nuclear weapons.

President of the Russian Federation at the time, Boris Yeltsin, and pro-Russian president of Ukraine, Leonid Kuchma, signed the Co-operation and Partnership treaty (‘The Big Treaty’) in 1997 (Wilson, 2014). In this agreement Russia managed, among other, to ensure its strategic presence in Crimea by prolonging the Black Sea Fleet basing lease agreement to last at least until 2042 (Shapovalova, 2014). In return Ukraine would receive a discounted contract to provide Ukraine with Russian gas. The treaty once and for all committed the signatory states to mutual respect for territorial integrity and inviolability of the national borders, formally closing the issue of Crimean ‘ownership’.

4.4 Borders within Borderland

Even though Ukraine gained its independence, the ‘new’ Ukraine and especially Crimea had (has) not rejected its Soviet heritage and was (is) deeply divided across ethnicity and language. In a survey conducted in 2007, 25 percent of the population in south Ukraine recognised the Soviet cultural tradition as being the main pillar of identity, and 20 percent the Russian cultural tradition (Balcer, 2014). In comparison 40 percent of the respondents in the East recognized Ukrainian culture to be the main pillar of their identity (Balcer, 2014). The various settlements of different ethnicities and nationalities across Crimea have meant that the peninsula in general is in an unsettling state of interethnic relations. In the 2001 Ukrainian census the picture showed a national structure still dominated by Russian nationals, but a significant increase in the number of Crimean Tatars. According to table 2 in a matter of 12 years the population of Crimean Tatars increased from 1.9 percent in 1989 to 12.0 percent in 2001.
Table 2 Demographic Crimea 1989 and 2001

<table>
<thead>
<tr>
<th></th>
<th>Total population, thousand</th>
<th>Actual population, thousand</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2001</td>
</tr>
<tr>
<td>Autonomous Republic of Crimea</td>
<td>2024.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Russians</td>
<td>1180.4</td>
<td>58.3</td>
</tr>
<tr>
<td>Ukrainians</td>
<td>492.2</td>
<td>24.3</td>
</tr>
<tr>
<td>Crimean Tatars</td>
<td>243.4</td>
<td>12.0</td>
</tr>
<tr>
<td>Belarusians</td>
<td>29.2</td>
<td>1.4</td>
</tr>
<tr>
<td>Tatars</td>
<td>11.0</td>
<td>0.5</td>
</tr>
<tr>
<td>Armenians</td>
<td>8.7</td>
<td>0.4</td>
</tr>
<tr>
<td>Jews</td>
<td>4.5</td>
<td>0.2</td>
</tr>
<tr>
<td>Poles</td>
<td>3.8</td>
<td>0.2</td>
</tr>
<tr>
<td>Moldavians</td>
<td>3.7</td>
<td>0.2</td>
</tr>
<tr>
<td>Azerbaijanis</td>
<td>3.7</td>
<td>0.2</td>
</tr>
</tbody>
</table>


The above data substantiates Crimea as a state, but not necessarily a *nation state*. The table confirms that Crimea is not a traditional nation state with its own native language and culture. On the contrary there are several ‘small pockets’ of different ethnic groups. Crimea is indeed a multi-ethnic and multicultural region with a multi-linguistic population as a consequence of their post-colonial and turbulent history. Crimea is characterised by Russian nationals or ‘Russophobes’, who tend to favour pro-Russian interests and ‘Ukrainophones’, who prefer a foreign policy similar to the EU (Balcer, 2014). Russians are overrepresented in the southern and eastern part of Ukraine and from an ethnic point of view Crimea is the least Ukrainian territory of Ukraine. Consequently the Russian language prevails as the main language of every day communication in Crimes (Balcer, 2014). The Russian language dominates the public sphere: newspapers, magazines and television are mostly in the Russian language.

**4.5 A colour revolution - political unrest in independent Ukraine**

In 2002 the people of Ukraine took to the streets to protest against President Leonid Kuchma, whom many Ukrainians considered corrupt (Wapinski, 2014). Kuchma campaigned for Russian as an official language and closer relations with Russia (Shapovalova, 2014). Several opposition groups and coalitions were established during this time, hereunder “the Orange Team” (Wapinski, 2014). The Orange Team was a rather bizarre coalition of socialists, conservatives and social populists, whose common goal was to offset Kuchma. The Orange Team succeeded in their protest and presidential election was called. In October 2004, Viktor Yanukovych, also a pro-Russian

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Putin, the liberal?
Putin, the liberal?

In the 2010 Ukrainian presidential election, Yanukovych managed to gain votes from the more densely populated eastern part of Ukraine, and won the presidential election\(^1\) (Wapinski, 2014). During Yanukovych’s presidency, Russia managed to ensure its strategic presence in Crimea by prolonging the Black Sea Fleet basing lease agreement with the Yanukovych regime to last at least until 2042 (Shapovalova, 2014). In return Ukraine would return back to their discounted contract to provide Ukraine with Russian gas.

### 4.6 Going home to ‘Mother Russia’

16 March 2014 was in many eyes a fateful day. The referendum on the future status of Crimea was held and the people of Crimea were asked whether they wanted to join Russia as a federal subject or if they wanted to restore the 1992 Crimean constitution and remain a part of Ukraine. The referendum ended with an overwhelming support towards joining Russia.

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\(^1\) The Parliament of Ukraine

\(^1\)The average market price for 1000 cubic meters Russian natural gas was 160 USD. Since 1999, Ukraine paid about 50 USD (Wapinski, 2014).

\(^1\) As of March 2016 Ukraine is still not a NATO member country nor an EU member state.

\(^1\) Yanukovych received 35.32 percent of the votes in the first round – Yushchenko only 5.4 percent (Wapinski, 2014).
The actual ‘return’ only took a few days, but the unrest had been brewing for months. The protests originally known as Euromaidan began in November 2013, when president Yanukovych abandoned a proposed EU Association agreement (Wilson, 2014). Instead the Yanukovych regime sought closer ties with Russia, sparking demonstrations around Ukraine. The pessimism to the Ukrainian society and the mistrust to politicians grew, and on the night of 21 November 2013 pro-European supporters, mostly comprising of students took to the streets around the Maidan Nezhalezhnosti (Independence square) in Kiev (Lyubashenko, 2014). The protesters felt they had little - if any - control over the developments in their country. In the following days and weeks more people took action and the demonstrations escalated in December with more than 100.000 Ukrainians in the streets (Shapovalova, 2014). The protest rapidly increased in scale and spread nationwide, until it finally rocked the foundation of Ukrainian politics.

According to table 3 not all Ukrainians supported the idea of European integration however, and the level of support seemed to differ according to region as well as age\textsuperscript{15}. The people from western Ukraine were in ‘complete solidarity with the protests’ whereas people from the East and the South were ‘definitely against the protests’ (Lyubashenko, 2014).

Table 3: Ukrainians’ attitude towards Euromaidan divided in region (percentage)

<table>
<thead>
<tr>
<th></th>
<th>West</th>
<th>Centre</th>
<th>South</th>
<th>East</th>
<th>Whole Ukraine</th>
</tr>
</thead>
<tbody>
<tr>
<td>I'm completely in solidarity with the protests</td>
<td>69,5</td>
<td>39,1</td>
<td>9,7</td>
<td>13,9</td>
<td>32,2</td>
</tr>
<tr>
<td>I rather support the protests</td>
<td>20,7</td>
<td>23,8</td>
<td>10,3</td>
<td>16,0</td>
<td>18,1</td>
</tr>
<tr>
<td>I rather do not support the protests</td>
<td>5,0</td>
<td>16,2</td>
<td>24,1</td>
<td>21,5</td>
<td>16,8</td>
</tr>
<tr>
<td>I'm definitely against the protests</td>
<td>2,0</td>
<td>12,3</td>
<td>47,2</td>
<td>43,6</td>
<td>25,7</td>
</tr>
<tr>
<td>Hard to say</td>
<td>2,8</td>
<td>9,6</td>
<td>8,7</td>
<td>5,0</td>
<td>7,1</td>
</tr>
</tbody>
</table>

Source: (Lyubashenko, 2014)

The motivation behind the protests was not only rooted in the EU Association Agreement, but also a desire to change the quality of life and live like ‘other people in Europe’, even though most Ukrainians did not feel an affiliation with the culture nor history of Western Europe (Lyubashenko, 2014). The Euromaidan protests reached its high in February 2014 with the removal of Yanukovych from his presidential post.

\textsuperscript{15} In January 2013, 73 percent of Ukrainians aged 16-29 was in support of signing the Association Agreement with the EU (Lyubashenko, 2014).
Russian military along with Pro-Russian separatists and local self-defence forces encroached Crimea in February 2014. Russian troops, which were called the ‘Little green men’, managed to seize several sites across Crimea including the Supreme Council of Crimea and the Crimean Parliament in addition to government buildings in Simferopol. The Russian troops received the name ‘Little green men’ as they were without insignias, thus had hidden identities. While Yanukovych fled to Russia, the Crimean parliament, by this time a self-proclaimed government, appealed to Moscow to accept Crimea into Russian jurisdiction (Wilson, 2014). On 16 March 2014 the referendum to accept Crimea into Russian jurisdiction was held, and the result was an overwhelming support towards joining Russia. According to the Crimean parliament out of 83,0 percent who participated in the vote, 96,7 percent of the citizens in Crimea (95,6 percent in Sevastopol) voted to join Russia (Shapovalova, 2014). Two days later on 18 March, president Vladimir Putin and the separatist leaders of Crimea and Sevastopol signed the agreement to absorb Crimea into the Russian Federation.

The aim of this chapter was to present the history of Crimea and the relation between Ukraine and Russia. As presented, the two nations have common historical roots, yet there are legitimate questions about the relations between them. A throughout walkthrough of Crimea and its borderland was necessary, as the Putin regime’s narrative is heavily dependent hereof. As we will see in the following, the regime uses their intertwined history to justify and legitimise Crimea’s ‘return’.

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16 The Mejlis of the Crimean Tatar nation, who boycotted the vote, claimed the turnout to be 30-40 percent. Later the information was that only 30 percent participated of out which only half voted to join Russia (Shapovalova, 2014).
5.0 THE VERBAL WAR

5.1 Step 1: Content analysis

IN REALITY, WARS are not exclusively waged on the battlefield: an equal part to war is the propaganda and the explanations behind. In order to approach a conclusion, i.e. to see which theory of IR explains the Putin regime’s discourse best, it is necessary to firstly identify the topics the discourse put forward. These topics are considered small discourses in themselves. This chapter thus starts out with a brief presentation of the dataset. Hereafter follows an identification of the topics: four discourses on Crimea (Fairclough’s discursive practise) and one discourse that does not deal with Crimea, but provide broader contextual information (Fairclough’s social practise). This discourse is still content, however at another level, as it serves the purpose of providing context to make sense of the content. The four discourses are identified through a thorough review of the empirical data and the expert interview. The analysis places greater emphasis on the discursive and social practises and lesser on Fairclough’s first dimension: text. The motives behind this decision were already accounted for in the methodology approach.

Relevant quotes are presented in full length in order to generate as an objective analysis as possible. Alternatively, the analysis could be based on summaries of the empirical data. This method however, has not been considered appropriate, as the records would represent the rapporteur subjective interpretation. The choice of quotes reflects my subjectivity, however the ambition is to limit and control subjectivity.

5.2 A brief introduction to data

The data is divided into interviews, public addresses and statement. The aim of this section is to present the secondary data, where is it extracted from and how they are referred to in the following. The data is found on enclosed the flash drive.

5.2.1 Interviews

The first interview is by the German newspaper Bild with president Putin. The interview took place in Sochi, Russia, on 5 January 2016 and covers among other talks on Crimea. The full transcript is extracted from the Kremlin webpage: http://en.kremlin.ru/events/president/news/51154. This interview will in the following analysis be referred to as ‘Putin, 2016’.
The second interview is Putin’s interview to the German TV Channel *ARD*. The interview was recorded on 13 November 2014 and is extracted from the Kremlin webpage: http://en.kremlin.ru/events/president/news/47029. The interview is referred to as ‘Putin, 2014B’.

5.2.2 Public addresses by President Vladimir Putin and Foreign Minister Sergey Lavrov

The first public address included is by President Putin to the State Duma deputies, the Federation Council members, heads of Russian regions and civil society representatives. The speech took place at the Kremlin on 18 March 2014 two days after the Crimean referendum. The full transcript is extracted from the Kremlin webpage: http://en.kremlin.ru/events/president/news/20603. The address is referred to as ‘Putin, 2014C’.

The second public address is also by president Putin. It is president Putin’s annual presidential address to the Federal Assembly. The assembly was held at the Kremlin in Moscow on 4 December 2014. The speech covers the situation in Ukraine and Crimea, and outlines Russia’s position with regards to the event in Ukraine. The full transcript is extracted from the Kremlin webpage: http://en.kremlin.ru/events/president/news/47173. The address is referred to as ‘Putin, 2014D’ in the following.

The third public address is by Foreign Minister Lavrov. It is a speech followed by a Q&A session. The address took place at in Moscow to the deputies of the State Duma of the Russian Federation on 20 March 2014, just days after the referendum in Crimea. The transcript is extracted from the Ministry of Foreign Affairs of the Russian Federation’s website: http://archive.mid.ru//brp_4.nsf/0/94D6676508BC6C4844257CA2005B0613. This address is referred to as ‘Lavrov, 2014’ in the following.

5.2.3 Statements by the Russian Ministry of Foreign Affairs

The public statement by the Russian Ministry of Foreign Affairs is from 11 March 2014. The statement was published on the Kremlin webpage and is extracted from: http://www.mid.ru/en/web/guest/maps/ua/asset_publisher/ktn0ZLTvbbS3/content/id/71274. The full statement is regarding the adoption of the Declaration of Independence of the Autonomous Republic of Crimea and Sevastopol. This statement is referred to as ‘Statement, 2014A’ in the following.
5.3 Identifying topics in the Putin regime’s discourse

A thorough review of the data and the expert interview has revealed four topic discourses that are continuous throughout the Putin regime’s discourse. In the following I will present how the interview has helped identify the discourses. These finding are further substantiated and supported in the following content analysis.

In the interview the interviewee states that:

“From the Russian side there is a clear understanding that Crimea belongs to Russia and always has. Ukraine will not be allowed ownership over Crimea. In the Russian view, this is no doubt that Crimea does not belong to Ukraine - it belongs to Russia. It was Catherine the Great who managed to capture Crimea and thus for the first time secure Russia access to the Black Sea and be part of the Black Sea regions. So to Russians, Crimea has been in the hands of Russia ever since” (Appendix 2).

This understanding is equally visible in the data. There are several references to the 1954 transfer of Crimea to Ukrainian jurisdiction and the Act of 1991 with the collapse of the Soviet Union. Emphasis is placed on Russia’s ‘near abroad’ and the 1954 transfer, which was and still is considered lawful by Russia. This historical discourse will thus be referred to as ‘Righting a historical wrong’. In continuation hereof a third topic is identified. Although not highlighted in the interview, the data shows a continuous reference to the Russian nationals abroad. The regime refers to the dense Russian population in Crimea as a consequence of their common history, and argues that it is a Russian responsibility to protect the ethnic Russians beyond Russia’s post-Soviet borders. This topic is named: ‘It is our obligation to protect ethnic Russians in the ‘near abroad’.

When asked how the regime uses history to legitimise, the interviewee on several occasions refers to the Kosovo precedent, under which Kosovo declared its independence from Serbia in 2008:

“In recent times we’ve seen various concrete events, in which Russia justifies their action based on how the West have previously acted in relation to Kosovo. After Russian articulation is the referendum in Crimea is just as legitimate as that of Kosovo. ‘We are doing what the West have always done’ Russia argue” (Appendix 2).

There is talk of a ‘mirroring strategy’ and the regime compares Kosovo’ secession from Serbia with that of Crimea. There is an equal emphasis on the international community and their acknowledgement of Kosovo, but lack of the same in regards to Crimea. The interviewee says that Russia builds their narrative around the Kosovo precedent:
“The fact that Russia use Kosovo’s independence of Serbia in relation to Crimea is politically tactical, and it is their narrative” (Appendix 2)

This discourse is referred to as ‘The Kosovo precedent’.

As will be presented in the following legal rhetoric is very strong in the regime’s discourses. A constant referring and citing of international law is heavily used as legitimisation, but according to the interviewee:

“There is a different articulation of how the same rules should be interpreted... Their perception of international law is different than ours” (Appendix,).

This different understanding of international law will equally be a topic on its own in the following analysis. These finding are of course supported and will be demonstrated in the following analysis.

The four discourses are topics in the overall Russian discourse, and are divided into two categories: historical discourses and legal discourses. In addition a fifth discourse is identified: Russian geopolitical discourse. The first two categories, historical and legal discourses, address the core content around the justification of Crimea’s ‘return’, whereas the fifth discourse does not directly deal with Crimea: but provides broader contextual information. What the discourses include, how they are used to justify and legitimise, is the focal point of the following analysis. The discourses are arranged as follows:

- **Historical discourses:**
  - Righting a historical wrong
  - It is our obligation to protect ethnic Russians in the ‘near abroad’

- **Legal discourses:**
  - The Kosovo precedent
  - We are not violating international law

- **Russian geopolitical discourse**

The historical discourses draw on Russian and Crimean shared history through which the Putin regime justifies the ‘return’ of Crimea to Russia. The Russian discourse argues that Crimea has historical importance to Russia and that Russia was robbed when Crimea was unlawfully transferred to Ukrainian territory. In addition, the Russian historical discourses draw on the multi-ethnicity or the ‘natural community’ of Crimea. The Russian discourse considers the Ukrainian and Russian peoples to be parts of a single social and cultural community and they use this argument in
their discourse. The two legal discourses on the contrary, refer to international law and the sources of international law and thus serve as a legitimisation rather than a justification. The Putin regime uses strong legal rhetoric and cites international sources to legitimise their interference in - and the ‘return’ of – Crimea to the Russian jurisdiction\(^\text{17}\). These two discourses are hard core ‘law talk’, whereas the historical discourses are softer discourses in which the Putin regime manifests themselves as guardians of the Crimean population. The fifth discourse deals with geopolitics and comprises all other topics in the data that does not deal directly with Crimea. Figure 6 is a visual representation of step 1 in the two step analysis.

Figure 6: Visual representation of step 1

Source: (own contribution)

5.4 Righting a historical wrong

Righting a historical wrong refers to 1954 when Crimea was transferred into Ukrainian jurisdiction. The Russian discourse describes the transfer as a personal initiative by the First Secretary of the USSR Communist Party, Nikita Khrushchev, and not as a unanimously approved decision:

“In 1954, a decision was made to transfer Crimean Region to Ukraine, along with Sevastopol, despite the fact that it was a federal city. This was the personal initiative of the Communist Party head Nikita Khrushchev. What stood behind this decision of

\[^{17}\text{The relevant legal obligation can be found in appendix 3}\]
Putin refers to the historic injustice inflicted by the Soviet Union more than 60 years ago, when Crimea was transferred to Ukraine. Putin says that it was “the personal initiative of the Communist Party head Nikita Khrushchev”, thus the Putin regime dismisses the Act of 26 April 1954 on ‘Transferring the Crimean Oblast from the Russian SFSR to the Ukrainian SSR’. The regime argue that:

“What matters now is that this decision was made in clear violation of the constitutional norms that were in place even then. The decision was made behind the scenes. Naturally, in a totalitarian state nobody bothered to ask the citizens of Crimea and Sevastopol” (Putin, 2014C).

By stating that the decision was “made in clear violation of the constitutional norms”, the Putin regime entitles the decision to transfer Crimea to Ukraine invalid. After the fall of USSR, Russia tried to have the 1954 decision invalidated, but did not succeed, thus Crimea stayed under Ukrainian jurisdiction. The above statement shows that the Russian regime is still under the impression that the Act of 26 April 1954 is illegal. They do not however present any evidence of their argumentation. Righting a historical wrong is a discourse meant to cement in people’s minds that Crimea used to belong to Russia. Not only does this quote try to invalidate the 1954 decision, it also has an interesting subtext. The use of the word ‘totalitarian state’ is interesting. Arguing that ‘in a totalitarian state nobody bothered to ask the citizens of Crimea and Sevastopol’, the Putin regime presents a moral judgement. At the same time Putin is saying that Russia is a changed state that respects its people. In this quote Putin manages to distance Russia from the post-totalitarian USSR and describe Russia as a democratic state.

In addition to their argument that Crimea was illegally transferred to Ukraine in 1954, this discourse also refers to 1991 when the USSR dissolved after almost 70 years as a superpower. After the fall of the USSR, Ukraine retained Crimea under the Helsinki Final Act of 1 August 1975, but according to the Putin regime it:

“Was only when Crimea ended up as part of a different country that Russia realized that it was not simply robbed, it was plundered” (Putin, 2014C).

In this quote the Putin regime demonstrates that they are convinced that Crimea belongs to Russia, and that the decision to retain Crimea under Ukrainian jurisdiction in 1991 was illegal as it
happened in a time were Russia was unable to protect own interests. Putin does not use the word ‘illegal’, but declares that Russia was ‘not simply robbed, it was plundered’, thus accusing the decision of being in violation of international law. In addition, the regime continuously emphasises the shared history between Ukraine, Russia and Crimea:

“Everything in Crimea speaks of our shared history and pride…. Kiev is the mother of Russian cities” (Putin, 2014C).

The Putin regime argues that Crimea has significant historical importance to Russia. By drawing on such a profound historical argument, the Putin regime tries to manifests in people’s minds that Crimea belongs to Russia. Although Russia’s proprietary attitude applies to many other states in Russia’s ‘near abroad’, the statement emphasise Ukraine, even more than most other post-Soviet states, as fundamentally Russian by culture and history. Righting a historical wrong is a discourse in which the Putin regime justifies the ‘return’ of Crimea through historical arguments. They argue that Crimea has always belonged to Russia, but that Russia was plundered - first in 1954 when Crimea was illegally transferred to Ukraine, and again in 1991 at a time where Russia was unable to protect its own interest after the fall of USSR.

5.5 It is our obligation to protect ethnic Russians in the ‘near abroad’

‘It is our obligation to protect ethnic Russians in the ‘near abroad” is a discourse constructed by legal rhetoric and history. Reaching deep into Russia and Crimea’s shared history, Putin proclaims himself the guardian of the ethnic Russian people beyond Russia’s post-Soviet borders. The Putin regime claims the legality of their actions under a concept of international law: their interference was based on historical and humanitarian considerations:

“We expected Ukraine to remain our good neighbour, we hoped that Russian citizens and Russian speakers in Ukraine, especially its South-East and Crimea, would live in a friendly, democratic and civilised state that would protect their rights in line with the norms of international law. However, this is not how the situation developed. Time and time again attempts were made to deprive Russians of their historical memory, even of their language and to subject them to forced assimilation” (Putin, 2014C).

The Putin regime justifies that their intervention was based on humanitarian considerations to protect ethnic Russian abroad from “nationalists, neo-Nazis, Russophobes and anti-Semites” (Putin, 2014C). As presented in the previous chapter, millions of ethnic Russians and Russian speakers live outside the borders of today's Russia. Russians compose a majority in Crimea because of energetic Russification and the WWII mass deportation of Crimean Tatars. The Putin regime justifies their
intervention in Crimea on behalf of the millions of ethnic Russian living abroad, whose culture and identities are subject to discrimination:

“Real threats to life and the safety of people, everyday cases of violence, gross and mass violation of human rights in Ukraine, including discrimination and persecution due to nationality, language and political convictions – all of this has made the existence of the Republic of Crimea within the Ukrainian state impossible” (Lavrov, 2014).

The Putin regime’s discourse includes a strong legal rhetoric when citing specific sources of international law.

“Let us remind ourselves of the fact that along with this memorandum a joint statement was adopted in Budapest by the leaders of Russia, the United Kingdom the United States and Ukraine, which, inter alia, confirmed the importance of obligations within the OSCE, which are envisaged to counteract the growth of aggressive nationalism and chauvinism. It is absolutely clear that Ukraine has not fulfilled these obligations and had been conniving in the growth of extremely aggressive nationalism for many years, which finally led to the self-determination of the Crimean population by entering the Russian Federation” (Statement, 2014B).

The statement refers to the 1994 Budapest Memorandum on Security Assurance in which The United States, The United Kingdom, and Russia to ‘respect the Independence and Sovereignty of the existing borders of Ukraine’. Where the EU and the US refer to the Budapest Memorandum to demonstrate that Russia has violated international law, the Putin regime likewise refers to the Memorandum, but only to point out that Ukraine has not fulfilled their obligations under the agreement. In addition, the Putin regime argues that the new Ukrainian authorities are illegitimate, thus Russia holds an obligation to protect its people abroad:

“All the more so that political postulates declared by new authorities provided more than convincing grounds for that. For example, the Representative of the Ukrainian Ministry of Foreign Affairs, Yevgeny Perebiynis, stated that Russians were not an indigenous people, whose ethnic origin was not related to the territory of Ukraine, and had no right to self-determination in the Ukrainian territory. I think there is nothing to comment here” (Lavrov, 2014).
Lavrov argues that the ousting of Yanukovych and the subsequent seizure of power by an interim president and government was an unconstitutional coup, in which “discrimination and persecution due to nationality, language and political convictions” (Lavrov, 2014) made the secession possible. The Putin regime does not recognise the new Ukrainian government, accordingly the regime finds ground to protect the ethnic Russians abroad arguing “the residents of Crimea and Sevastopol turned to Russia for help in defending their rights and lives” (Putin, 2014C). The Russian intervention was an obligation based on humanitarian considerations – anything else “would have been betrayal on our part” (Putin, 2014C). The dominance in Kiev that neglected the interests of the Russian-speaking population is a prominent point in the regime’s arguments.

5.6 The Kosovo precedent

The Kosovo precedent is a discourse relating to Kosovo’s declaration of its independence from Serbia in 2008. Kosovo’s separation from Serbia was highly disputed internationally. While Russia supported Serbia in their claim that the declaration was illegal, 108 out of 193 UN member states have recognised Kosovo’s independence. Serbia requested an advisory opinion from the International Court of Justice (ICJ). The ICJ concluded that the declaration did not violate international law. In Statement 2014A the Russian Ministry of Foreign Affairs compares the independence of Crimea with the independence of Kosovo from Serbia, arguing that ‘unilateral announcement of independence by a part of a state does not violate any provision of international law’:

“The Declaration contains international and legal justification of this step, with references to the UN Charter and other international documents, as well as the decision of the UN’s International Court of Justice of 22 July 2010 on Kosovo. With this decision, adopted at the request of the UN General Assembly at the initiative of Serbia, the International Court of Justice confirmed the fact that unilateral announcement of independence by a part of a state does not violate any provision of international law” (Statement, 2014A).

In this quote there is a reference to the decision of the ICJ in relation to Kosovo’s independence and a direct link to the materials regarding the position of the ICJ. By referring to the decision of the ICJ on Kosovo, the Putin regime manifests their argument. In Putin’s speech from 18 March 2014 Putin says:

“The Crimean authorities referred to the well-known Kosovo precedent - a precedent our Western colleagues created with their own hands in a very similar situation, when
they agreed that the unilateral separation of Kosovo from Serbia, exactly what Crimea is doing now, was legitimate and did not require any permission from the country's central authorities” (Putin, 2014C).

The Putin regime legitimates the independence of Crimea from Ukraine using the same arguments that the US and EU used to legitimise the independence of Kosovo from Serbia. The Putin regime argues that Kosovo establish a precedent, thus Crimea is only doing what has been done in the past. To cement their argument, the Putin regime quotes the American submission to the ICJ when it reviewed the matter in 2009:

“Pursuant to Article 2, Chapter 1 of the United Nations Charter, the UN International Court agreed with this approach and made the following comment in its ruling of July 22, 2010, and I quote: "No general prohibition may be inferred from the practice of the Security Council with regard to declarations of independence," and "General international law contains no prohibition on declarations of independence." Crystal clear, as they say” (Putin, 2014C).

In Putin’s interview with the German Newspaper, Bild, Putin also refers to the Kosovo precedent.

“If the Kosovars have the right to self-determination, why should people on Crimea not have it? I would say: everyone should comply with uniform international rules and not want to change them any time one feels like it” (Putin, 2016).

The Putin regime makes use of a ‘mirror strategy’ to justify. The regime argues that Kosovo and Crimea are similar situations and that the uniform international rules are equal to all. The discourse is very clear in which they argue that Kosovo’s independence from Serbia establish precedent thus Crimea’s independence is also justifiable under the former ICJ ruling in relation to the hearings on Kosovo. In addition Putin also refers to direct sources of international law to support the Putin regime argument. To back the argument that Crimea’s referendum was in line with international law, the Putin regime points out that Russia’s actions in facilitating the self-determination of the Crimean’s to secede from Ukraine and join Russia was no different than the West’s 1999 military actions, facilitating Kosovo’s self-determination to secede from Serbia.

“We keep hearing from the United States and Western Europe that Kosovo is some special case. What makes it so special in the eyes of our colleagues? It turns out that it is the fact that the conflict in Kosovo resulted in so many human casualties. Is this a legal argument? The ruling of the International Court says nothing about this. This is not even double standards; this is amazing, primitive, blunt cynicism. One should not
try so crudely to make everything suit their interests, calling the same thing white today and black tomorrow. According to this logic, we have to make sure every conflict leads to human losses” (Putin, 2014C).

The regime is not the only one to echo the Kosovo precedent. The responses from the West, and especially the US, have been that Kosovo do not establish precedent and that Kosovo is *sui generis* – a special case which does not establish precedent. The Putin regime’s discourse in legitimising the ‘return’ of Crimea to Russia is clear:

“We have a clear recent precedent – Kosovo… and what was done in Crimea was not in any way different from what had been done in Kosovo” (Putin, 2014B).

The Kosovo precedent discourse attaches a strong legal rhetoric and such rhetorical mirroring makes it difficult for the West to condemn the actions. At least it builds state practice for particular interpretations of the concepts of self-determination and secession. The regime continuously legitimises Crimea’s independence from Ukraine by referring to Kosovo decision to secede from Serbia: a decision, which was *not* considered a violation of international law by the ICJ. In addition it is interesting how they construct their argument. The regime uses the Kosovo precedent to legitimise the ‘return’ of Crimea, but in reality these two events are not identical. When Kosovo separated from Serbia, they became an independent state and remained independent, whereas Crimea was independent for two days, before integrated into the Russian Federation. Where the West perceives the ‘return’ as one event/one sequence, namely as an integration, the regime legitimise it as two sequences – one: independence which is justified under the Kosovo precedent, and two: integration, which is justified under the UN Charter. So in reality it is a question of how to sequence the events.

5.7 We are not violating international law

As the above discourses indicate, Russia is under the impression that Ukraine has *not* lived up to their responsibilities as stipulated in the 1994 Budapest Memorandum on Security Assurance and the human rights declaration. Ukraine has failed to protect their citizens and protect their right to be able to peacefully express their free will. The discourse is clear; Russian interference was necessary otherwise Russia would not have lived up to their humanitarian obligations. The discourse ‘it is our obligation to protect national abroad’ is a discourse aimed to legitimise the Russian interference in Crimea through legal rhetoric. Likewise the discourse ‘we’re not violating international law’ is an important discourse within the Putin regime, and a discourse that relies on strong legal rhetoric. This discourse dominates throughout the regime’s justification and is evident in all their
communication in regards to the ‘return’ of Crimea. It is clear to see how important it is for Putin and Lavrov to be able to cite legal sources to legitimise Crimea ‘returning’ to Russia. Through the use of strong legal rhetoric, the Putin regime attempts to rebut Western claims, and make the case at home and abroad that bringing Crimea ‘back’ to Russia was entirely legitimate and not a violation of international law. The Putin regime dismissed the allegations that Russia is violating international law with its actions in Ukraine - in fact, it was Russia who defended international law and its institutions, while western countries have been diminishing them, the discourse emphasises.

“Whenever I hear complaints about Russia violating international law I am simply amazed. What is international law? It is first of all the United Nations Charter, international practice and its interpretation by relevant international institutions” (Putin, 2014B).

This quote illustrates how the Putin regime understands international law in general. The Putin regime’s discourse is clear: they have not violated international law. On the contrary “of course one always has to follow international law” (Putin, 2016), and the Putin regime is “convinced that Russia did not commit any violations of international law” (Putin, 2014B). On the contrary, the “decision about the acceptance of the Republic of Crimea into the Russian Federation is based on the free will of the multinational people of Crimea during the referendum of the 16 March” (Lavrov, 2014). The regime justifies that the decision of the Crimean people to join Russia was based on the right of people to self-determination and “the right to self-determination fully complies with the criteria, which are included in the UN declaration of 1970” (Lavrov, 2014). The right of nations to self-determination of peoples under the UN Charter has been highly disputed in regards to Crimea’s secession. Especially the specific word ‘peoples’ have been discussed as it poses the question ‘What is a ‘People’?” 18

From Ukraine’s and most of the international community viewpoint, Russia did violate the Ukraine’s territorial integrity, when Russia seized power in Crimea. On 27 March 2014, the UN General Assembly adopted a resolution titled ‘Territorial integrity of Ukraine’, calling on States, international organizations and specialised agencies not to recognize any change in the status of Crimea or the Black Sea port city of Sevastopol, and to refrain from actions or dealings that might be interpreted as such. 100 votes against 11 ‘affirmed its commitment to Ukraine’s sovereignty, political independence, unity and territorial integrity within its internationally recognized borders,

18 This interesting topic itself could fill an entire thesis. Equating the term ‘people’ with ‘nation’ has been criticised for being too restrictive, as it is difficult to show that a group is the near totality of an ethnic nation. Remembering the multi-ethnicity of Crimea, this discussion is especially interesting to this case.
underscoring the invalidity of the 16 March referendum held in autonomous Crimea’ (Sigurðsson, 2015). The Putin regime argues that the decision to join Russia was based on the right to self-determination that corresponds to international law, as it is stated a goal of the UN in its Charter. This discourse cites specific sources of international law repeatedly:

“The right to self-determination is formalised as one of the most important goals of the UN Charter. The Charter formulates the principle of sovereign equality of states and the right of people to self-determination. This principle is traditionally interpreted in the international legal practice as a part of the general body of norms of international law, which include the principle of territorial integrity of states. All these principles are equal” (Putin, 2014D).

“No one can prevent these people from exercising a right that is stipulated in Article 1 of the UN Charter, the right of nations to self-determination” (Putin, 2014B).

The Putin regime refers to the actual article in the UN Charter to legitimise that Russia has not acted in violation of international law. On the contrary Crimea executed its right under the UN Charter that guarantees, “Every nation has an inalienable sovereign right to determine its own development path, choose allies and political regimes, create an economy and ensure its security. Russia has always respected these rights and always will. This fully applies to Ukraine and the Ukrainian people” (Putin, 2014D).

This discourse also refers to the three aspects in which the Putin regime has been highly criticised for; the Crimean status referendum, the issue of Russian military men on Ukrainian territory, and the decision to adopt Crimea and the city of Sevastopol into the Russian Federation. The Putin regime justifies all three aspects through the use of legal rhetoric. Russia has throughout justified that “a referendum was held in Crimea on March 16 in full compliance with democratic procedures and international norms” (Putin, 2014C). The vast majority of the international community however, has not recognized the validity of the referendum, thus has not recognized the accession of Crimea into Russia. The lack of recognition from Ukraine and the international community is based primarily on the fact that the referendum included an option to join Russia while the region was under military occupation by Russia itself. In a speech dated 18 March 2014, Putin stated that the presence of Russian military was in line with an international agreement:

“Russia’s Armed Forces never entered Crimea; they were there already in line with an international agreement. True, we did enhance our forces there; however – this is
something I would like everyone to hear and know – we did not exceed the personnel limit of our Armed Forces in Crimea, which is set at 25,000, because there was no need to do so” (Putin, 2014C).

Putin refers to an international agreement and confirms that Russia enhanced their forces on Ukrainian ground, but only to the maximum set limit. It is reasonable to believe that Putin refers to the UN Charter Article II §4, namely that ‘all members shall refrain in their international relations from the threat or use of force against the territorial integrity’. The Putin regime also justifies their presence in Crimea when they said:

“First, we 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. However, what do we hear from our colleagues in Western Europe and North America? They say we are violating norms of international law. Firstly, it's a good thing that they at least remember that there exists such a thing as international law - better late than never” (Putin, 2014C).

At the same time Putin is being somewhat sarcastic. The Putin regime legitimises its presence by stating that the Russian military force was placed in Crimea under an international agreement to create conditions for the Crimean residents to express their free will through a referendum. In Putin’s interview with the German newspaper Bild, Putin once again justified the presence of Russian military men in Crimea when he said:

“Our soldiers have merely prevented the Ukrainian troops on Crimea from impeding the freedom of expression of the people. In the referendum – which was still decided to take place by the Crimea’s old parliament – the majority of citizens voted for belonging to Russia. This is democracy, the people’s will” (Putin, 2016).

The Putin regime does not believe that the presence of Russian military men in Crimea forced the referendum. On the contrary, the presence of Russian military men promoted international law by upholding the UN Universal Declaration of Human Rights Article 21 §3. Even though there is not a direct reference to the Charter, it is reasonable to believe that this is what the regime implies. The Putin regime places Russia’s actions in the realm of international law by saying that:

“The Russian Federation strictly observed and still observes its obligations under the Budapest Memorandum to respect the sovereignty of Ukraine” (Statement, 2014B).

This legal argument refers to specific sources of international law, and by doing so the Putin regime upholds their legitimisation, and argues that the international legal framework solely guides their
actions. In regards to the criticism of adopting Crimea and the city of Sevastopol into the Russian Federation, Russian and Crimea simply exercised their rights under the UN Charter:

“The right to self-determination fully complies with the criteria, which are included in the UN declaration of 1970. The Republic of Crimea adopted a declaration of independence; there was a referendum, during which Crimean’s from an independent state voted in favour of accession to Russia. When Crimea was proclaimed independent, two independent states – the Russian Federation and the Republic of Crimea – exercised their right under the UN Charter, which is based on the sovereign equality of states. Two sovereign states took a sovereign decision, which concerns two of them and their people. Because there are no hidden pitfalls and it is not possible to interpret this in any other way” (Lavrov, 2014).

Again the regime expresses respect of the international legal framework by referring to specific sources of international law.

5.8 Russian geopolitical discourse

The fifth discourse serves as the social practice in Fairclough’s model. It is a content discourse as the above, but it provides context, thus works as boarder contextual material in the following discussion. The discourse does not directly raise the issue of justifying and/or legitimising Crimea; rather it provides information on the regime’s general worldview. The discourse finds four broader elements of context:

- Military capacity
- Democracy
- International stability
- Economic considerations

As presented in the following, there is strong emphasis on dialogue on the one hand, and the distribution of capabilities and balance of power on the other. In the presidential address to the Federal Assembly, Putin said:

“What was this Ukrainian tragedy for? Wasn’t it possible to settle all the issues, even disputed issues, through dialogue, within a legal framework and legitimately?” (Putin, 2014D).

In this statement the regime advocates for dialogue as opposed to war to settle international disputes. In addition Putin argues that it is:
“Imperative to respect the legitimate interests of all the participants in international dialogue. Only then, not with guns, missiles or combat aircraft, but precisely with the rule of law will we reliably protect the world against bloody conflict” (Putin, 2014D).

Putin is saying that to secure peace we must engage in dialogue and find support in the legal framework, but that interests serves as the foundation. Military power will only fuel a conflict. As much as the regime advocates for dialogue, they also makes clear that when push comes to shove:

“Of course, we all realise that Russia, once under threat, would defend its security interests by all available means at its disposal, should such threats against Russia arise” (Putin, 2016).

National interests are of highest value to Russia, and serve as instrument to legitimise any foreign policy action. Putin is saying that Russia would not feel the slightest restraint in acting on its own perceived self-interest. It is thus only up to a certain point that Russia wishes to engage in dialogue to settle international disputes: should Russia’s national interests be jeopardised, they are willing to result to war:

“We have no intention to become involved in a costly arms race, but at the same time we will reliably and dependably guarantee our country’s defence in the new conditions. There are absolutely no doubts about this. This will be done. Russia has both the capability and the innovative solutions for this. No one will ever attain military superiority over Russia. We have a modern and combat ready army. As they now put it: a polite, but formidable army. We have the strength, will and courage to protect our freedom” (Putin, 2014D).

In deed the regime’s great power rhetoric resonates as special attention is paid to the state’s power, and especially its military might. It resembles the Russian rhetoric from their Imperial and Soviet past. It emphasises the mobilisation of power to protect the population and to enjoy a political space free from intervention from the outside. The regime also places strong emphasis on state sovereignty and security. In deed they do not try to hide the fact that they consider absolute sovereignty the end itself:

“If for some European countries national pride is a long-forgotten concept and sovereignty is too much of a luxury, true sovereignty for Russia is absolutely necessary for survival” (Putin, 2014D).

Dialogue is thus the preferred way to solve international disputes within a legal framework, but securing national interests and sovereignty is the end itself and military superiority is vital. If we
turn our attention to the notion of democracy, the regime emphasises the importance of democracy several times:

“What is democracy? Both you and me know the answer well. What is demos? Demos is people, and democracy is people's right. In this particular case, it is the right to self-determination” (Putin, 2014B).

This is an interesting quote because it is the regime’s definition of democracy: namely as the people’s right. Putin says that demos is people, but does not define the second part of the word: kratos. Putin says democracy is the people’s rights, but in reality it is about the system of government in which the people have power to make decision about its affairs. Putin does not mention anything about government, only the demos.

In terms of international stability, Russia’s geopolitical viewpoint is that the bipolar world created stability:

“Like a mirror, the situation in Ukraine reflects what is going on and what has been happening in the world over the past several decades. After the dissolution of bipolarity on the planet, we no longer have stability” (Putin, 2014C).

The key to Russian geopolitics is the idea of a bipolar world, but they are acknowledging the shift towards a multi-polar world:

“We have failed to assert our national interests, while we should have done that from the outset. Then the whole world could have been more balanced (Putin, 2016)

Even though not put in to words, it is reasonable to assume that Putin is referring to 1991 after the collapse of the Soviet Union. In terms of economic considerations, the regime says that:

“The quality and the size of the Russian economy must be consistent with our geopolitical and historical role. We must escape the trap of zero-level growth and achieve an above-average global growth rate within the next three to four years. This is the only way to increase Russia’s share in the global economy, and thus strengthen our influence and economic independence” (Putin, 2014D).

Consequently pushing for independence rather than interdependence. Regional interdependence, or at least integration, however is possible if mutual interests can be found:

“We see how quickly Asia Pacific has been developing over the past few decades. As a Pacific power, Russia will use this huge potential comprehensively. Everyone knows the leaders and the drivers of global economic development. Many of them are our
sincere friends and strategic partners. The Eurasian Economic Union will start working in full on January 1, 2015” (Putin, 2014D).

5.9 So far so good
So far the content of the Putin regime’s overall discourse has been identified and analysed. This applies to both the four discourses that directly deal with Crimea and the fifth discourse that does not directly deal with Crimea, but serves the purpose of providing contextual information on the Putin regimes worldview. The purpose of the fifth section is thus to help make sense of the other discourses in step 2: the discussion of IR theories. This is the exact reason why Fairclough’s CDA was chosen. Fairclough’s CDA allows for the involvement of context, which is necessary for this type of analysis. Even though only one aspect of Fairclough’s CDA is used; it has been carefully selected as it allows placing the four discourses in a theoretical context. Other discourse analysis methods would not allow for this ‘detour’. The content analysis has worked well, and as we will see in the following chapter it has worked as a ‘pre digester’ to help translate the ‘raw’ discourses into categories to be processed in step 2.
6.0 REALIST OR LIBERAL?

6.1 Step 2: discussion of IR theories

THE PREVIOUS CHAPTER started out by identifying the Putin regime’s five discourses, and presented a content analysis. Through both historical and legal rhetoric, the regime made attempts to justify and legitimise their interference in Crimea. The objective of this chapter is to discuss which theoretical framework best explains the four discourses on Crimea. The first step of this chapter is to broaden up and examine the broader contextual discourse to see what Russia’s geopolitical discourse tells us about the Putin regime’s worldview in general. The second step is then to narrow it down and apply the knowledge of the regime’s general worldview and the theoretical framework to the content of the discourses in order to make sense of them. Figure 7 is a visual representation of the structure of this chapter. Remembering that the involvement of the social practice beyond discourse analysis is necessary in order to gain insight into the discursive practice, it is in this chapter that I combine the discursive and the social practice following Fairclough’s model.

Figure 7: Visual representation of step 2

![Step 2 Diagram]

Source: (own contribution)
6.2 The world according to the Putin regime

In the first discourse, the regime places a lot of emphasis on dialogue. The regime advocates for dialogue as opposed to war, similar to the liberal ideology. Essentially the regime argues that it is imperative to respect the legitimate interests of all the participants in international dialogue, because only then, not with guns, missiles or combat aircraft, but with the rule of law will the world be protected against bloody conflicts. The regime undertakes a liberal discourse as they rejects military power and promotes the international legal framework and dialogue as opposed to military might. These words are not familiar to the realist ideology or the basic assumptions behind the realist theory. The realist theory does not believe that the international legal framework and/or dialogue is ‘enough’ to avoid conflicts. Contrary realists argue that states operate in international anarchy and that states, like human beings, cannot set aside their *animus dominandi* – their inherent desire to pursue power. The regime thus rejects the realist assumption when arguing for dialogue and the rule of law, but at the same time they recognise that what happened in Ukraine is exactly the realist prospect for war. By stating that dialogue and international law can protect the world from bloody conflicts, the regime undertakes a liberal discourse in which they say that human reason can triumph over *animus dominandi*. As much as the regime advocates for dialogue through a strong liberal discourse, the regime also makes clear that when push comes to shove, national interests serve as instruments to legitimise on the international stage. Putin says that Russia, under threat, would defend its interests by all available means. In doing so the regime also validates the realist assumption that state interests triumph over every other aspect. Like academic realism, the anarchic nature of the world affairs implies the self-help character of the state’s foreign policy, and the regime also validates this realist assumption. The regime undertakes great power rhetoric by emphasising the state’s power, and especially Russia’s military might. It resembles that of the Russian rhetoric from their Imperial and Soviet past. Their hegemonic discourse is consistent with Waltz’s realist theory on the relative distribution of power. Both Morgenthau and Hobbes emphasise the mobilisation of power to protect the population, and to enjoy a political space free from intervention from the outside, but especially Waltz emphasises the relative distribution of power as the objective itself. Such a strong hegemonic discourse can be found in the ‘Waltzian’ worldview. In addition the regime confirms one of the realists’ theory’s basic assumptions namely the importance of state. The vision of sovereignty is grounded in the realist approach to IR with the cornerstones of Westphalian system of sovereign nation states and the principle of non-interference.
Indeed the regime does not try to hide the fact that they consider absolute sovereignty an end in itself, and that it will be secured and protected through their military superiority. Democracy is an absolutely cornerstone in the Kantian liberal triangle of peace arguing that the world becomes more peaceful as more countries convert to democracy. The regime accepts the key Western normative definition of democracy, while simultaneously infusing its own meanings, making clear that the regime has developed its own version of democracy. They acknowledge the people’s free will, which is a notion belonging to both the realist and liberal theory of IR, but also argues that above all are state interests. The regime acknowledges that there is a shift away from the bipolarity towards a multi-polar world. The key to Russian geopolitics however, is still the idea of a bipolar world, with Russia as the other pole to the US. With this notion of geopolitics, the regime clearly mimics Waltz’s theory of IR. Waltz argues that the bipolarity of the world is more stable, as the two poles are expected to act to maintain the system as was experienced during the Cold War. Putin’s great power rhetoric displays a regime who is determined to make Russia great again and restore its position as a legitimate hegemon, but the regime still pursues economic alliances. The aim of the Eurasian alliance is to build an economic alliance to help develop Russia’s economic power: economic independence is vital to the regime, as they seek to build Russia’s economy. Remembering that democracy, economic interdependence and international organisations are the cornerstones in the Kantian liberal triangle of peace, the Putin regime’s worldview is fundamentally the opposite. The regime lack confidence in, or acknowledgement of, other international players (IOs), and they are not willing to lock themselves (economically or military wise) into international institutions. From the Russian geopolitical discourse it has been possible to identify the Putin regime’s general worldview. The Russian hegemonic, strong power, rhetoric depicts a worldview in which international relations consist of competing blocs of nations pursuing their interests, and the violation of sovereignty is a recipe for instability. National interests are a permanent element of the regime’s discourse and the rhetoric is clear: Russia would not feel the slightest restraint in acting on its own perceived self-interest. Sovereignty and national interests serve as an instrument to legitimise foreign policy actions. Overall the regime’s worldview is best explained by Waltz’s neorealism.

The purpose of this section was to present the broader and more general context. The general context presented the world according to Putin, which is a world best characterised by Waltz and
his approach to IR, where the structure of the system is centralised. Now that the world according to Putin has been identified, we move on to the second step, which is to narrow it down and by apply the knowledge of the regime’s worldview and the theoretical to the four discourses identified in the previous chapter.

6.3 Righting a historical wrong

In 1954 Crimea was transferred into Ukrainian jurisdiction. As previously described the decision was unanimously approved and taken according to the Soviet Union’s decision-making requirements. Despite the fact that the regime attempted to declare this decision invalid in 1991 and failed, they use this as an argumentation. The regime manages to do so through a fairly liberal rhetoric, however with an underlying realist line of argumentation. The discourse is thus is rather ambiguous. The regime calls to have the decision of 1954 invalidated, arguing that Crimea was unlawfully transferred to Ukraine. They do, however, not provide any argumentation hereof. The 1954 decision must be considered unfavourable to Russia, and it is in their interests to have it invalidated, clearly. Drawing on the contextual information analysed above, the regime wants to see Russia’s historical territories recollected and restore ‘historical Russia’. Reclaiming influence over Crimea is as a national (material) interest, grounded in the realist ideology. In the same discourse the regime also refers to the Helsinki Final Act of 1 August 1975. Again the regime argues to have the decision invalidated and their line of argumentation is in complete consistency with Morgenthau’s notion of international law. They argue that the 1991 decision was concluded at a time where Russia was weak thus unable to protect its legitimate interests. This way of arguing is completely consistent with Morgenthau’s notion of international law and equally consistent with the regime’s general worldview. Although not a normative argument within the liberal theory of IR, the regime however manages to present their argument in a far more liberal discourse, travelling on high-sounding liberal words. The discourse draws on freedom, openness, democracy and fairness—a discourse aimed to reposition Russia as a democratic state. The discourse draws on Crimea and Russia’s shared history, culture and identity, elements the realist ideology does not make provision for as instruments to legitimise. On the contrary, objective national interests are the only instruments to legitimise, and any concession to subjectivity opens the door to realism’s theoretical antithesis: liberalism. There is thus an ambiguity in this discourse, as the regime presents its own normative discourse grounded in the regime’s interpretation of the realist ideology. The underlying line of argumentation is best explained by the realist theory of IR supported by their general
worldview, but the discourse is presented through the use of high-sounding liberal key words. The discourse thus have two dimensions, it is both liberal and realist at the same time.

6.4 It is our obligation to protect ethnic Russians in the ‘near abroad’

This discourse is a historical discourse drawing on the legal framework of IR. The first notion is that the discourse is not as strong as the other. The regime’s narrative serves more as a fiction from the 19th century, rather than it serves as a justification. Today national communities no longer stop at the borders and maybe they never really have? On the contrary, national communities are widely spread across borders and oceans. In 2001 Russians made up 58.3 percent of Crimea’s population, but only 20 percent recognised the Russian cultural tradition as the main pillar of identity. Even though it was a slight decline from 1989, this demographic distribution makes it questionable how much humanitarian relief was necessitated. Nonetheless the regime justifies their intervention based on humanitarian considerations. Their narrative is that morals, and in particular international law, guide their foreign policy activities, contrary to their western partners who are guided by the rule of the gun. The regime rejects military power as a solution to conflict, and instead argues for dialogue and law. In doing so the regime resembles the Kantian approach to IR, where peace is obtained, but more importantly sustained, though the legal framework. The regime does not acknowledge the new authorities in Ukraine, thus argues that Ukraine is violating the UN Universal Declaration of Human Rights. Putin is convinced that all Russian speakers are Russians deserving of the Russian state’s protection. In reality however, only 20 percent, as described above, recognises the Russian cultural tradition as the main pillar of identity and a large part of Ukraine seeks European integration. By declaring that Ukraine is an artificial state and that Russia’s action are out of moral and humanitarian obligations towards Russia’s ‘near abroad’, the regime adopts an almost authoritarianism rhetoric towards the people of Crimea. The realist paradigm ignores any subjectivity as means to legitimise, and the realist theory would have been stronger, had Putin’s discourse not been so openly rooted in Russia’s cultural heritage as we seen in this discourse. This way of arguing is largely inconsistent with their general worldview, and the overall discourse is therefore categorised as liberal. The regime retrieves their legitimacy in the historical, cultural and linguistic bonds between Russia and Ukraine, and positions Russia as the saviour of all ethnic Russian in the ‘near abroad’.
The suppression of ethnic Russians by the new authorities in Ukraine forced Crimean’s to self-determination, the regime argues. Kosovo’s secession from Serbia in 2008 establishes a precedent for Crimea the argument goes.

6.5 The Kosovo precedent

The Kosovo precedent is a legal argument in which the regime’s argument is entirely based on the ruling of the ICJ on Kosovo’s independence from Serbia. Their narrative is that international law shape state behaviour (at least Russia’s), and the regime is advocating for the use of IOs (the UN) to enforce the rule of law as a legitimate authority in IR. They emphasise their conception of the legal framework, arguing that the framework is not subject of interpretation, and that one should not try to change the laws to make it suit one’s interests. This way of conceiving international law is very opposite the realist approach to the legal framework of IR. This view is much more compatible with the liberal view because they make provision for IOs and emphasise the legal framework as their moral compass in foreign policy activities. Morals are not a general element in the realist theory with the exception of Morgenthau. His notion of morals however, is in relation to the drafting of norms. By acknowledging IOs, the regime is simultaneously acknowledges that here can be legitimate and effective authorities in IR in an anarchical system, which is the assumption behind the liberal theory of IR. The regime accuses the international community of hypocrisy and double standards by refusing to recognise the Crimean people’s right to self-determination under the UN Charter. The notion of self-determination is highly emphasised by the regime and is closely linked to the notion of democracy, as democracy is the most appropriate tool to realise the right to self-determination. The Kantian view of democracy is a state in which each person is secured his or her right to personal political self-determination, and the regime attempts to makes use of this normative argument. Looking at the regime’s general worldview however, there is an ambiguity between the two. One the one hand the regime argues that international law is equal to all states and accuses the international community of hypocrisy because they refuse to acknowledge the referendum in Crimea. On the other hand they argue that state interests trumps international law, and that the legal framework would not be enough to retain Russia from protecting its national interest. The discourse is both liberal and realist at the same time. Nonetheless it is ultimately categorised as liberal as they emphasises the trust in the international legal framework, the firm belief in IOs as legitimate authorities and the democratic notion of self-determination.
6.6 We are not violating international law

The first thing that stands out, not only in this discourse, but also in the other three, is the continuous and consistent legal rhetoric. The constant reference to, and citing of, international law stands out because it displays a regime that is determined to show that their actions are guided solely by international law. In addition, it displays a regime that is very well aware of that producing a discourse that legitimises one’s actions is a necessary step to an action. That fact that law constructs this narrative is not specific to either realism or liberalism, as both paradigms make provision for international law. But the way the regime uses the legal framework is interesting. In this discourse the regime once again acknowledges the UN and its international practice as the legitimate authority in IR. They also emphasise that international law is not a subject of interpretation to suit ones national interests, and that Russia would not under any circumstances treat international law as such. The regime undertakes a strong liberal rhetoric to international law in doing so. It is clear to see how important it is for Putin and Lavrov to be able to cite legal sources to legitimise Crimea ‘returning’ to Russia. Through the use of strong legal rhetoric, the Putin regime attempts to rebut Western claims, and make the case at home and abroad that bringing Crimea ‘back’ to Russia was entirely legitimate and not a violation of international law. The Putin regime dismissed the allegations by the international community, saying that this is sheer hypocrisy and another obvious example of the double standards displayed by the international community. They emphasise that the legal framework is their moral compass and discards how states, and especially the US, use international law as a means of regulation and stabilisation of their dominance and power, but when faced with the hurdles international law also erects, they disregard the established laws of IR. Russia wants to position itself as a country like all others, following the same legal framework, but this is largely inconsistent with their general worldview, where Putin’s Russia is intended to be a hegemon. As previously mentioned international law is not specific to either realism or liberalism, as both paradigms make provision for international law. The way, in which the regime manages to present this discourse however, is best explained by the liberal theory of IR, where international law governed by international institutions works as a moral compass to secure peace. The regime’s normative arguments is quite the opposite of realism where law is nothing more than a fluctuating framework powerful state only choose to adhere to, if it is in their interest. The belief that international law can protect the world from bloody conflicts is shared by Putin’s worldview as described above. They believe that the rule of law can secure peace, but at the same time that it cannot retain states from pursuing their interests. This is a very ambiguous
statement. The regime sets the scene placing peace on the one side and state interests on the other. And so the big question is what happens when securing peace and state interests’ conflict with one another?

The four discourses are very ambiguous in their appearance. The overall arguments on Crimea are very much consistent with the liberal ideology, however, discourse is not analysed through the discursive practice alone. The regime’s general neorealist worldview is evident in their hegemonic discourse, but less prevalent in their discourse on Crimea. This is what makes the discourses ambiguous.
**7.0 PUTIN THE LIBERAL? - CONCLUSION**

THE AIM OF THIS thesis was to navigate the Putin regime’s narrative on Crimea’s ‘return’ to Russia. In doing so the thesis has relied on two theories of international relations: realism and liberalism. Both theories are powerful vehicles for studying the prospects of war and peace in international relations, and the aim was to conclude which theory of IR explains the regime’s discourse best. To set the scene, the thesis has summarised the common history of Russian and Ukraine, particularly in Crimea, but also in a more general context. As for Crimea specifically, we have seen that the peninsula has been a part of Russia for centuries, and Russians and Russian-speaking Ukrainians constitute the vast majority of the population, even after the transfer of Crimea to Ukraine. Strategically, Crimea is of utmost importance for Russia, and it considered a national interest of Russia’s. The thesis has provided a detailed account of the realist and liberal theory of IR, with particular emphasis on Hobbes’ security dilemma, Morgenthau’s *animus dominandi*, Waltz’ structure of the system and Kant’s perpetual peace triangle. The thesis has applied Fairclough’s critical discourse analysis as a meaningful tool to analyse the Putin regime’s discourse. According to Fairclough, discourse cannot be interpreted from text analysis alone, but must include the social practice beyond the actual discourse analysis. This is necessary in order to gain insight into the discursive practice. It was therefore essential to firstly identify the topics in the regime’s overall discourse and treat them as ‘sub’-discourses. Once identified and categorised it was possible to analyse the content of them, and finally discuss how the realist and liberal theory of IR can account for them. Through an analysis of the contextual material, it was possible to identify the Putin regime’s general worldview: a worldview characterised by the neorealist theory of IR. From a neorealist point of view IR is per definition about balance of power determined by relative capabilities, state survival and self-help. Material interests are accentuated grounded in rationality and economic calculus. The analysis however, found that the historical, cultural, and societal ties between the two Slavic nations constitute a large part of the regime’s overall discourses. The regime increasingly prefers to accentuate identity, cultural and linguistic bonds between the two nations rather than material interests, as is well-illustrated in the discourse. This has revealed that the vast majority of the regime’s discourses have two dimensions: they are ambiguous because they are liberal and realist at the same time. This implies that the realist theory is limited in that it only focuses on state interests and ignores ideational factors, such as history, culture, identity and so forth. The same applies to liberalism, however, conversely.
Through the application of IR theories, we have seen how the regime’s discourse on Crimea has alternately and yet simultaneously been guided by realism and liberalism. The regime manages to present its own normative discourse grounded in its interpretation of the realist ideology, however with subjectivity as means to legitimise. Accordingly, neither the realist nor the liberal theory of IR explains the discourse best; rather it portrays a neorealist regime ‘hiding’ beneath a liberal discourse.

8.0 ADDITIONAL REMARKS

THE CONCLUSION illustrates some limitations to the two theories of IR. The ambiguity in the overall discourse portrays a neorealist regime ‘hiding’ under the liberal discourse. An explanation for this could be that they are talking to two audiences at the same time – the audience at home and the audience abroad, and trying to make their case to both audiences. This shows quite some rhetoric skills. It does also, however, present a limit to the two IR theories, because how can theories help explain an ideology and/or worldview, if the actual discourse verify both theories at a time in which they are presented as opposites in the academic debate?

Equally it is worth noticing that when political leadership resorts to history as a justification for its foreign policy actions, one might want to be on guard. If the regime’s ideology conviction is similar to that of the realist theory, why would a rational leader rationally lie about something that needs no lying about?
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10.0 APPENDIX

Appendix 1: Interview grid

- Hvis du vil starte med at fortælle lidt om dig selv
  - Dit forhold til Rusland
  - Din funktion i Rusland
  - Dine oplevelser med om konflikten mellem Rusland og Ukraine over Krim halvøen
  - Hvor længe du har været der?

- Hvorfor tror du Krim er så vigtig for Rusland/præsident Putin?

- Den vestlige verden har fordømt folkeafstemningen i Krim og siger at overtagelsen er et brud på international lov. Rusland udtaler, at det er i fuld overensstemmelse med international lov. Hvorfor tror du der er en så forskellig oppfattelse af samme virkelighed? – er lov ikke lov?

- Tror du Rusland anerkender international lov? Og hvis ja,
  - Tror du så, at Rusland og vesten deler samme opfattelse af international lov?
    Kan du uddybe her?

- I mange af Præsident Putin og udenrigsminister Lavrov’s officielle taler benytter de sig af international lov til at forsvare eller retfærdiggøre overtagelsen af Krim. De snakker blandt andet om ’self-determination’ – altså et folk har ret til selv at bestemme hvem de vil høre til.
  Tror du virkelig, at det er Putin’s opfattelse?

Er der noget vi ikke har berørt som du gerne vil ind på?
Mange tak for din tid. Hvis jeg kommer hjem og tænker at der er noget jeg er i tvivl om, eller gerne vil have uddybet, må jeg så kontakte dig per mail?
Appendix 2: Interview transcript

Interviewer: Har du nogen oplevelser omkring overtagelsen af Krim halvøen - har du været i Ukraine?

Respondent: Min vinkel er ligesom, hvad er det der sker i Rusland, hvad sker der i Kreml. Man skal ikke tage fejt af, at politikken formuleres i Kreml, regeringen er en teknokratisk institution. Lavrov er en embedsmand, han går i byen for de politikker. han er ikke selv politikudvikler. Politik udvikling sker hos Putin selv der i afgørende udenrigspolitiske spørgsmål kan besluttet ting selv. Så har han rådgivere omkring sig, han har en udenrigspolitisk rådgiver Juri Usjakov som tidligere har været på ambassaden her i 70'erne i KBH taler dansk, tager på ferie her i Danmark med sine børn cykler på Samso, ferie i DK, ham blev der lyttet noget til, ikke meget, de vigtigste personer det er personerne i Kreml, det nationale sikkerhedsråd, hvor en tidligere KPG chef og en af Putins meget nære der hedder Nikolaj Karbuchef er chef. Når det handler om de helt hårde kugler så er det ham som Putin rådfører sig med. og han har et meget traditionelt nationalistisk syn på verden hvor man dybest set ser resten af verden som potentiel Ruslands fjende. han er sådan en fyr som for nogle år siden begynder at kigge på hvad kan vi gøre i Syrien og hel forløbet omkring at Russierne kom Obama til hjælp for at finde løsning på at få de kemiske våben ud der skulle findes praktiske løsninger, da er Karbuchef - og det bliver ikke dækket i nogle medier - han er den der kommer på besøg i KBH og taler med udenrigsministeren direktør om hvordan gør vi så det - det er ikke en fra det russiske UM eller forsvarsministeriet. Det er inder cirklen, det er få folk omkring. De andre folk der er omkring Putin som spiller en rolle her det er hans - det man kalder chief of staff - Sergej Ivanov der er tidl. forsvarsminister, ham rådfører sig også med - ikke så meget om det faglige, men mere politiske grupperinger. Og han var meget inden over da han var forsvarsminister og da Putin og den unge George Bush havde i en lang periode en meget tør relation - da var det ham der talte med med Condolisa Rice og var meget ind over der. Og en sidste person der er rigtig vigtig når vi taler Ukraine det er en særlig rådgiver der hedder Vladislav Surkov - han rolle på holdet er inde i præsident administrationen, da er det ham der kommer med den ideologiske formulering af hvad er det for et regime som Putin repræsenterer, det er han der er pengefører på begreber som styret demokrati, magtens vertikal - adlyde oppefra og ned - det er han der er designer af ungdomslejre og aktiviteter. Da Putin er præmier minister, da han efter to perioder ikke kan genvælges som præsident uden at holde pause og Medividev bliver præsident da er Surkov en af de centrale

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ministre. I hele Ukraine spørgsmålet, da mener man, at det er Putin der træffer beslutningerne med en snæver kreds, men ham der er designer og projektleder bare hel Ukraine konflikten i Krim og Ukraine der er Surkov. Han er på vores sanktionslister, men det er kendtegnet at nu hvor den amerikanske dialogmed russerne er åbnet op siden John Kerry mødte Putin i Sochi og havde en lang snak - og hans højre hånd der står for hele Rusland og Ukraine spørgsmålet, Viktoria Nuland, var med og havde lange drøftelser - det var en ny start på de amerikansk/russiske relationer i forhold til Ukraine fordi Amerikanerne havde en erkendelse af: vi kan ikke bare lave sanktioner, vi bliver nødt til at have en dialog. Surkov og Nuland, og selvom Surkov er på den amerikanske og europæiske sanktionsliste, så mødtes de i Januar (2016 red.) i Kaliningrad for at have realitetsdrøftelser om hvordan man kan finde løsninger i forhold til Østukraine og Minks processen, så han er i høj grad en nøgleperson. Han er arkitekten af den russiske politik i forhold til Ukraine. Når russerne sender deres Ukraine ambassadør til møderne i Minks kontakt gruppen, så betyder det ‘vi tager det ikke alvorligt’. Ligesom man satte Surkov til at tale direkte med amerikanerne, så satte man en gammel veteran der hedder Kuruskov, der har været tidligere indenrigsminister og væres formand for parlamentet, ham har man sat ind i kontaktgruppen. Det er en politisk opgradering af at Rusland nu søger en løsning i forhold til Minsk processes med henblik på at få sanktioner, det er ikke det samme at det er en garanti for at det lykkes, men det viser at nu er Rusland gerne afsøge muligheder. Så beslutninger tager i Rusland omkring hele Ukraine spørgsmålet, det er Partuchev i sikkerhedsrådet, det er Ivanof der chef for hele præsidentadministrationen, der er Surkov som er særlig rådgiver for præsidenten. De ting der foregår i regeringen, de foregår enten for at vinde tid eller også så er det order som på en eller anden måde kommer ud af den firkløver.

Interviewer: Så det er en tæt kerne af nøglepersoner?
Respondent: Der er få beslutningstagere - og Putin rådfører sig med få i de sikkerheds- og udenrigspolitiske beslutninger der skal træffes i forhold til Ukraine og i forhold til Syrien. Forsvarsministeren er sådan set den eneste minister i regeringen som har en politisk indflydelse, Sergey Shoygu, han har siddet i forskellige positioner i mange år og er en meget central minister, og han har i forbindelse med reformer af forsvar, så har han skabt sig en meget konkurrencedygtig position internt i regeringen fordi i det tilfælde, at Rusland ender i konflikt, så skal der være en koordinering på tværs af ministerierne og dvs. at han som den eneste minister udover premiere ministeren og finansministeren har et organ som alle de andre ministerier i regeringen refererer til.
Shoygu er også en central person. Dvs. uover Putin så er der fire nøglepersoner som er den som afgøre Rusland sikkerheds og udenrigspolitiske pust.

Interviewer: Hvorfor tror du Krimhalvøen er så central for Putin? Er det alene basen i Sevastopol eller er det andet?

Nr. 2 er et politisk skifte i Ukraine der gør at Ukraine orienterer sig mod vest - det er ikke kun at de orienterer sig mod vest, men man skal forstå at den russiske indflydelse i tidl. sovjet republikker er massivt. de gør ikke altid som der bliver sagt, men Rusland har et stærkt uformelt netværk i magt strukturene i alle de her land. Dvs. i Ukraine der har Rusland i ministerier i Ukraine haft deres egne folk, ikke at de er ansatte, men som refererer til, dvs. at Rusland har hånden oppe i Ukraine. Det mister man her samtidig med at Ukraine vænner sig mod vest. Og hvad vigtigt er at risikoen for at Ukraine bliver medlem af EU og NATO er med russiske øjne stærkt forhøjet. Der har den russiske kurs været klar også i 90'erne, at de lande skal ikke nærme sig NATO. I 90'erne havde man ikke magt til at sætte bag, men en del af den russiske motivation for at indgå i en meget tæt dialog med Bush omkring årtusindskiftet og ikke mindst efter 9/11 terror angrebet, hvor Putin er den første til at ringe til Georg Bush - det partnerskab, det handler om flere ting en af dem er at russerne gerne vil undgå den NATO udvidelse der finder sted i 2004. Det har man som målsætning - det lykkedes ikke. Så handler det pludselig ok Ukraine og Georgien og det fører til at Putin holder det der allerede dengang historiske tale i sikkerhedskonference i Munchen, hvor han slår nogle streget i
sandet og taler på en anden måde en russisk leder har talt før, hvor han siger at nok er nok. Da NATO fortsat udvikler roadmaps med Ukraina og Georgien, og specielt med Georgien har et meget intens militær samarbejde - Georgien og USA - og man ikke oplevet der er diplomatisk fremskrift, så kommer georgienkrigen i 2008. Der oplever man at de planer der var for geogien og Ukraines tilnærmelse til EU og NATO de er væk over night som følge af den her aktion. Godt nok bliver europæerne og amerikanerne sure og relationerne koles ned, men det er relativt kort i EU og mere optager af finanskrise. Rusland er på det her tidspunkt stadig et vækstland med vækstrater med over 6 % årligt gennem næsten en 10 årig periode. Det overruler prioriteringen fra EU side. Det vigtige her er at vi ikke får en ny stor konflikt med Rusland. Det vigtigste var ikke geogiens territoriale integritet. Så russerne læsning af det, det var at det at bruge magt, det fremmer vores interesser - ja EU bliver sure, det kommer de hurtigt over igen. Da Obama kommer til efter Bush - nedkølingen ift. USA er dybt i kælderen da bush er på vej ud. Da Obama kommer til kommer han med et program so Hillary Clinton står i spidsen for med en ’reset button’ at det russisk/amerikanske forhold. Vester en hurtig til at sige ’vi må ha det her til at fungere igen’ Så NATO EU medlemskabet det at NATO kommer tættere på Rusland grænser har også været en selvstændig motivationsfaktor.

Som det tredje til Krim: I russiske optik er der igen tvivl om, at Krim ikke tilhører Ukraine - det tilhører Rusland. Det var Cathrine den store som lykkedes at erobre Krim og dermed for første gang få Rusland at have adgang til Sortehavet og være en del af Sortehavet regionerne. Så har Krim i russisk optik været i russiske hænder lige siden. og bare for at tage et eksempel, jeg var i Nor sibirsk i august 1991 da der er kup i Moskva mod Gorbachov da det kup ser ud til at løje af og Yeltsin holder en tale for parlamentet hvor han fortæller nu er der styr på det her nu venter der nye tider forude. Så kan nogle af de meget kvikke som var demokrati orienterede, markedsorienteret osv. de kan godt læse nu ophører Sovjetunionen med at eksisterer. Det gjorde den et halv år senere. Det jeg blev fortalt af en ven jeg fik derovre det var: nu får Ukraine Krim - Krim er vores! Så den her grundlæggelse forståelse af, at Krim hører til Rusland - du skal ud i meget liberale og demokratoriinteret, meget anti-putin kredse folk der dybest set synes Rusland skal være som vesten der kan finde på at sige at det her er i orden. men det grundfæstet. Så basen betyder meget, muligheden for, at NATO kommer tættere på Rusland betyder meget, at Krim er Ruslands er der slet ikke nogen tvivl om. Så det mulighed rum der opstår da den ukraineske stat bryder sammen og en række aktører; Rusland, USA, EU, FN oplever et sammenbrud og en proces hvor alle har meget
højt af u perfekt viden og alle føler behov for at beskytte egen interesse fører til en proces som vi oplever i starten af 2014 og faktisk frem til april hvor Krim er røget til Rusland, vi har etableret en borgerkrigsligende tilstand i Øst Ukraine - det lever vi stadig med, og det er kommer ud af det kaos som den ukrainske stat sammenbrud.

Interviewer: Som jeg startede med at sige, så udtaler Rusland, at overtagelse er i fuld overensstemmelse med international lov, hvor mod vester kalder det en annektering og siger det er ikke tilfældet - det er brug på international lov. Hvorfor tror du der er så forskellige opfattelse af den samme virkelighed? Lov er vel lov eller hvad?


Putin, the liberal?
selvstændig eller høre til hvor de hørte til før. Det ender med selvstændighed. Siden da har Rusland anvendt en spejlestrategi - de spejler de konflikter de selv har interesse i, hvordan vesten håndterede Kosovo, og dvs. at Georgienskrigen jamen den var regional leder og russiske mindretal der bad om beskyttelse fra Rusland - det var ikke Rusland der invaderede men man bad om beskyttelse. Det er præcis det sammen som skete i Jugoslawien den parallel drager Rusland. Det sammen med Krim efter vores opfattelse så er folkeafstemningen ikke legitim efter russisk italesættelse så er den præcis ligeså legitim som den i Kosovo. Så der ses et spor af konkrete begivenheder i nyere tid, hvor Rusland henter legitimitet i at spejle sig i hvordan vesten har gjort. At forudsætningerne ikke er de samme er uden betydning her. Hele legitimitets aspektet i russisk italesættelse kommer frem igen og igen.

Interviewer: Dvs. at det at kunne drage paralleller til tidl. begivenheder er med til at legitimisterne handlingen?
Respondent: 'Det har i selv gjort, vi gør bare som i også gør'.
Det der vil være rigtigt er at have en international lov hvor vi er enige om spillereglerne underforstået at vi satte os sammen, skrev spillereglerne på ny, og ikke blot lade multilateralisme udvikle sig, hvor resten af verden skal hægte sig på. Uover de rent magt og geopolitiske overvejelser, som vi talte om før hvorfor tager de Krim, jamen det er flåden stationen, det er NATO op mod Rusland, og det er forståelsen af, at Krim tilhører Rusland og det skal Ukraine ikke have lov til at løbe med. Oven i det så er der en forskellig italesættelse af hvordan de samme regler skal fortolktes - det er også spindokteri, men det er ikke kun spindokteri. Det udtrykker nogle forskellige forståelser af international orden og regler og hvordan stater skal opfør sig under international orden. Det vil også sige, at hvis det ikke var Putin som var i spisen af foretagende derovre, så ville Rusland selvfølgelig rent taktisk tage andre beslutninger som følge af en anden beslutningstager, men de grundlæggende positioner ville være de samme.

Interviewer: Tror du Rusland anderkender international lov?
Rusland brokker sig over medlemsoptagelse i EU og NATO. Og så kommer det konkrete medlemsskab, som er den tredje fase. Ingen af de dele er Rusland en del af. Der hvor Rusland ser noget hvor der er fælles grund er efter 2. verdenskrig under afvikling, der laves kort over EU. Det er sådan russerne synes man skal gøre igen. Vesten skal ikke øve politisk indflydelse i de tidligere sovjet republikker. Der skal ikke være spørgsmål om, om de enkelte lande har ret til at orienterer sig i den retning man måtte ønske - vesten skal holde sig væk for det er privilegeret russisk indflydelse sfære. Det er et koncept man kender i historien en tidl.

Det koncept er vi gået langt væk fra. Vi tror på at i vores optik har landene selvbestemmelses ret ift. hvem de vil samarbejde med, hvilke alliancer de vil være en del af, og så har de alliancer selvfølgelig også ret til at bestemme hvem de vil have som medlemmer. Det regelsæt anerkende Rusland ikke!

Interviewer: du siger at Rusland bruger historien, bla. Kosovo, til at retfærdiggøre. Oplever du også, at de på råber sig et højere norm sæt til at retfærdiggøre sine handlinger?
Respondent: Det er politisk taktisk og det er spil. Vi skal finde ud af at italesætte det her så det er legitimt. Så den del, at bruge Kosovo i forhold til Georgien og i forhold til Krim det er politisk taktisk og det er spil og det er italesættelse og opbygning af et narrativ. Det der ligger under er at russerne, Putin, lægger sig ud som den mest vestvendte russiske leder i næsten 100 år da han kommer til. orienterer sig stærkt mod USA og bush, stærkt mod EU. Så er man ikke tilfredse med de resultatet som diplomatier giver. Så vender man sig mod - hvilke resultatet giver det at bruge god gammeldags magt - det finder man ud af at i modsætning til diplomati er tilfældet, der ikke giver os de udenrigs og sikkerhedsmålsætninger som vi har, der giver det at bruge politisk magt, Georgien, Ukraine nu Syrien, det virker. Vi kan med relativt få midler - fordi vi er mere villige til at bruge magt end vesten, der i øvrigt er militært stærkere, men handlingsmæssigt langt sværere, så kan vi bringe os i nogle situationer, der blokerer nogle ting og om ikke andet gør, at udviklingen ikke løber den forkerte vej og vi bremses processerne. Det er der hvor det politisk taktiske og spin kommer ind. At man har fundet ud af, at forhandlingsbordet ikke virker ift. vesten, men at magtudøvelse virker, så laver man en italesættelse som er opfundet ved lejlighed. Så er det Kosovo kan bruges.


Interviewer: Hvilken opfattelse af international lov har Rusland, ikke generelt, men i sagen om overtagelsen af Ukraine?
Respondent: Deres opfattelse af international lov er anderledes end vores. I Rusland er det helt enkelt, at magt i sig selv giver legitimitet. Vi ved også, at når det hele brænder på, jamen så giver magt legitimitet til at agere forskellige steder i verden, men vi kan aldrig komme af sted med det uden at have et virkelig både juridisk og politisk italesættelse omkring det som er så stærkt funderet som overhovedet muligt. Fordi vi er liberale demokratier har vi embedsprocesses, checks and balances, vi har brug for at italesætte det. På den måde har russe stater andre behov. Og så sidder Rusland i FN sikkerhedsråd, og har veto ret. Ikke bare føler men oplever sig som havende en særlig stadig fordi man er regional stormagt i sin region. Det giver andre privilegierne end hvis bare man er almen medlemsland. Og der er en kultur eller værdikloft om hvordan bør stater opføre sig. I vesten er værdierne, at alle lande har selvbestemmelses ret og det skal respekteret. I Rusland der er den måde stater opfører sig på, når de opfører sig korrekt, det er at de store stater skal tale med hinanden, de skal tale hensyn til det Rusland kalder deres hinandens legitime interesser. Gør man det så kan vi skabe fred og stabilitet og så kan vi skabe balance mellem de forskellige udfordringer og stormagter således at der er fred. Det er også to forskellige strategiske eller filosofiske måder at se på hvordan man etablerer fred. Hos os (i vesten, red.) har selvbestemmelses ret, alle skal have noget ud af forhandlingerne for på den måde kommer vi ikke op at slås. I Rusland er det sådan, at hvis der kommer uvejr mellem de store stater så ender det som altid med en krig. Derfor skal de
store landes interesser prioriteres over de små lande og så må de leve med det som de store lande finder ud af og så har de et spillerum indenfor det.

Interviewer: Jeg har læst mange af Putins og Lavrov's taler og bruger netop begrebet international lov og termet selvbestemmelse og bruger det til at legitimisterne deres handling.

Respondent: Hvis du kigger på de forskellige udenrigspolitiske koncepter i Rusland som ikke er så forskellige fra hinanden gennem de sidste 20 år. Noget der kommer i forskellige formuleringer, er at Rusland går ind for en international orden, der hviler på demokrati, understået der er ikke nogle af de store stater som må være vigtigere end de andre, det er rettet mod USA. Der må per definition ikke være en unipolær magt. Det skal være multipolær verden. Man har en langsigtet strategi, at siden den kolde krig sluttede og i årtier frem er der ved at ske en global omfordeling af magt. Frem til årtusind skiftet var det udelukkende i vesten favør. Den transatlantiske alliance blev stærkere og økonomien voksede, Efter årtusind skiftede er der tyngdeskifte helt klar ift. sydøst asien - det er man enige om. I 00'erne har vi set BRIX landene have stærke vækstrater. Både Brasilien og Rusland er i krise nu hvorimod Indien har højere tempo end Kina lige nu. Russerne har blik for, at vi er i en proces hvor der sker en global omfordeling af magt. Og Rusland som stormagt og bla. de beslutningstagere i Kreml - deres grundlæggende opfattelse er: vi er i en historisk proces der tager årtier, på den ene eller den anden måde i kraft af olie indtægter eller i kraft af stærkt militær eller har atomvåben så skal Rusland også være en stormagt når vi når det næste ligevægtspunkt i den globale omfordeling af magt. Det er et sigtekort som russerne har og som er styrende for hvordan man agere i alle mulige underkonflikter i verden. Der sker en global omfordeling af magt og Rusland skal være med i den ligned. Det er meget vigtigt - vigtigere end at opføre sig pænt og have gode venner.

Appendix 3: Legal obligations

The aim of this section is to clarify the obligations regarding Ukraine and Russia’s territorial integrity and the prohibition of the use of force, which are contained in a number of bi- and multilateral agreements (Marxsen, 2014)In addition it covers other relevant legal obligations under the UN Charter. The articles are presented in full length as to fully understand the obligations.

The obligations between Ukraine and Russia with regards to territorial integrity and the prohibition of the use of force are expressed in The Charter of the United Nations Article II §4 and in the Helsinki Final Act of 1 August 1975 under which Ukraine proclaimed its independence retaining Crimea hereunder. In addition to these are the 1994 Budapest Memorandum and the 1997 Treaty on Friendship, Cooperation, and Partnership.

Under the Charter of the United Nations Article II §4:

‘All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations’

With this follows that forceful acquisition of sovereign territory is illegal. Both Ukraine and Russia are members of the UN, thus they have ratified the Charter obligating all member states to act accordingly.

The Helsinki Final Act of 1 August 1975 was the final act of the Conference on Security and Cooperation in Europe. The accord leans against the UN Charter as:

‘The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence. They will also respect each other's right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its laws and regulations’

The 1994 Budapest Memorandum on Security Assurance was concluded to secure among other Ukraine’s security for acceding to the Treaty on the Non-Proliferation of Nuclear Weapons, giving
up Soviet nuclear weapons (Marxsen, 2014). The United States, The United Kingdom, and Russia committed to ‘respect the Independence and Sovereignty of the existing borders of Ukraine’ and reaffirmed:

‘Their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defence or otherwise in accordance with the Charter of the United Nations’


**Other relevant legal obligations**

Under the Charter of the United Nations also follows the ‘principle of equal rights and self-determination of peoples’, article I §2:

‘To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace’.

The right of nations to self-determination of peoples is a cardinal principle in modern international law. The right of nations to self-determination is regarded a jus cogens rule. Equal rights and self-determination of peoples is based on respect for the principle of equal rights and fair equality of opportunities, for nations to have the right to freely choose their sovereignty and international political status with no interference.

A second relevant general legal obligation is ‘the will of the people’ under the UN Universal Declaration of Human Rights Article 21 §3, which states that:

‘The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.'
Putin, the liberal?